

SENATE, No. 2813

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED MARCH 12, 2015

Sponsored by:

Senator PETER J. BARNES, III

District 18 (Middlesex)

SYNOPSIS

Clarifies statutory exemptions from mandatory immunizations for students.

CURRENT VERSION OF TEXT

As introduced.



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

3

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

6

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

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

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

27 b. a written statement submitted to the elementary or secondary
28 school or the institution of higher education, as applicable, by the
29 student, or the student's parent or guardian if the student is a minor,
30 explaining how the administration of the vaccine conflicts with the
31 bona fide religious tenets or practices of the student, or the parent or
32 guardian, as appropriate; except that: a general philosophical or
33 moral objection to the vaccination shall not be sufficient for an
34 exemption on religious grounds; and an exemption on religious
35 grounds may be suspended by the [State] Commissioner of Health
36 during the existence of an emergency as determined by the [State
37 Commissioner of Health] commissioner.

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

39

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

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

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.

- 1 a. a written statement submitted to the secondary school or
2 institution of higher education, as applicable, by a licensed
3 physician indicating that the vaccine is medically contraindicated
4 for a specific period of time and the reasons for the medical
5 contraindication, based upon valid medical reasons as determined
6 by regulation of the Commissioner of Health and Senior Services,
7 which shall exempt the student from the vaccination for the stated
8 period of time; or
- 9 b. a written statement submitted to the secondary school or
10 institution of higher education, as applicable, by the student, or the
11 student's parent or guardian if the student is a minor, explaining
12 how the administration of the vaccine conflicts with the bona fide
13 religious tenets or practices of the student, or the parent or guardian,
14 as appropriate; except that a general philosophical or moral
15 objection to the vaccination shall not be sufficient for an exemption
16 on religious grounds】 P.L.2002, c.58 (C.18A:61D-9 or C.18A:40-
17 21.1) if the student qualifies for an exemption as provided in section
18 6 of P.L.1974, c.150 (C.26:1A-9.1).
19 (cf: P.L.2002, c.58, s.4)

20

21 3. This act shall take effect immediately.

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STATEMENT

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26 The purpose of this bill is to provide statutory clarification for
27 the State policy governing exemptions from immunizations of
28 students that are mandated by the Commissioner of Health by
29 regulation or otherwise required by law.

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

- 36 • a written statement submitted to the elementary or secondary
37 school or the institution of higher education, as applicable, by a
38 licensed physician indicating that the vaccine is medically
39 contraindicated for a specific period of time and the reasons for
40 the medical contraindication, based upon valid medical reasons as
41 determined by regulation of the Commissioner of Health, which
42 is to exempt the student from the vaccination for the stated period
43 of time; or
- 44 • a written statement submitted to the elementary or secondary
45 school or the institution of higher education, as applicable, by the
46 student, or the student's parent or guardian if the student is a
47 minor, explaining how the administration of the vaccine conflicts
48 with the bona fide religious tenets or practices of the student, or

1 the parent or guardian, as appropriate; except that: a general
2 philosophical or moral objection to the vaccination is not
3 sufficient for an exemption on religious grounds; and an
4 exemption on religious grounds may be suspended by the
5 Commissioner of Health during the existence of an emergency as
6 determined by the commissioner.

7 The bill incorporates within section 6 of P.L.1974, c.150
8 (C.26:1A-9.1) the language governing exemptions from mandatory
9 immunizations against hepatitis B for students in high school and at
10 institutions of higher education, which is set forth in section 4 of
11 P.L.2002, c.58 (C.18A:61D-10), so as to apply these exemption
12 provisions to all mandatory immunizations of students in
13 elementary and secondary schools and at colleges and universities
14 in New Jersey. This will provide for a clear and consistent
15 regulatory approach to the issue of permitting exemptions from
16 required vaccinations for all students at any educational level in the
17 State, and will do so in a way that protects the children of New
18 Jersey, and those with whom they come in contact, against serious
19 communicable diseases, while allowing for appropriate exemptions
20 based upon valid medical reasons and genuine religious objections.