

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 06 DISEASES

Chapter 04 School Health Services and Required Immunizations Before Entry into School

Authority: Education Article, §7-403, Annotated Code of Maryland

.01 School Health Services.

The local health department shall cooperate with the local school system in implementing the School Health Services regulations found in COMAR 13A.05.05.05—15.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Health officer" means the health officer in each of the 23 counties of Maryland and the Commissioner of Health in Baltimore City, the designated representative of the health officer, or both.
- (2) "Preschool program" means a program that enrolls children in an educational program below the level of kindergarten.
- (3) "Regulated child care program" means:
 - (a) A family day care provider registered pursuant to COMAR 07.04.01;
 - (b) The operator of a child care center licensed pursuant to COMAR 07.04.02; or
 - (c) The operator of a child care facility issued a letter of compliance pursuant to COMAR 07.04.05.
- (4) "Secretary" means the Secretary of Health and Mental Hygiene or the Secretary's designee.

.03 Required Immunizations.

A. Except as provided in Regulations .04—.06 of this chapter, a preschool or school principal or other person in charge of a preschool or school, public or private, may not knowingly admit a student to or retain a student in a:

- (1) Preschool program unless the student's parent or guardian has furnished evidence of age-appropriate immunity against *Haemophilus influenzae*, type b, and pneumococcal disease;
- (2) Preschool program or kindergarten through the second grade of school unless the student's parent or guardian has furnished evidence of age-appropriate immunity against pertussis; and
- (3) Preschool program or kindergarten through the 12th grade unless the student's parent or guardian has furnished evidence of age-appropriate immunity against:

- (a) Tetanus;
- (b) Diphtheria;
- (c) Poliomyelitis;
- (d) Measles (rubeola);
- (e) Mumps;
- (f) Rubella;
- (g) Hepatitis B; and
- (h) Varicella.

B. Except as provided in Regulations .04—.06 of this chapter, a parent or guardian shall provide evidence of age-appropriate immunity to the preschool or school authority on a form provided by the Secretary or on a printed or computer-generated form that lists the following:

- (1) Name of the student;
- (2) Date of birth;
- (3) Name and address of parent or guardian;
- (4) Complete history of vaccines received with month, day, and year of each vaccine dose; and
- (5) Signature, title, and date of the physician, health official, school official, or regulated child care program providing the information on the form.

C. Except as provided in Regulations .04—.06 of this chapter, a student shall obtain immunizations in accordance with the schedule of immunizations recommended by the Medical and Chirurgical Faculty of Maryland and the Secretary, as set forth in §D of this regulation and as required to be implemented in §E of this regulation.

D. Schedule of Immunizations.

(1) Student in Preschool. In order for the immunization status of a student enrolled in a preschool to be complete, the student's parent or guardian shall provide proof of the following doses of immunizations:

Age of Student	Diphtheria, Tetanus, Pertussis	Poliomyelitis	Haemophilus influenzae, type B	Measles, Mumps, Rubella	Hepatitis B	Varicella	Pneumococcal
Less than 2 months	0	0	0	0	1	0	0
2—3 months	1	1	1	0	1	0	1
4—5 months	2	2	2	0	2	0	2
6—11 months	3	3	2	0	3	0	2
12—14 months	3	3	At least 1 dose after 12 months old	1	3	1	2
15—23 months	4	3	At least 1 dose after 12 months old	1	3	1	2
24—59 months	4	3	At least 1 dose after 12 months old	1	3	1	1
60—71 months	4	3	0	2	3	1	0

(2) Student in Kindergarten Through 12th Grade.

(a) In order for the immunization status of a student enrolled in kindergarten through 12th grade to be complete, the student's parent or guardian shall provide proof of the immunizations or immunity as outlined in §D(2)(b)—(j) of this regulation.

(b) Diphtheria.

(i) Four doses of diphtheria immunization vaccine are required for a student younger than 7 years old; and

(ii) Three doses of diphtheria immunization vaccine are required for a student 7 years old or older.

(c) Tetanus.

(i) Four doses of tetanus immunization vaccine are required for a student younger than 7 years old; and

(ii) Three doses of tetanus immunization vaccine are required for a student 7 years old or older.

(d) Pertussis. Four doses of pertussis immunization vaccine are required for a student younger than 7 years old.

(e) Poliomyelitis (Oral or Injectable).

(i) Three doses of poliomyelitis immunization vaccine are required for a student younger than 18 years old; or

(ii) Proof of immunity from poliomyelitis by blood test is required for a student younger than 18 years old.

(f) Rubella.

(i) One dose of live rubella virus vaccine is required when the student is 1 year old or older; or

(ii) Proof of immunity from rubella by blood test is required when the student is 1 year old or older.

(g) Measles (rubeola).

(i) Two doses of live measles (rubeola) virus vaccine are required when the student is 1 year old or older; or

(ii) Proof of immunity from rubeola by blood test is required when the student is 1 year old or older.

(h) Mumps.

(i) One dose of live mumps virus vaccine is required when the student is 1 year old or older; or

(ii) Proof of immunity from mumps by blood test is required when the student is 1 year old or older.

(i) Hepatitis B.

(i) Three doses of Hepatitis B vaccine is required per schedule of implementation in §E of this regulation; or

(ii) Proof of immunity from Hepatitis B by blood test is required.

(j) Varicella.

(i) All doses of Varicella vaccine shall be given when the student is 1 year old or older.

(ii) Per the schedule of implementation in §E of this regulation and except as provided in §D(2)(j)(iii) of this regulation, one dose of live Varicella vaccine is required for a student younger than 13 years old, or two doses of live Varicella vaccine are required for a student 13 years old or older, if the student does not have proof of vaccination against Varicella at an age younger than 13 years old.

(iii) Proof of immunity from Varicella by blood test or by medical diagnosis indicated by month and year of diagnosis may be provided instead of meeting the requirements of §D(2)(j)(ii) of this regulation.

(3) Record Review for Student in Preschool Through 12th Grade. A preschool or school, public or private, may count as valid, vaccine doses administered less than or equal to 4 days before the minimum interval or age.

E. Schedule of Implementation: Hepatitis B and Varicella Effective Immunization Dates for a Student in Preschool Through 12th Grade.

(1) As set forth in §E(2) of this regulation, by the date listed in Column 1, the parent or guardian of a student entering the grade listed in Column 2 shall provide proof to the preschool or school that the student:

- (a) Has received three doses of hepatitis B vaccine and age-appropriate vaccination with varicella vaccine; or
- (b) Is immune to hepatitis B and varicella by providing the results of a blood test or other test.

(2) Immunization Dates for a Student in Preschool Through 12th Grade.

Column 1—Date	Column 2—Grade
September 2000	PreK
September 2001	PreK, K
September 2002	PreK, K, 1
September 2003	PreK, K, 1, 2
September 2004	PreK, K, 1, 2, 3
September 2005	PreK, K, 1, 2, 3, 4
January 2007	PreK, K, 1, 2, 3, 4, 5, 6, 7, 8, 9
September 2007	PreK, K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10
September 2008	PreK, K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
September 2009	PreK, K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

.04 Medical Contraindications.

A. The requirements of Regulation .03 of this chapter do not apply to a student who presents a licensed physician's or health officer's written statement that the student's immunization against a disease in Regulation .03 of this chapter is medically contraindicated.

B. The physician or health officer shall indicate in the statement presented under §A of this regulation whether the contraindication is:

- (1) Permanent; or
- (2) Temporary.

C. If the contraindication is temporary:

- (1) The physician or health officer shall provide in the statement presented under §A of this regulation an estimate of when the immunization may be obtained by the student; and
- (2) The student's parent or guardian shall furnish to the preschool or school evidence of the completion of the immunization in accordance with the estimate.

D. A preschool or school, public or private, shall maintain a current list of all students enrolled who have an exemption to immunizations on medical grounds.

E. Annually, by November 15, a preschool or school, public or private, shall report to the Secretary of Health and Mental Hygiene the number of students with a medical exemption enrolled in all grades.

.05 Religious Exemption.

A. Using the form provided by the Department of Health and Mental Hygiene, a student whose parent or guardian objects to immunization on the ground that the immunization conflicts with the parent's or guardian's bona fide religious beliefs and practices is exempt from the requirement to present a physician's certificate of immunization in order that the student be admitted to school.

B. The exemption allowed under §A of this regulation does not apply when the Secretary declares an emergency or epidemic of disease.

C. A preschool or school, public or private, shall maintain a current list of all students enrolled who have an exemption to immunizations on religious grounds.

D. Annually, by November 15th, a preschool or school, public or private, shall report to the Secretary of Health and Mental Hygiene the number of students with a religious exemption enrolled in all grades.

.06 Temporary Admission or Retention.

A. Subject to the provisions of §B of this regulation, a preschool or school, public or private, shall temporarily admit a student to or retain a student in a preschool or school if:

- (1) The student is homeless; or
- (2) The student's parent or guardian is unable to provide proof of immunization pursuant to the requirements of Regulation .03 of this chapter.

B. In order for a student to be temporarily admitted to or retained in a preschool or school, the student's parent or guardian shall present evidence of the student's appointment with a health care provider or local health department to:

- (1) Receive a required immunization;
- (2) Reconstruct a lost record; or
- (3) Acquire evidence of age-appropriate immunity on a form provided by the Department.

C. The date of the appointment pursuant to §B of this regulation may not be later than 20 calendar days following the date the student was temporarily admitted or retained.

D. A preschool or school, public or private, shall exclude from school a student who has been temporarily admitted or retained on the next school day following the appointment date if the student's parent or guardian fails to provide evidence of required immunizations.

.07 Vaccine Provision.

A. A student may have an immunization administered by the student's personal physician.

B. If a parent or guardian cannot obtain the service of a private physician, the parent or guardian of the student may take the student to the local health department for the immunizations.

C. A local health department shall provide the immunization referenced in §B of this regulation.

.08 Record Review.

A preschool or school, public or private, shall make immunization records of students available for review by a health officer as needed to assure compliance with regulations or to ascertain the immunization status of students.

.09 Report on New Students.

Annually, by November 15, on a form provided by the Department, a preschool or school, public or private, shall provide the health officer of the jurisdiction where the school is located with an immunization report of students in preschool through 12th grade who are new to the school.

.10 Responsible Agencies.

The local superintendents of schools and the local health officers shall be responsible for carrying out the provisions of this chapter.

Administrative History

Effective date:

Regulation .01 amended as an emergency provision effective May 10, 1977 (4:11 Md. R. 865); emergency status extended at 4:22 Md. R. 1667 and 4:27 Md. R. 2095 (Emergency provisions are temporary and not printed in COMAR)

Regulation .01 amended effective December 16, 1977 (4:26 Md. R. 2024) and May 18, 1979 (6:10 Md. R. 842)

Regulation .01A amended and C adopted effective February 11, 1985 (12:3 Md. R. 245)

Regulation .03 amended effective January 2, 1984 (10:26 Md. R. 2340)

Annotation: COMAR 10.06.04.03 cited in *Davis v. State*, 294 Md. 370 (1982), in which the court held that "membership in a recognized religious group cannot be required as a condition of exemption from vaccination". The religious exemption was held to contravene the Establishment Clause of the First Amendment and was therefore invalid. The immunization requirement itself was found to be severable and remains in force.

Chapter revised effective March 30, 1992 (19:6 Md. R. 672)

Regulation .03 amended effective April 22, 1996 (23:8 Md. R. 605); May 19, 1997 (24:10 Md. R. 710)

Regulations .01—.10 repealed and new Regulations .01—.10 adopted effective November 24, 2005 (32:23 Md. R. 1826)

Regulation .03E amended as an emergency provision effective July 1, 2006 (33:15 Md. R. 1273)