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

Referred to Committee on

Date:

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

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

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

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

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

§ 1122. EXEMPTIONS

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

(1) If the person or, in the case of a minor, the person’s parent or guardian presents a form created by the Department and signed by a licensed
health care practitioner authorized to prescribe vaccines or a health clinic
stating that the person is in the process of being immunized. The person may
continue to attend school or a child care facility for up to six months while the
immunization process is being accomplished.

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

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

(A) holds religious, conscientious, or personal beliefs opposed to
immunization; and

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

(i) information about the risks of adverse reactions to
immunization;
(ii) information that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease; and

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

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

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

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

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

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

(2) admissible as evidence in any civil proceeding.

(d) As used in this section, “health care practitioner” means a person licensed by law to provide professional health care services to an individual during the course of that individual’s medical care or treatment.
Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.