

ASSEMBLY, No. 3759

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Provides for medical exemption from influenza vaccination based on allergy to any vaccine ingredient.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning medical exemptions from influenza vaccination
2 for certain children and supplementing Title 26 of the Revised
3 Statutes.

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

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8 1. a. A child shall be exempt from the requirement to receive
9 the influenza vaccine as a condition of attendance at a child care
10 center or preschool facility if the child's parent or guardian presents
11 to the center or facility a written statement by a licensed physician,
12 advanced practice nurse, or physician assistant indicating that the
13 vaccine is medically contraindicated because the child is allergic to
14 eggs or any other ingredient contained within the vaccine.

15 b. In the event of an actual or threatened outbreak of influenza
16 among children attending a child care center or preschool facility,
17 the center or facility may exclude from attendance a child who has
18 been exempted from the influenza vaccination requirement pursuant
19 to subsection a. of this section.

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

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26 3. This act shall take effect on the first day of the fourth month
27 next following the date of enactment, but the Commissioner of
28 Health may take such anticipatory administrative action in advance
29 thereof as shall be necessary for the implementation of this act.

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32 STATEMENT

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34 This bill would exempt a child from the requirement to receive
35 the influenza vaccine as a condition of attendance at a child care
36 center or preschool facility if the child's parent or guardian presents
37 to the center or facility a written statement by a licensed physician,
38 advanced practice nurse, or physician assistant indicating that the
39 vaccine is medically contraindicated because the child is allergic to
40 eggs or any other ingredient contained within the vaccine.

41 The bill provides that, in the event of an actual or threatened
42 outbreak of influenza among children attending a child care center
43 or preschool facility, the center or facility may exclude from
44 attendance a child who has been exempted from the influenza
45 vaccination requirement pursuant to the bill.

46 The bill takes effect on the first day of the fourth month
47 following enactment, but authorizes the Commissioner of Health to
48 take prior administrative action as necessary for its implementation.