

ASSEMBLY, No. 5104

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

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District 37 (Bergen)

SYNOPSIS

Requires vaccinations against coronavirus disease 2019 (COVID-19) be reported to New Jersey Immunization Information System.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/10/2020)

1 AN ACT concerning vaccinations and amending P.L.2004, c.138.

2

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

5

6 1. Section 4 of P.L.2004, c.138 (C.26:4-134) is amended to read
7 as follows:

8 4. a. There is established a Statewide automated and electronic
9 immunization registry, to be designated as the New Jersey
10 Immunization Information System, in the Department of Health.
11 The registry shall be designed to serve as a single repository of
12 immunization records to aid, coordinate, and help promote effective
13 and cost-efficient disease screening, prevention, and control efforts
14 in the State.

15 b. (1) A newborn infant in New Jersey, who is born on or after
16 January 1, 1998, shall be enrolled in the registry immediately
17 following birth unless the parent or legal guardian of the infant
18 provides a written request to not participate in the registry.

19 (2) A child born prior to January 1, 1998 may be enrolled in the
20 registry at the parent's or legal guardian's written request.

21 (3) Any person not currently enrolled in the registry shall be
22 enrolled at the time the person is administered the SARS-CoV-2
23 immunization, unless the person or the person's parent or legal
24 guardian, in the case of a person who is younger than 18 years of
25 age, provides a written request to not participate in the registry.

26 c. Access to the information in the registry shall be limited to:
27 health care providers, schools, colleges, licensed child care centers,
28 and public agencies, and private organizations as determined by
29 regulation of the commissioner. Each health care provider who
30 administers a vaccine against SARS-CoV-2 shall register as a
31 registry site and as an authorized user, and shall commence online
32 reporting of administrations of the SARS-CoV-2 vaccine. A
33 registrant, or the registrant's parent or legal guardian if the
34 registrant is a minor, shall have access to the registrant's
35 immunization and other preventive health screening information in
36 the registry.

37 d. The information contained in the registry shall be used for
38 the following purposes:

39 (1) to help ensure that registrants receive all recommended
40 immunizations in a timely manner by providing access to the
41 registrants' immunization records;

42 (2) to help improve immunization rates by providing notice to
43 registrants of overdue or upcoming immunizations; **[and]**

44 (3) to help control communicable diseases by assisting in the
45 identification of persons who require immediate immunization in
46 the event of a vaccine-preventable disease outbreak; and

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 (4) to track the administration of vaccines against SARS-CoV-2.

2 e. The authentic immunization and other preventive health
3 screening record of a **【child】 person**, which shall consist of a paper
4 or electronic copy of the registry entry that is a true and accurate
5 representation of the information contained therein, obtained from
6 the registry shall be accepted as a valid immunization and
7 preventive health screening record of the registrant for the purpose
8 of meeting immunization and preventive health screening
9 documentation requirements for admission to a school, college, or
10 licensed child care center.

11 f. A health care provider shall not discriminate in any way
12 against a person solely because the person elects not to participate
13 in the registry.

14 g. An authorized user granted access as provided in subsection
15 c. of this section shall only access information in the registry on a
16 specific patient or client who is presently receiving services, is
17 under the user's care or is within the applicable governmental health
18 authority's jurisdiction.

19 h. An agency, organization, or other entity authorized to access
20 information in the registry shall not use any report made by a health
21 care provider pursuant to this act in any punitive manner against the
22 provider.

23 i. The commissioner, in consultation with the Public Health
24 Council, shall adopt rules and regulations, pursuant to the
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.), to effectuate the purposes of this act, including, but not
27 limited to:

28 (1) the establishment and maintenance of the registry;

29 (2) the methods for submitting, and the content of, reports of
30 immunizations to the registry, for which purpose the commissioner
31 shall provide, to the maximum extent practicable, for reporting
32 options to facilitate compliance with the requirements of subsection
33 b. of this section;

34 (3) procedures for the birth hospital of a newborn infant or
35 health care provider, as applicable, to inform the parent or legal
36 guardian of a newborn infant or minor of the purpose of the registry
37 and its potential uses by parties having authorized access to registry
38 information, and the content of that information;

39 (4) procedures for a registrant, or the registrant's parent or legal
40 guardian if the registrant is a minor, to review and correct
41 information contained in the registry;

42 (5) procedures for the parent or legal guardian of a newborn
43 infant or minor, or a person over 18 years of age, to request to not
44 participate in the registry at any time and to remove or inactivate
45 information from the registry;

46 (6) limits on, and methods of, access to the registry by those
47 authorized pursuant to subsection c. of this section;

(7) procedures for health insurers to obtain immunization information from the registry concerning only their covered persons, as well as summary statistics, which information or statistics shall not be used or disclosed for any other purpose than to:

(a) improve patient care;

(b) provide quality assurance to employers purchasing group coverage and to health care providers;

(c) improve outreach and education efforts with respect to their covered persons and health care providers; and

(d) monitor and improve quality of care standards as developed by professional organizations, accreditation agencies and government agencies in collaboration with the department; **[and]**

(8) procedures for the department to disseminate statistical information and supporting commentary; and

(9) procedures for health care providers administering the SARS-CoV-2 vaccine to inform a person receiving the vaccine, or the person's parent or legal guardian in the case of a person who is younger than 18 years of age, of the purpose of using the registry to track SARS-CoV-2 vaccine administrations.

(cf: P.L.2012, c.17, s.340)

2. The Commissioner of Health may adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the implementation of this act.

3. This act shall take effect immediately.

STATEMENT

This bill requires vaccinations against SARS-CoV-2, the virus that causes the coronavirus disease 2019 (COVID-19), to be reported to the New Jersey Immunization Information System (NJIIS). The NJIIS is a Statewide database that maintains records of individual vaccination histories. Individuals born after January 1, 1998 are automatically included in the registry, unless the individual's parent or guardian provides a written request that the person not be included in the registry; individuals born prior to January 1, 1998 may be included in the registry by written request.

This bill would require any person who is not currently enrolled in the registry to be automatically enrolled at the time the person is administered the SARS-CoV-2 vaccine, unless the person or the person's parent or legal guardian, in the case of a person younger than 18 years of age, provides a written request not to participate in the registry. Each health care provider who administers the SARS-CoV-2 vaccine will be required to register as an immunization site

1 and as an authorized user, and will be required to commence online
2 reporting of administrations of the SARS-CoV-2 vaccine. The
3 Department of Health will be required to establish procedures for
4 health care providers to advise people receiving the SARS-CoV-2
5 vaccine of the purpose of using the NJIIS to track administrations
6 of the vaccine.

7 It is the sponsor's belief that the NJIIS will be an essential tool
8 for tracking administrations of the SARS-CoV-2 vaccine and
9 helping ensure the vaccine is administered as widely and effectively
10 as possible, as well as in identifying gaps in vaccination rates that
11 could lead to an outbreak of COVID-19 among a given population
12 group or in a given region.