

# HOUSE BILL 294

F1, J1  
SB 699/09 – EHE

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By: **Delegates Nathan–Pulliam, Benson, Costa, Gutierrez, Howard, Hubbard,  
Jones, Lee, Montgomery, Pena–Melnik, Reznik, and V. Turner**

Introduced and read first time: January 27, 2010

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Immunizations – Children Entering Seventh Grade or Higher**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene’s  
4 regulations regarding immunizations to include the requirement that the  
5 parent or legal guardian of a child born on or after a certain date entering a  
6 certain grade level in this State on or after a certain date to have had certain  
7 immunizations administered to the child; requiring the Department to require  
8 the parent or legal guardian of a child born on or after a certain date  
9 transferring into a school in this State on or after a certain date to have had  
10 certain immunizations administered to the child; making a technical change;  
11 and generally relating to immunizations for school children.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 7–403(a)(2) and (3)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Education**

20 7–403.

21 (a) (2) In cooperation with the State Board and the Statewide Advisory  
22 Commission on Immunizations, the Department of Health and Mental Hygiene shall  
23 adopt [rules and] regulations regarding immunizations required of children entering  
24 schools.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) These [rules and] regulations shall:

2 (i) Be adopted in compliance with the Administrative  
3 Procedure Act;

4 (ii) Provide that any child may have the immunization  
5 administered by his personal physician; [and]

6 (iii) 1. By September 2003, in areas designated as at risk for  
7 lead poisoning, as determined under § 18-106 of the Health – General Article, when a  
8 child enters a public prekindergarten program, kindergarten program, or first grade,  
9 require the parent or legal guardian of the child to provide documentation from a  
10 health care provider, on a form developed by the Department of Health and Mental  
11 Hygiene, certifying that the child has undergone blood testing for lead poisoning  
12 administered in accordance with the guidelines of the Centers for Disease Control and  
13 Prevention in the screening of young children for lead poisoning: Guidance for State  
14 and Local Public Health Officials (November 1997) and any subsequent guidelines;  
15 and

16 2. By September 2003, require a program or school to  
17 report the name, last known address, and telephone number of each child for whom  
18 certified documentation of a lead test is not provided under item 1 of this item, as  
19 determined by regulation, to the local health department in the jurisdiction where the  
20 child resides; AND

21 (IV) 1. REQUIRE THE PARENT OR LEGAL GUARDIAN OF A  
22 CHILD BORN ON OR AFTER JANUARY 1, 1990, ENTERING  
23 SEVENTH GRADE OR A COMPARABLE AGE LEVEL SPECIAL EDUCATION PROGRAM  
24 WITH AN UNASSIGNED GRADE ON OR AFTER SEPTEMBER 1, 2010, TO HAVE HAD  
25 ADMINISTERED TO THE CHILD A BOOSTER IMMUNIZATION CONTAINING  
26 DIPHTHERIA AND TETANUS TOXOIDS AND AN ACELLULAR PERTUSSIS VACCINE;  
27 AND

28 2. REQUIRE THE PARENT OR LEGAL GUARDIAN OF A  
29 CHILD BORN ON OR AFTER JANUARY 1, 1990, AND TRANSFERRING INTO A  
30 SCHOOL IN THIS STATE AT THE SEVENTH GRADE OR HIGHER LEVEL FROM  
31 ANOTHER STATE OR COUNTRY ON OR AFTER SEPTEMBER 1, 2010, TO HAVE HAD  
32 ADMINISTERED TO THE CHILD A BOOSTER IMMUNIZATION CONTAINING  
33 DIPHTHERIA AND TETANUS TOXOIDS AND AN ACELLULAR PERTUSSIS VACCINE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 July 1, 2010.