

[Second Reprint]

SENATE, No. 1759

STATE OF NEW JERSEY
215th LEGISLATURE

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Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

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SYNOPSIS

Clarifies statutory exemptions from mandatory immunizations for students.

CURRENT VERSION OF TEXT

As amended by the Senate on October 4, 2012.



1 AN ACT concerning exemptions from mandatory immunizations for
2 students and amending P.L.1974, c.150, P.L.2002, c.58, and
3 P.L.2003, c.284.

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

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

10 6. a. Provisions in the State Sanitary Code in implementation
11 of **[this act]** P.L.1947, c.177 (C.26:1A-1 et seq.), or provisions
12 otherwise set forth in statute or regulation, which require the
13 immunization of students ²in a preschool program, or² at an
14 elementary or secondary school or an institution of higher
15 education, shall provide for an exemption **[for pupils]** from such
16 mandatory immunization **[if the parent or guardian of the pupil**
17 **objects thereto in a written statement signed by the parent or**
18 **guardian upon the ground that the proposed immunization interferes**
19 **with the free exercise of the pupil's religious rights. This**
20 **exemption]** based upon one of the following:

21 (1) a written statement submitted to the ²preschool program,²
22 elementary or secondary school ^{2,2} or ²**[the]**² institution of higher
23 education, as applicable, by a licensed physician ², doctor of
24 osteopathy, advanced practice nurse, or physician assistant²
25 indicating that the vaccine is medically contraindicated for a
26 specific period of time and the reasons for the medical
27 contraindication, based upon valid medical reasons as determined
28 by regulation of the Commissioner of Health ¹**[and Senior**
29 Services]¹, which shall exempt the student from the vaccination for
30 the stated period of time; or

31 (2) documentation, as set forth in subsection b. of this section,
32 which is submitted to the ²preschool program,² elementary or
33 secondary school ^{2,2} or ²**[the]**² institution of higher education, as
34 applicable, by the student, or the student's parent or guardian if the
35 student is a minor, explaining how the administration of the vaccine
36 conflicts with the bona fide religious tenets or practices of the
37 student, or the parent or guardian, as appropriate; except that: a
38 general philosophical or moral objection to the vaccination shall not
39 be sufficient for an exemption on religious grounds; and an
40 exemption on religious grounds may be suspended by the **[State]**
41 Commissioner of Health ¹**[and Senior Services]¹ during the**
42 existence of an emergency as determined by the **[State]**
43 Commissioner of Health] commissioner.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted September 20, 2012.

²Senate floor amendments adopted October 4, 2012.

- 1 b. The documentation required pursuant to paragraph (2) of
2 subsection a. of this section shall include ²the following:
- 3 (1)² a written statement, which shall be notarized, signed, and
4 sworn by the person submitting the statement, and which shall
5 include:
- 6 ²[(a)] (1)² an explanation of the nature of the person's religious
7 tenet or practice that is implicated by the vaccination and how
8 administration of the vaccine would violate, contradict, or otherwise
9 be inconsistent with that tenet or practice;
- 10 ²[(b)] (2)² information that indicates that the religious tenet or
11 practice is consistently held by the person, which may include, but
12 need not be limited to, expression of the person's intent to decline
13 any vaccination;
- 14 ²[(c)] (3)² a statement that the religious tenet or practice is not
15 solely an expression of that person's:
- 16 ²[(i)] (a)² political, sociological, philosophical, or moral views;
17 or
- 18 ²[(ii)] (b)² concerns related to the safety or efficacy of the
19 vaccination; and
- 20 ²[(d)] (c)² a statement that the person understands the risks and
21 benefits of vaccination to the student and the public health and
22 acknowledges that the student may be excluded from attendance at
23 the student's ²preschool,² school ^{2,2} or institution of higher
24 education, as applicable, in the event of the occurrence of a
25 communicable disease or condition or threat of a communicable
26 disease or condition, which in the opinion of the Commissioner of
27 Commissioner of Health ¹and Senior Services¹ requires such
28 exclusion from attendance of unvaccinated students ²; and
- 29 (2) a signed statement from a physician or advanced practice
30 nurse licensed to practice in this State, or another individual as
31 designated by the Commissioner of Health ¹and Senior Services¹,
32 that the person has received individual counseling from the
33 physician, advanced practice nurse, or other individual as
34 appropriate, concerning the risks and benefits of vaccination to the
35 student and the public health² .
- 36 c. ²[An] A preschool program,² elementary or secondary
37 school ^{2,2} or institution of higher education shall not exempt a
38 student from a mandatory immunization unless the student, or the
39 student's parent or guardian if the student is a minor, complies with
40 all of the applicable requirements set forth in subsections a. and b.
41 of this section.
- 42 d. The Commissioner of Health ¹and Senior Services¹,
43 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
44 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate
45 the purposes of this section; except that, notwithstanding any
46 provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,

1 the commissioner may adopt, immediately upon filing with the
2 Office of Administrative Law, such regulations as the commissioner
3 deems necessary to implement the provisions of this section, which
4 shall be effective for a period not to exceed six months and may
5 thereafter be amended, adopted, or re-adopted by the commissioner
6 in accordance with the requirements of P.L.1968, c.410 (C.52:14B-
7 1 et seq.).

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

9
10 2. Section 4 of P.L.2002, c.58 (C.18A:61D-10) is amended to
11 read as follows:

12 4. A student shall not be required to receive a vaccination
13 pursuant to section 2 or 3 of **【**this act based upon one of the
14 following:

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

23 b. a written statement submitted to the secondary school or
24 institution of higher education, as applicable, by the student, or the
25 student's parent or guardian if the student is a minor, explaining
26 how the administration of the vaccine conflicts with the bona fide
27 religious tenets or practices of the student, or the parent or guardian,
28 as appropriate; except that a general philosophical or moral
29 objection to the vaccination shall not be sufficient for an exemption
30 on religious grounds**】** P.L.2002, c.58 (C.18A:61D-9 or C.18A:40-
31 21.1) if the student qualifies for an exemption as provided in section
32 6 of P.L.1974, c.150 (C.26:1A-9.1).

33 (cf: P.L.2002, c.58, s.4)

34
35 3. Section 3 of P.L.2003, c.284 (C.18A:62-15.2) is amended to
36 read as follows:

37 3. a. A student shall not be required to receive a vaccination
38 pursuant to subsection a. of section 2 of **【**this act based upon one of
39 the following:

40 (1) a written statement submitted to the institution of higher
41 education by a licensed physician indicating that the vaccine is
42 medically contraindicated for a specific period of time and the
43 reasons for the medical contraindication, based upon valid medical
44 reasons as determined by regulation of the Commissioner of Health
45 and Senior Services, which shall exempt the student from the
46 vaccination for the stated period of time; or

47 (2) a written statement submitted to the institution of higher
48 education by the student, or the student's parent or guardian if the

1 student is a minor, explaining how the administration of the vaccine
2 conflicts with the bona fide religious tenets or practices of the
3 student, or the parent or guardian, as appropriate; except that a
4 general philosophical or moral objection to the vaccination shall not
5 be sufficient for an exemption on religious grounds】 P.L.2003,
6 c.284 (C.18A:62-15.1) if the student qualifies for an exemption as
7 provided in section 6 of P.L.1974, c.170 (C.26:1A-9.1).

8 b. In the event of an actual or threatened outbreak of meningitis
9 at a public or private institution of higher education in this State,
10 the institution may exclude from attendance a student who has been
11 exempted from the vaccination requirement of this act pursuant to
12 subsection a. of this section, as determined by the Commissioner of
13 Health ¹【and Senior Services】¹.
14 (cf: P.L.2003, c.284, s.3)

15
16 4. This act shall take effect immediately.