HOUSE DOCKET, NO. 2973 FILED ON: 2/18/2021

HOUSE . . . . . No. 706

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Soter

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the protection of medical exemptions for immunizations for school attendance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michael J. Soter	*8th Worcester*	*2/18/2021*
Christina A. Minicucci	*14th Essex*	*2/18/2021*
Joseph D. McKenna	*18th Worcester*	*2/18/2021*
Shawn Dooley	*9th Norfolk*	*2/22/2021*
Steven G. Xiarhos	*5th Barnstable*	*2/22/2021*
Paul J. Donato	*35th Middlesex*	*2/22/2021*
Colleen M. Garry	*36th Middlesex*	*2/22/2021*

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HOUSE . . . . . No. 706

By Mr. Soter of Bellingham, a petition (accompanied by bill, House, No. 706) of Michael J. Soter and others relative to the protection of medical exemptions for immunizations for school attendance. Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to the protection of medical exemptions for immunizations for school attendance.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 76 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out section 15 and inserting in place thereof the following section:-

Section 15. No child shall, except as hereinafter provided, be admitted to school except upon presentation of a physician's certificate that the child has been successfully immunized against diphtheria, pertussis, tetanus, measles and poliomyelitis and such other communicable diseases as may be specified from time to time by the department of public health.

A child shall be admitted to school upon certification (a "Medical Certification") by a physician that he has personally examined such child and that in his opinion the totality of the child's medical circumstances is such that his health would be endangered by such vaccination or by any of such immunizations. Such opinion may be based upon such factors as are deemed relevant by the physician in his or her independent medical judgment including, among other

factors, concerns regarding an increased risk of adverse events, family history, or exacerbation of pre-existing medical conditions relating to the child. The Medical Certification shall be submitted at the beginning of each school year to the physician in charge of the school health program.

In the absence of an emergency or epidemic of disease declared by the department of public health, no child whose parent or guardian states in writing that vaccination or immunization conflicts with his sincere religious beliefs shall be required to present said physician's certificate in order to be admitted to school.

Medical Certifications shall be confidential, shall not be disclosed to any person outside of the school health program, and shall not be admissible as evidence in any action of any kind before any court, tribunal or agency without express, written consent of the child's parent or guardian.

In the absence of manifest bad faith, a physician who provides a Medical Certification shall not be subject to disciplinary action by any governing or licensing authority. Medical Certifications may not be used to change or negatively affect a physician's rating or standing with an employer, insurer, hospital affiliation or academic affiliation.