

SENATE, No. 4136

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Senators Thompson and Oroho

SYNOPSIS

Requires entities to accept confirmation of prior COVID-19 infection or protective immune response against COVID-19 when proof of vaccination is required.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT concerning coronavirus disease 2019 vaccine requirements
2 and supplementing Title 10 of the Revised Statutes.

3

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

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7 1. The Legislature finds and declares:

8 a. Some scientific studies have suggested that people with
9 SARS-CoV-2 antibodies, which is a sign of prior SARS-CoV-2
10 infection, are at a lower risk for future infection with SARS-CoV-2;

11 b. Based on those observations, it appears that SARS-CoV-2
12 antibodies offer a degree of protection against being reinfected with
13 the SARS-CoV-2 virus;

14 c. As society returns to a sense of normalcy following the
15 COVID-19 pandemic lockdown and COVID-19 vaccine rollout,
16 proof of vaccination against SARS-CoV-2 is becoming a
17 requirement for many workplaces and public venues;

18 d. These vaccination requirements typically bar individuals
19 from participating in many necessary social and economic activities
20 unless the individual receives the COVID-19 vaccine. Although
21 many of these requirements allow routine testing for COVID-19 as
22 an alternative to vaccination to those who cannot be vaccinated or
23 who are reluctant to be vaccinated out of health concerns or based
24 on the individual's personal preferences or beliefs, routine testing is
25 a burdensome process;

26 e. Legislation is therefore necessary to provide individuals, who
27 have recovered from COVID-19, stimulated their immune system,
28 and developed antibodies, as well as other protective immune
29 responses, to SARS-CoV-2, with an alternative method of
30 confirming the individual's health information concerning SARS-
31 CoV-2; and

32 f. It is the intent of the Legislature to reduce discrimination
33 based on vaccination status and to ensure that all individuals,
34 including those who have recovered from a SARS-CoV-2 infection
35 and developed a natural immunity, are entitled to the exercise of
36 any privilege or right granted under State or federal law, including
37 the ability to obtain and maintain employment and to access places
38 of public accommodation.

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40 2. a. As used in this act:

41 "COVID-19" means the coronavirus disease 2019 caused by the
42 SARS-CoV-2 virus.

43 "Department" means Department of Health.

44 b. Any entity that requires proof of vaccination against SARS-
45 CoV-2 as a condition of employment with the entity, as a condition
46 of receiving services from or through the entity, as a condition of
47 admission to the entity's premises, or as a condition of participating
48 in an activity sponsored by the entity, shall accept any individual's

1 confirmation of a prior SARS-CoV-2 infection or a protective
2 immune response against SARS-CoV-2 in lieu of providing proof of
3 vaccination against COVID-19. Such confirmation shall be
4 accepted as equal to any proof of vaccination required by the entity.

5 c. Such confirmation of a prior SARS-CoV-2 infection or a
6 protective immune response against SARS-CoV-2 shall only be
7 provided voluntarily by an individual. An entity may accept an
8 individual's confirmation verbally.

9 d. An individual providing confirmation of a prior SARS-CoV-2
10 infection or a protective immune response against SARS-CoV-2
11 shall have the same terms of employment and shall be provided
12 with the same level of access to the premises, services, and
13 activities of the entity, as the entity provides to an individual who
14 submits proof of vaccination against COVID-19.

15 e. The provisions of this section shall apply to entities that
16 include, but are not limited to, preschool programs, elementary or
17 secondary schools, colleges, universities, or any other institutions of
18 education.

19 f. Nothing in this act shall be construed to conflict with any
20 federal law, rule, regulation, or executive order concerning COVID-
21 19.

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23 3. The Commissioner of Health shall adopt rules and
24 regulations, pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.140 (C.52:14B-1 et seq.), as may be necessary to
26 effectuate the provisions of this act.

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28 4. This act shall take effect immediately.

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STATEMENT

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33 This bill requires any entity that requires proof of vaccination
34 against SARS-CoV-2 as a condition of employment with the entity,
35 as a condition of receiving services from or through the entity, as a
36 condition of admission to the entity's premises, or as a condition of
37 participating in an activity sponsored by the entity, to accept any
38 individual's confirmation of a prior SARS-CoV-2 infection or a
39 protective immune response against SARS-CoV-2 in lieu of
40 providing proof of vaccination against COVID-19. This
41 confirmation will be accepted as equal to any proof of vaccination
42 required by an entity. Confirmation of a prior SARS-CoV-2
43 infection or a protective immune response against SARS-CoV-2 is
44 to only be provided voluntarily. An entity may accept an
45 individual's confirmation verbally. An individual providing such
46 confirmation is to have the same terms of employment and be
47 provided with the same level of access to the premises, services,
48 and activities of the entity, as the entity provides to an individual

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1 who submits proof of vaccination against COVID-19. Nothing in
2 this bill is to be construed to conflict with any federal law, rule,
3 regulation, or executive order concerning COVID-19.

4 The provisions of the bill will apply to facilities that include, but
5 are not limited to, preschool programs, elementary or secondary
6 schools, colleges, universities, or any other institutions of
7 education.

8 It is the sponsor's intent that this legislation will prevent
9 individuals, who have recovered from a prior SARS-CoV-2
10 infection and developed a natural immunity to COVID-19, from
11 being compelled to receive a COVID-19 vaccine and discriminated
12 against in workplaces and public venues based on vaccination
13 status. This legislation is not to be construed as promoting the
14 establishment of a vaccine passport system. However, in order to
15 conform to existing State and federal policy, proof of vaccination
16 status may be required under certain circumstances. The sponsors
17 prefer that, when such proof is required, simple verbal
18 acknowledgment of natural immunity be sufficient to satisfy proof
19 of vaccine requirements.