

File No. 5366 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, October 5, 1906.

Hon. W. Cabell Bruce,
City Solicitor,
City.

Dear Sir:-

As requested by your favor of October 2nd, I have considered the matter referred to you by Dr. Bosley in his favor of the same day.

3872

Under the statute referred to hereafter, pupils cannot be admitted to the Public Schools unless they have been successfully vaccinated. It seems that frequently physicians vaccinate proposed pupils and give them a certificate of successful vaccination on the same day that the vaccination is made. It is impossible to tell whether a vaccination will be successful or not until the lapse of several days after it is made, so that it frequently happens that many of the pupils who receive vaccination certificates in this way have not really been successfully vaccinated.

3873

In view of this, the school authorities and the health authorities appear to have entered into an agreement whereby the city vaccine physicians review the vaccination certificates of private physicians, in order to see if they are correct, and I gather from the letter of Messrs. Porter and Reeuwkes, attorneys, which Dr. Bosley enclosed, that the school authorities do not admit pupils upon the vaccination certificates of private physicians, unless those certificates have been countersigned as correct by the city health officers. Dr. Bosley desires to know, whether the above arrangement between the Health authorities and the School authorities is legal.

3874

The Act of 1900, Chapter 337, Code 1904, Article 43, Section 46, provides that,

"No teacher in any of the public schools of this State shall receive into such school as a pupil any person who has not been successfully vaccinated; and it shall be the duty of all teachers in the public schools within ten days after the beginning of the fall term of said schools, and thereafter as new pupils shall enter such school, to ascertain and enroll on the vaccine register of said school the names of those pupils who may produce a certificate of a regular practicing physician of the county or city, as the case may be, certifying that the pupil has been successfully vaccinated;" etc.

This statute clearly makes it obligatory upon the school authorities to receive no pupil who has not been successfully vac-