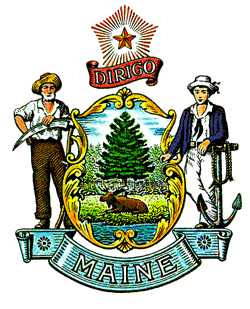
**STATE OF MAINE**

**IMMUNIZATION REQUIREMENTS**

**FOR SCHOOL CHILDREN**



**05-071 CODE OF MAINE RULES**

**CHAPTER 126**

**Department of Education**

**and**

**10-144 CODE OF MAINE RULES**

**CHAPTER 261**

**Department of Health and Human Services**

**Maine Center for Disease Control and Prevention**

**Last Amended: May 10, 2018**

**05-071 DEPARTMENT OF EDUCATION (COMMISSIONER)**

**Chapter 126: IMMUNIZATION REQUIREMENTS FOR SCHOOL CHILDREN**

**A joint rule with**

**10-144 DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**MAINE CENTER FOR DISEASE CONTROL AND PREVENTION**

**Chapter 261: IMMUNIZATION REQUIREMENTS FOR SCHOOL CHILDREN**

**SUMMARY:** This rule is issued jointly by the Commissioner of Education and the Maine Center for Disease Control and Prevention, Department of Health and Human Services, to implement the provisions of the School Immunization Law (20-A M.R.S. §§ 6352-6359). It prescribes the dosage for required immunizations and defines record-keeping and reporting requirements for school officials.

**NOTICE**

The Maine Legislature has designated proposed changes relating to diseases for which immunization is required to be major substantive, per 20-A M.R.S. §6358(1). These changes add meningococcal meningitis to the diseases for which immunization is required, and are therefore major substantive.

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**SECTION 1. DEFINITIONS**

The definitions in this rule are those adopted in the School Immunization Law and include the following:

**Certificate of Immunization** means a written statement from a physician, nurse or public health official who has administered an immunizing agent to a child, specifying that the required dosage was administered and the month, day and year in which it was administered.

**Children Entering School / School Enterers** means any child who enters a school for the first time via kindergarten enrollment, transfers from one school to another, or otherwise enrolls in a school for the first time.

**Disease** means diphtheria, varicella (chickenpox), measles, mumps, pertussis, poliomyelitis, rubella, meningococcal meningitis and tetanus.

**Immunizing agent** means a vaccine, toxoid or other substance used to increase an individual’s immunity to disease.

**Parent** means a child’s parent, legal guardian, or custodian. A person shall be regarded as a child’s custodian if that person is an adult and has assumed legal charge and care of the child.

**Public health official** means the Director of the Maine Center for Disease Control and Prevention, or any designated employee or agent of the Department of Health and Human Services.

**School** means any public and private elementary and secondary and special education facility which operates for children of compulsory school age.

**Student Health Record** means documentation of health information and school nursing services provided to individual students including, but not limited to, immunizations, health screening, health assessment, and nursing care plans as needed.

**Superintendent** means the superintendent of a school administrative unit or his designee, or the chief administrative officer of a private school.

**SECTION 2. IMMUNIZATION REQUIRED**

1. **Parental Responsibility**

Except as otherwise prohibited by law, every parent shall cause to be administered to his child the required dosage of an immunizing agent against each disease.

1. **Superintendents’ Responsibility**

No superintendent may permit any student to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against each disease.

**SECTION 3. EXCEPTIONS**

1. **Enrollment Without Immunization Information**

A child who does not meet the immunization/immunity requirement may be enrolled in school under the following circumstances:

1. The parent provides the school with a written assurance that the child will be immunized by private effort within ninety days of enrolling (officially registering) in school or first attendance in school classes, whichever date is the earliest.

The granting of this 90-day period is a one-time provision. A child transferring from one school to another within the state may not be granted a second 90-day period, however, a period of 21 calendar days may be granted to allow for the transfer of health records from one school to another.

1. The parent grants written consent for the child’s immunization by a public health officer, physician, nurse or other authorized person in their employ, or acting as an agent of the school, where such immunization programs are in effect.
2. The parent (or child) presents to the school each year a physician’s written statement that immunization against one or more of the diseases may be medically inadvisable.
3. The parent states in writing each year an opposition to immunization because of a sincere religious belief or for philosophical reasons.
4. **Medical Exemptions**

The following are medical contraindications for which medical exemptions may be certified by a physician for immunizations required by 20-A M.R.S. §§ 6352-6359:

**Pertussis vaccine:** 1) fever greater than or equal to 40.5 C (105 F); collapse or shock-like state (hypotonic-hyporesponsive episode), or persistent, inconsolable crying lasting three or more hours within 48 hours of receiving a prior dose of the pertussis vaccine; 2) seizures occurring within three days of receiving a prior dose of pertussis vaccine; 3) encephalopathy within seven days of administration of a previous dose of pertussis vaccine; or 4) anaphylactic reaction to pertussis vaccine or a vaccine constituent.

**Diphtheria or tetanus toxoids:** 1) anaphylactic reaction to diphtheria or tetanus toxoids or a toxoid constituent.

**Measles or mumps vaccine:** 1) pregnancy; 2) known altered immunodeficiency (hematologic and solid tumors; congenital immunodeficiency; and long-term immunosuppressive therapy); 3) anaphylactic reactions to egg ingestion or to neomycin; 4) anaphylactic reaction to measles or mumps vaccine or a vaccine constituent.

**Rubella vaccine:** 1) pregnancy; 2) known altered immunodeficiency (hematologic and solid tumors: congenital immunodeficiency; and long-term immunosuppressive therapy); 3) anaphylactic reactions to neomycin; 4) anaphylactic reaction to rubella vaccine or a vaccine constituent.

**Live polio vaccine:** 1) known altered immunodeficiency (hematologic and solid tumors; congenital immunodeficiency; long-term immunosuppressive therapy); other immunodeficient condition; 2) immunodeficient household contact; 3) anaphylactic reaction to polio vaccine or a vaccine constituent.

or

**Inactivated polio vaccine:** 1) anaphylactic reactions to neomycin or streptomycin; 2) anaphylactic reaction to polio vaccine or a vaccine constituent.

**Varicella:** 1) pregnancy; 2) immunosuppression; 3) anaphylactic reaction to a vaccine component; 4) recent recipient of antibody-containing blood product.

**Quadrivalent meningococcal conjugate vaccine:** 1) pregnancy; or 2) anaphylactic reaction to meningococcal vaccine or a vaccine constituent.

**SECTION 4. CERTIFICATE OF IMMUNIZATION; EVIDENCE OF IMMUNITY**

1. **Certificate of Immunization**

To demonstrate adequate immunization against each disease, a child shall present the school with a Certificate of Immunization from a physician, nurse or public health official who has administered the immunizing agent(s) to the child. The certificate shall specify the immunizing agent, the dosage administered and the date(s) on which it was administered.

1. **Proof of Immunity**

The child shall present the school with laboratory evidence demonstrating immunity or reliable documented history provided by a physician or other primary care provider.