

ASSEMBLY, No. 329

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblyman Barranco

SYNOPSIS

“Informed Consent for Vaccination Act”; revises requirements for administration of vaccines to patients.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/4/2022)

1 AN ACT concerning informed consent for vaccines, supplementing
2 Title 26 of the Revised Statutes, and amending P.L.2003, c.280.

3

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

6

7 1. (New section) a. No vaccine may be administered by a
8 health care practitioner to any patient unless:

9 (1) at least 48 hours prior to administration of the vaccine, the
10 practitioner furnishes to the to the patient, or to the patient's parent
11 or guardian in the case of a patient who is an unemancipated minor:

12 (a) a copy of the vaccine insert produced by the manufacturer of
13 the vaccine for inclusion in the packaging materials for the vaccine;
14 and

15 (b) information concerning the Vaccine Adverse Event
16 Reporting System (VAERS) co-managed by the federal Centers for
17 Disease Control and Prevention and the United States Food and
18 Drug Administration, which information shall include an overview
19 of the VAERS, instructions on how to report vaccine injuries, a
20 copy of the Reportable Events Table, and a copy of the Vaccine
21 Injury Table;

22 (2) the practitioner provides the patient, or the patient's parent
23 or guardian, in the case of a patient who is an unemancipated minor,
24 with the option to opt out of receiving the vaccine, along with a
25 description of the potential implications of opting out of the
26 vaccine, including the risks of contracting or transmitting a
27 communicable infectious disease and the potential that the patient
28 may not be allowed to attend school unless the patient obtains a
29 medical or religious exemption from student immunization
30 requirements for that vaccine; and

31 (3) the patient, or the patient's parent or guardian, as applicable,
32 returns a signed copy of the vaccine insert confirming the patient
33 consents to receive the vaccine.

34 b. A health care practitioner may not refuse to provide health
35 care services to a patient or seek to transfer care of the patient to
36 another health care practitioner solely on the basis of the patient's
37 refusal to receive a vaccine.

38 c. Except in the course of a public health emergency declared
39 pursuant to P.L.2005, c.222 (C.26:13-1 et seq.), no vaccine may be
40 administered pursuant to a standing order.

41

42 2. Section 24 of P.L.2003, c.280 (C.45:14-63) is amended to
43 read as follows:

44 24. a. No pharmacist shall administer a prescription medication
45 directly to a patient without appropriate education or certification,

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 as determined by the board in accordance with the requirements set
2 forth in the rules jointly promulgated by the board and the State
3 Board of Medical Examiners. Such medication shall only be for the
4 treatment of a disease for which a nationally certified program is in
5 effect, or as determined by the board, and only if utilized for the
6 treatment of that disease for which the medication is prescribed or
7 indicated or for which the collaborative drug therapy management
8 permits.

9 b. (1) Notwithstanding any law, rule, or regulation to the
10 contrary, a pharmacist, pharmacy intern, or pharmacy extern may
11 administer drugs to a patient 18 years of age or older, provided the
12 pharmacist, pharmacy intern, or pharmacy extern is appropriately
13 educated and qualified, as determined by the board in accordance
14 with the requirements set forth in the rules jointly promulgated by
15 the board and the State Board of Medical Examiners, and provided
16 the drugs are administered **[under any one of the following**
17 **conditions]**:

18 (a) pursuant to a prescription by an authorized prescriber for a
19 vaccine and related emergency medications **[;]** .

20 (b) **[in immunization programs implemented pursuant to an**
21 **authorized prescriber's standing order for the vaccine and related**
22 **emergency medications; or]** (deleted by amendment, P.L. , c.
23 (pending before the Legislature as this bill)

24 (c) **[in immunization programs and programs sponsored by**
25 **governmental agencies that are not patient specific.]** (deleted by
26 amendment, P.L. , c. (pending before the Legislature as this bill)

27 (2) A pharmacist, pharmacy intern, or pharmacy extern may
28 administer an influenza vaccine to a patient who is seven years of
29 age or older. For a patient who is under 18 years of age, a
30 pharmacist, pharmacy intern, or pharmacy extern shall not
31 administer a vaccine except with the permission of the patient's
32 parent or legal guardian. For a patient who is under 10 years of age,
33 a pharmacist, pharmacy intern, or pharmacy extern shall not
34 administer a vaccine unless pursuant to a prescription by an
35 authorized prescriber. Nothing in this subsection shall be construed
36 to require a patient 10 years of age or older to obtain a prescription
37 for an influenza vaccine.

38 (3) A pharmacy intern or pharmacy extern, as defined by
39 regulation of the New Jersey State Board of Pharmacy, may
40 administer immunizations to patients by injection or by other
41 delivery method, provided that the pharmacy intern or pharmacy
42 extern is acting under the direct supervision of a licensed
43 pharmacist who is pre-approved by the New Jersey State Board of
44 Pharmacy to administer vaccines and related emergency
45 medications, and who is in compliance with the rules jointly
46 promulgated by the New Jersey State Board of Pharmacy and the
47 State Board of Medical Examiners.

1 c. An immunization administered to a patient by a pharmacist,
2 pharmacy intern, or pharmacy extern shall be reported by a
3 supervising pharmacist to the New Jersey Immunization
4 Information System established pursuant to section 4 of P.L.2004,
5 c.138 (C.26:4-134) as required pursuant to N.J.A.C.8:57-3.16, for
6 inclusion in the patient's registry.
7 (cf: P.L.2018, c.143, s.1)

8

9 3. This act shall take effect 30 days after the date of enactment.

10

11

12

STATEMENT

13

14 This bill, designated as the “Informed Consent for Vaccinations
15 Act,” revises the requirements to administer vaccines to patients.
16 Specifically, the bill requires that, at least at least 48 hours prior to
17 administration of the vaccine, the health care practitioner who will
18 administer the vaccine is to furnish to the to the patient, or to the
19 patient’s parent or guardian in the case of a patient who is an
20 unemancipated minor, a copy of the vaccine insert for the vaccine
21 and information concerning the Vaccine Adverse Event Reporting
22 System (VAERS) co-managed by the federal Centers for Disease
23 Control and Prevention and the United States Food and Drug
24 Administration, including an overview of the VAERS, instructions
25 on how to report vaccine injuries, a copy of the Reportable Events
26 Table, and a copy of the Vaccine Injury Table. A vaccine may be
27 administered only if the patient, or the patient’s parent or guardian,
28 returns a signed copy of the vaccine insert confirming the patient
29 consents to receive the vaccine.

30 The health care practitioner will additionally be required to
31 provide the patient, or the patient’s parent or guardian, as
32 applicable, with the option to opt out of receiving the vaccine, along
33 with a description of the potential implications of opting out of the
34 vaccine, including the risks of contracting or transmitting a
35 communicable infectious disease and the potential that the patient
36 may not be allowed to attend school unless the patient obtains a
37 medical or religious exemption from student immunization
38 requirements for that vaccine.

39 The bill provides that a health care practitioner may not refuse to
40 provide health care services to a patient or seek to transfer care of
41 the patient to another health care practitioner solely on the basis of
42 the patient’s refusal to receive a vaccine.

43 The bill further provides that, except in the course of a public
44 health emergency declared pursuant to P.L.2005, c.222 (C.26:13-1
45 et seq.), no vaccine may be administered pursuant to a standing
46 order.