

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 1147**

**STATE OF NEW JERSEY**

DATED: MARCH 9, 2015

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1147.

This bill provides statutory clarification for the State policy governing exemptions from immunizations of students that are mandated by the Commissioner of Health by regulation or otherwise required by law.

The bill stipulates that provisions in the State Sanitary Code, or provisions otherwise set forth in statute or regulation, which require the immunization of students at a preschool, an elementary or secondary school, or an institution of higher education, are to provide for an exemption from such mandatory immunization based upon one of the following:

- a written statement submitted to the preschool, elementary or secondary school, or institution of higher education, as applicable, by a licensed physician, doctor of osteopathy, advanced practice nurse, or physician assistant indicating that the vaccine is medically contraindicated for a specific period of time and the reasons for the medical contraindication, based upon valid medical reasons as determined by regulation of the Commissioner of Health, which is to exempt the student from the vaccination for the stated period of time; or
- documentation submitted to the preschool, elementary or secondary school, or institution of higher education, as applicable, by the student, or the student's parent or guardian if the student is a minor, explaining how the administration of the vaccine conflicts with the bona fide religious tenets or practices of the student, or the parent or guardian, as appropriate; except that: a general philosophical or moral objection to the vaccination is not sufficient for an exemption on religious grounds; and an exemption on religious grounds may be suspended by the Commissioner of Health during the existence of an emergency as determined by the commissioner.

The bill sets forth the specific elements that are required to document that the administration of a vaccine conflicts with the bona fide religious tenets or practices of a student, or a student's parent or guardian, as appropriate. These include the following:

- a written statement, to be notarized, signed, and sworn by the person submitting the statement, and which includes:

- an explanation of the nature of the person's religious tenet or practice that is implicated by the vaccination and how administration of the vaccine would violate, contradict, or otherwise be inconsistent with that tenet or practice;

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

- a statement that the religious tenet or practice is not solely an expression of that person's political, sociological, philosophical, or moral views, or concerns related to the safety or efficacy of the vaccination; and

- a statement that the person understands the risks and benefits of vaccination to the student and the public health and acknowledges that the student may be excluded from attendance at the student's preschool, elementary or secondary school, or institution of higher education, as applicable, in the event of the occurrence of a communicable disease or condition or threat of a communicable disease or condition, which in the opinion of the Commissioner of Health requires such exclusion from attendance of unvaccinated students.

The bill prohibits a preschool, elementary or secondary school, or institution of higher education from exempting a student from a mandatory immunization unless the student, or the student's parent or guardian if the student is a minor, complies with all of the applicable requirements set forth in the bill.

The bill provides the Commissioner of Health with expedited rulemaking authority in order to provide such guidance to school and public health authorities as they will need to implement its provisions on a timely basis.