

# SENATE, No. 1071

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 14, 2008

**Sponsored by:**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris)**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**Co-Sponsored by:**

**Senators Turner, O'Toole, Bateman, Ciesla, Gill, Oroho, Singer, Sarlo,  
Girgenti, Scutari, Karrow and Van Drew**

**SYNOPSIS**

Provides for conscientious exemption to mandatory immunizations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/16/2009)**

1 AN ACT concerning immunization requirements and supplementing  
2 Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 "Commissioner" means the Commissioner of Health and Senior  
9 Services.

10 "Conscientious exemption" means an exemption from a  
11 mandatory immunization on the grounds of a sincerely held or  
12 moral objection to the immunization.

13 "Department" means the Department of Health and Senior  
14 Services.

15 "Mandatory immunization" means any vaccination required by  
16 the State as a condition for attendance at public or private  
17 institutions of higher education, public or private school,  
18 kindergarten, nursery school, preschool or child care facilities in  
19 New Jersey.

20 "School" means any public or private institution of higher  
21 education, public or private school, kindergarten, nursery school,  
22 preschool or child care facility in New Jersey.

23 "Student" means any person attending a public or private  
24 institution of higher education, public or private school,  
25 kindergarten, nursery school, preschool or child care facility in New  
26 Jersey.

27

28 2. a. The department shall provide to all local health  
29 departments a standardized form to be used by a student, or if the  
30 student is a minor, by the student's parent or legal guardian,  
31 claiming a conscientious exemption from a mandatory  
32 immunization. A local health department shall make the form  
33 available upon request.

34 The form shall state that the student, or parent or legal guardian,  
35 understands the potential benefits of immunization and the risks in  
36 not immunizing. The form shall require, at a minimum, all of the  
37 following:

38 (1) a statement claiming exemption from a specific immunization  
39 signed by the student, or if the student is a minor, by the student's  
40 parent or legal guardian, witnessed by the local health officer or the  
41 local health officer's designee;

42 (2) the name and address of the person who signs the form;

43 (3) the name of the student seeking exemption from the  
44 immunization; and

45 (4) the school at which the student is enrolled.

46 b. Upon receipt of a completed form by a local health  
47 department, the designated local health officer shall grant a  
48 conscientious exemption from a mandatory immunization to a

1 student. A student who is granted a conscientious exemption shall  
2 provide the form granting the exemption to officials at the student's  
3 school.

4  
5 3. a. Any student with a conscientious exemption from a  
6 mandatory immunization may be excluded from school during a  
7 vaccine-preventable disease outbreak or threatened outbreak as  
8 determined by the commissioner.

9 b. Pursuant to the provisions of R.S.26:4-6, a school official  
10 may prohibit the attendance of any student who has been granted a  
11 conscientious exemption and is under a school official's control, on  
12 the account of a communicable disease, or to prevent the spread of a  
13 communicable disease. The school official may also specify the  
14 duration of time that the student with a conscientious exemption  
15 must remain away from school.

16 c. A conscientious exemption from a mandatory immunization  
17 may be suspended at any time by the commissioner during the  
18 existence of an emergency, as determined by the commissioner.

19  
20 4. The Commissioner of Health and Senior Services shall,  
21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
22 (C.52:14B-1 et seq.), adopt rules and regulations to effectuate the  
23 purposes of this act.

24  
25 5. This act shall take effect on the 90th day following  
26 enactment, but the Commissioner of Health and Senior Services  
27 may take such anticipatory administrative action in advance as shall  
28 be necessary for implementation of the act.

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#### 31 STATEMENT

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33 This bill provides for conscientious exemptions from mandatory  
34 immunizations.

35 Under current law, the State requires certain immunizations for  
36 students as a condition for attending public or private institutions of  
37 higher education, public or private school, kindergarten, nursery  
38 school, preschool and child care facilities in New Jersey.

39 Provisions in the New Jersey Administrative Code grant students  
40 medical and religious exemptions from immunizations. This bill  
41 would grant a conscientious exemption from a specific  
42 immunization to any person attending a public or private institution  
43 of higher education, public or private school, kindergarten, nursery  
44 school, preschool or child care facility in New Jersey.

45 The bill provides that a student seeking a conscientious  
46 exemption shall complete a standardized form prepared by the  
47 Department of Health and Senior Services. The form shall be  
48 submitted to the student's local health department, which shall grant

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1 the exemption. A student with a conscientious exemption shall not  
2 be permitted to attend school during a disease outbreak or  
3 threatened outbreak, as determined by the Commissioner of Health  
4 and Senior Services. A conscientious exemption may also be  
5 suspended at any time by the commissioner in an emergency.  
6 Further, pursuant to N.J.S.A.26:4-6, a school administrator, taking  
7 into consideration the spread of a communicable disease, may  
8 prohibit the attendance of a student with a conscientious exemption  
9 and specify the amount of time the student must remain away from  
10 the school.

11 At present, 19 states permit similar exemptions from mandatory  
12 immunizations. This bill would allow New Jersey to join with other  
13 states that grant individuals the right to manage their health or their  
14 children's health as they deem appropriate.