

SENATE, No. 106

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen and Passaic)

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

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Senator Doherty

SYNOPSIS

Provides for conscientious exemption to mandatory immunizations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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

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

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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.

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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
39 immunization signed by the student, or if the student is a minor, by
40 the student's parent or legal guardian, witnessed by the local health
41 officer or the 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.

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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.

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

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

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28 STATEMENT

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30 This bill provides for conscientious exemptions from mandatory
31 immunizations.

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

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

42 The bill requires that a student seeking a conscientious
43 exemption complete a standardized form prepared by the
44 Department of Health and Senior Services. The form is to be
45 submitted to the student's local health department, which will grant
46 the exemption. A student with a conscientious exemption will not
47 be permitted to attend school during a disease outbreak or
48 threatened outbreak, as determined by the Commissioner of Health

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1 and Senior Services. Further, pursuant to R.S.26:4-6, a school
2 administrator, taking into consideration the spread of a
3 communicable disease, may prohibit the attendance of a student
4 with a conscientious exemption and specify the amount of time that
5 the student must remain away from the school.

6 Currently, some 20 states permit similar exemptions from
7 mandatory immunizations (Arizona, Arkansas, Idaho, Louisiana,
8 Maine, Michigan, Minnesota, Missouri, Nebraska, New Mexico,
9 North Dakota, California, Colorado, Ohio, Oklahoma, Texas, Utah,
10 Vermont, Washington, and Wisconsin). This bill would allow New
11 Jersey to join with those other states that grant individuals the right
12 to manage their health or their children's health as they deem
13 appropriate.

14 The bill takes effect on the 90th day following enactment, but
15 authorizes the Commissioner of Health and Senior Services to take
16 anticipatory administrative action in advance as necessary for its
17 implementation.