

1 H.322

2 Introduced by Representatives Strong of Albany, Batchelor of Derby, Higley
3 of Lowell, Kitzmiller of Montpelier, LaClair of Barre Town,
4 and Lefebvre of Newark

5 Referred to Committee on

6 Date:

7 Subject: Health; public health; immunization; exemption; conscientious and
8 personal beliefs

9 Statement of purpose of bill as introduced: This bill proposes to establish an
10 exemption to immunizations required for attendance at school and child care
11 facilities on the basis of conscientious and personal beliefs.

12 An act relating to establishing an exemption to immunizations required for
13 attendance at school and child care facilities on the basis of conscientious
14 and personal beliefs

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

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

17 § 1122. EXEMPTIONS

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

20 (1) If the person or, in the case of a minor, the person's parent or
21 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, conscientious, or personal beliefs opposed to~~
17 ~~immunization; and~~

18 ~~(B) has reviewed evidence-based educational material provided by~~
19 ~~the Department regarding immunizations, including:~~

20 ~~(i) information about the risks of adverse reactions to~~
21 ~~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.~~

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

10 (1) provide a person or, in the case of a minor, the person's parent or
11 guardian, the opportunity to freely accept or decline any immunization; and

12 (2) honor the person's or, in the case of a minor, the person's parent or
13 guardian's decision in all policies.

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

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

17 (2) admissible as evidence in any civil proceeding.

18 (d) As used in this section, "health care practitioner" means a person
19 licensed by law to provide professional health care services to an individual
20 during the course of that individual's medical care or treatment.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2021.