

[First Reprint]

SENATE, No. 1759

STATE OF NEW JERSEY
215th LEGISLATURE

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Sponsored by:

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District 37 (Bergen)

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SYNOPSIS

Clarifies statutory exemptions from mandatory immunizations for students.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on September 20, 2012, with amendments.



1 AN ACT concerning exemptions from mandatory immunizations for
2 students and amending P.L.1974, c.150, P.L.2002, c.58, and
3 P.L.2003, c.284.

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

7
8 1. Section 6 of P.L.1974, c.150 (C.26:1A-9.1) is amended to
9 read as follows:

10 6. a. Provisions in the State Sanitary Code in implementation
11 of **[this act]** P.L.1947, c.177 (C.26:1A-1 et seq.), or provisions
12 otherwise set forth in statute or regulation, which require the
13 immunization of students at an elementary or secondary school or
14 an institution of higher education, shall provide for an exemption
15 **[for pupils]** from such mandatory immunization **[if the parent or**
16 guardian of the pupil objects thereto in a written statement signed
17 by the parent or guardian upon the ground that the proposed
18 immunization interferes with the free exercise of the pupil's
19 religious rights. This exemption] based upon one of the following:

20 (1) a written statement submitted to the elementary or secondary
21 school or the institution of higher education, as applicable, by a
22 licensed physician indicating that the vaccine is medically
23 contraindicated for a specific period of time and the reasons for the
24 medical contraindication, based upon valid medical reasons as
25 determined by regulation of the Commissioner of Health ¹**[and**
26 Senior Services]¹, which shall exempt the student from the
27 vaccination for the stated period of time; or

28 (2) documentation, as set forth in subsection b. of this section,
29 which is submitted to the elementary or secondary school or the
30 institution of higher education, as applicable, by the student, or the
31 student's parent or guardian if the student is a minor, explaining
32 how the administration of the vaccine conflicts with the bona fide
33 religious tenets or practices of the student, or the parent or guardian,
34 as appropriate; except that: a general philosophical or moral
35 objection to the vaccination shall not be sufficient for an exemption
36 on religious grounds; and an exemption on religious grounds may
37 be suspended by the **[State]** Commissioner of Health ¹**[and Senior**
38 Services]¹ during the existence of an emergency as determined by
39 the **[State Commissioner of Health]** commissioner.

40 b. The documentation required pursuant to paragraph (2) of
41 subsection a. of this section shall include the following:

42 (1) a written statement, which shall be notarized, signed, and
43 sworn by the person submitting the statement, and which shall
44 include:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted September 20, 2012.

1 (a) an explanation of the nature of the person's religious tenet or
2 practice that is implicated by the vaccination and how
3 administration of the vaccine would violate, contradict, or otherwise
4 be inconsistent with that tenet or practice;

5 (b) information that indicates that the religious tenet or practice
6 is consistently held by the person, which may include, but need not
7 be limited to, expression of the person's intent to decline any
8 vaccination;

9 (c) a statement that the religious tenet or practice is not solely
10 an expression of that person's:

11 (i) political, sociological, philosophical, or moral views; or

12 (ii) concerns related to the safety or efficacy of the vaccination;
13 and

14 (d) a statement that the person understands the risks and benefits
15 of vaccination to the student and the public health and
16 acknowledges that the student may be excluded from attendance at
17 the student's school or institution of higher education, as applicable,
18 in the event of the occurrence of a communicable disease or
19 condition or threat of a communicable disease or condition, which
20 in the opinion of the Commissioner of Commissioner of Health
21 '[and Senior Services]' requires such exclusion from attendance of
22 unvaccinated students; and

23 (2) a signed statement from a physician or advanced practice
24 nurse licensed to practice in this State, or another individual as
25 designated by the Commissioner of Health '[and Senior Services]',
26 that the person has received individual counseling from the
27 physician, advanced practice nurse, or other individual as
28 appropriate, concerning the risks and benefits of vaccination to the
29 student and the public health.

30 c. An elementary or secondary school or institution of higher
31 education shall not exempt a student from a mandatory
32 immunization unless the student, or the student's parent or guardian
33 if the student is a minor, complies with all of the applicable
34 requirements set forth in subsections a. and b. of this section.

35 d. The Commissioner of Health '[and Senior Services]',
36 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
37 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate
38 the purposes of this section; except that, notwithstanding any
39 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,
40 the commissioner may adopt, immediately upon filing with the
41 Office of Administrative Law, such regulations as the commissioner
42 deems necessary to implement the provisions of this section, which
43 shall be effective for a period not to exceed six months and may
44 thereafter be amended, adopted, or re-adopted by the commissioner
45 in accordance with the requirements of P.L.1968, c.410 (C.52:14B-
46 1 et seq.).

47 (cf: P.L.1974, c.150, s.6)

1 2. Section 4 of P.L.2002, c.58 (C.18A:61D-10) is amended to
2 read as follows:

3 4. A student shall not be required to receive a vaccination
4 pursuant to section 2 or 3 of **[this act based upon one of the**
5 **following:**

6 a. a written statement submitted to the secondary school or
7 institution of higher education, as applicable, by a licensed
8 physician indicating that the vaccine is medically contraindicated
9 for a specific period of time and the reasons for the medical
10 contraindication, based upon valid medical reasons as determined
11 by regulation of the Commissioner of Health and Senior Services,
12 which shall exempt the student from the vaccination for the stated
13 period of time; or

14 b. a written statement submitted to the secondary school or
15 institution of higher education, as applicable, by the student, or the
16 student's parent or guardian if the student is a minor, explaining
17 how the administration of the vaccine conflicts with the bona fide
18 religious tenets or practices of the student, or the parent or guardian,
19 as appropriate; except that a general philosophical or moral
20 objection to the vaccination shall not be sufficient for an exemption
21 on religious grounds] P.L.2002, c.58 (C.18A:61D-9 or C.18A:40-
22 21.1) if the student qualifies for an exemption as provided in section
23 6 of P.L.1974, c.150 (C.26:1A-9.1).

24 (cf: P.L.2002, c.58, s.4)

25

26 3. Section 3 of P.L.2003, c.284 (C.18A:62-15.2) is amended to
27 read as follows:

28 3. a. A student shall not be required to receive a vaccination
29 pursuant to subsection a. of section 2 of **[this act based upon one of**
30 **the following:**

31 (1) a written statement submitted to the institution of higher
32 education by a licensed physician indicating that the vaccine is
33 medically contraindicated for a specific period of time and the
34 reasons for the medical contraindication, based upon valid medical
35 reasons as determined by regulation of the Commissioner of Health
36 and Senior Services, which shall exempt the student from the
37 vaccination for the stated period of time; or

38 (2) a written statement submitted to the institution of higher
39 education by the student, or the student's parent or guardian if the
40 student is a minor, explaining how the administration of the vaccine
41 conflicts with the bona fide religious tenets or practices of the
42 student, or the parent or guardian, as appropriate; except that a
43 general philosophical or moral objection to the vaccination shall not
44 be sufficient for an exemption on religious grounds] P.L.2003,
45 c.284 (C.18A:62-15.1) if the student qualifies for an exemption as
46 provided in section 6 of P.L.1974, c.170 (C.26:1A-9.1).

47 b. In the event of an actual or threatened outbreak of meningitis
48 at a public or private institution of higher education in this State,

S1759 [1R] WEINBERG, VITALE

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1 the institution may exclude from attendance a student who has been
2 exempted from the vaccination requirement of this act pursuant to
3 subsection a. of this section, as determined by the Commissioner of
4 Health **'[and Senior Services]'**.

5 (cf: P.L.2003, c.284, s.3)

6

7 4. This act shall take effect immediately.