ASSEMBLY, No. 243

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

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District 16 (Morris and Somerset)
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Assemblymen Chiappone, Greenwald, Rudder, Prieto, Rumana, Chiusano,
Assemblywoman McHose, Assemblymen Ramos, Polistina, A.M.Bucco,
Assemblywoman Pou and Assemblyman DiMaio

SYNOPSIS
Provides for conscientious exemption to mandatory immunizations.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel

(Sponsorship Updated As Of: 3/8/2011)
AN ACT concerning immunization requirements and supplementing Title 26 of the Revised Statutes.

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

1. As used in this act:
   "Commissioner" means the Commissioner of Health and Senior Services.
   "Conscientious exemption" means an exemption from a mandatory immunization on the grounds of a sincerely held or moral objection to the immunization.
   "Department" means the Department of Health and Senior Services.
   "Mandatory immunization" means any vaccination required by the State as a condition for attendance at public or private institutions of higher education, public or private school, kindergarten, nursery school, preschool or child care facilities in New Jersey.
   "School" means any public or private institution of higher education, public or private school, kindergarten, nursery school, preschool or child care facility in New Jersey.
   "Student" means any person attending a public or private institution of higher education, public or private school, kindergarten, nursery school, preschool or child care facility in New Jersey.

2. a. The department shall provide to all local health departments a standardized form to be used by a student, or if the student is a minor, by the student's parent or legal guardian, claiming a conscientious exemption from a mandatory immunization. A local health department shall make the form available upon request. The form shall state that the student, or parent or legal guardian, understands the potential benefits of immunization and the risks in not immunizing. The form shall require, at a minimum, all of the following:
   (1) a statement claiming exemption from a specific immunization signed by the student, or if the student is a minor, by the student's parent or legal guardian, witnessed by the local health officer or the local health officer's designee;
   (2) the name and address of the person who signs the form;
   (3) the name of the student seeking exemption from the immunization; and
   (4) the school at which the student is enrolled.
   b. Upon receipt of a completed form by a local health department, the designated local health officer shall grant a conscientious exemption from a mandatory immunization to a
student. A student who is granted a conscientious exemption shall provide the form granting the exemption to officials at the student’s school.

3. a. Any student with a conscientious exemption from a mandatory immunization may be excluded from school during a vaccine-preventable disease outbreak or threatened outbreak as determined by the commissioner.  
   b. Pursuant to the provisions of R.S.26:4-6, a school official may prohibit the attendance of any student who has been granted a conscientious exemption and is under a school official's control, on the account of a communicable disease, or to prevent the spread of a communicable disease. The school official may also specify the duration of time that the student with a conscientious exemption must remain away from school.  
   c. A conscientious exemption from a mandatory immunization may be suspended at any time by the commissioner during the existence of an emergency, as determined by the commissioner.

4. The Commissioner of Health and Senior Services shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations to effectuate the purposes of this act.

5. This act shall take effect on the 90th day following enactment, but the Commissioner of Health and Senior Services may take such anticipatory administrative action in advance as shall be necessary for implementation of the act.

STATEMENT

This bill provides for conscientious exemptions from mandatory immunizations. Under current law, the State requires certain immunizations for students as a condition for attending public or private institutions of higher education, public or private school, kindergarten, nursery school, preschool and child care facilities in New Jersey. Provisions in the New Jersey Administrative Code grant students medical and religious exemptions from immunizations. This bill would grant a conscientious exemption from a specific immunization to any person attending a public or private institution of higher education, public or private school, kindergarten, nursery school, preschool or child care facility in New Jersey. The bill provides that a student seeking a conscientious exemption shall complete a standardized form prepared by the Department of Health and Senior Services. The form shall be submitted to the student's local health department, which shall grant
the exemption. A student with a conscientious exemption shall not
be permitted to attend school during a disease outbreak or
threatened outbreak, as determined by the Commissioner of Health
and Senior Services. An conscientious exemption may also be
suspended at any time by the commissioner in an emergency.
Further, pursuant to N.J.S.A.26:4-6, a school administrator, taking
into consideration the spread of a communicable disease, may
prohibit the attendance of a student with a conscientious exemption
and specify the amount of time the student must remain away from
the school.
At present, 19 states permit similar exemptions from mandatory
immunizations. This bill would allow New Jersey to join with other
states that grant individuals the right to manage their health or their
children's health as they deem appropriate.