

1 H.238

2 Introduced by Representatives LaLonde of South Burlington, Chase of
3 Colchester, Houghton of Essex, Killacky of South Burlington,
4 Scheu of Middlebury, Squirrell of Underhill, and Sullivan of
5 Dorset

6 Referred to Committee on

7 Date:

8 Subject: Health; public health; immunizations; religious exemption

9 Statement of purpose of bill as introduced: This bill proposes to eliminate the
10 religious exemption to the requirement that an individual receive age-
11 appropriate immunizations prior to enrollment at a school or child care facility.

12 An act relating to eliminating the religious exemption for required
13 immunizations

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 18 V.S.A. § 1122 is amended to read:

16 § 1122. EXEMPTIONS

17 (a) Notwithstanding subsections 1121(a) and (b) of this title, a person may
18 remain in school or in a child care facility without a required immunization:

19 (1) If the person or, in the case of a minor, the person's parent or
20 guardian presents a form created by the Department and signed by a licensed

1 health care practitioner authorized to prescribe vaccines or a health clinic
2 stating that the person is in the process of being immunized. The person may
3 continue to attend school or a child care facility for up to six months while the
4 immunization process is being accomplished.

5 (2) If a licensed health care practitioner who is authorized to prescribe
6 vaccines certifies in writing that a specific immunization is or may be
7 detrimental to the person's health. A certifying health care practitioner shall
8 specify the required immunization in question as well as the probable duration
9 of the condition or circumstance that is or may be detrimental to the person's
10 health. Any exemption certified under this subdivision shall terminate when
11 the condition or circumstance cited no longer applies.

12 ~~(3) If the person or, in the case of a minor, the person's parent or~~
13 ~~guardian annually provides a signed statement to the school or child care~~
14 ~~facility on a form created by the Department that the person, parent, or~~
15 ~~guardian:~~

16 ~~(A) holds religious beliefs opposed to immunization; and~~

17 ~~(B) has reviewed evidence-based educational material provided by~~

18 ~~the Department regarding immunizations, including:~~

19 ~~(i) information about the risks of adverse reactions to~~

20 ~~immunization;~~

1 ~~(ii) information that failure to complete the required vaccination~~
2 ~~schedule increases risk to the person and others of contracting or carrying a~~
3 ~~vaccine preventable infectious disease; and~~

4 ~~(iii) information that there are persons with special health needs~~
5 ~~attending schools and child care facilities who are unable to be vaccinated or~~
6 ~~who are at heightened risk of contracting a vaccine preventable communicable~~
7 ~~disease and for whom such a disease could be life threatening. [Repealed.]~~

8 (b) The Department of Health may provide by rule for further exemptions
9 to immunization based upon sound medical practice.

10 ~~(c) A form signed pursuant to subdivision (a)(3) of this section and the fact~~
11 ~~that such a form was signed shall not be:~~

12 ~~(1) construed to create or deny civil liability for any person; or~~

13 ~~(2) admissible as evidence in any civil proceeding. [Repealed.]~~

14 (d) As used in this section, “health care practitioner” means a person
15 licensed by law to provide professional health care services to an individual
16 during the course of that individual’s medical care or treatment.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2019.