SYNOPSIS
Clarifies statutory exemptions from mandatory immunizations for students.

CURRENT VERSION OF TEXT
As amended by the General Assembly on January 31, 2019.
A3818 [1R] CONAWAY, JASEY


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

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

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

(1)] a written statement submitted to the preschool program, elementary or secondary school, or institution of higher education, as applicable, by a licensed physician, doctor of osteopathy, advanced practice nurse, or physician assistant indicating that the vaccine is medically contraindicated for a specific period of time and the reasons for the medical contraindication, based upon valid medical reasons as determined by regulation of the Commissioner of Health, which shall exempt the student from the vaccination for the stated period of time [; or

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

b. [The documentation required pursuant to paragraph (2) of subsection a. of this section shall include a written statement, which

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:
1Assembly floor amendments adopted January 31, 2019.
shall be notarized, signed, and sworn by the person submitting the
statement, and which shall include:

(1) an explanation of the nature of the person’s religious tenet or
practice that is implicated by the vaccination and how
administration of the vaccine would violate, contradict, or otherwise
be inconsistent with that tenet or practice;

(2) information that indicates that the religious tenet or practice
is consistently held by the person, which may include, but need not
be limited to, expression of the person’s intent to decline any
vaccination;

(3) a statement that the religious tenet or practice is not solely
an expression of that person’s:

(a) political, sociological, philosophical, or moral views; or
(b) concerns related to the safety or efficacy of the vaccination;
and

(c) a statement that the person understands the risks and benefits
of vaccination to the student and the public health and
acknowledges that the student may be excluded from attendance at
the student’s preschool, school, or institution of higher education, as
applicable, in the event of the occurrence of a communicable
disease or condition or threat of a communicable disease or
condition, which in the opinion of the Commissioner of
Commissioner of Health requires such exclusion from attendance of
unvaccinated students.

A preschool program, elementary or secondary school, or
institution of higher education shall not exempt a student from a
mandatory immunization unless the student, or the student’s parent
or guardian if the student is a minor, complies with all of the
applicable requirements set forth in subsection 1a, 1b, and 1c of this section.

1. The Commissioner of Health, pursuant to the
seq.), shall adopt rules and regulations to effectuate the purposes of
this section; except that, notwithstanding any provision of P.L.1968,
c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may
adopt, immediately upon filing with the Office of Administrative
Law, such regulations as the commissioner deems necessary to
implement the provisions of this section, which shall be effective
for a period not to exceed six months and may thereafter be
amended, adopted, or re-adopted by the commissioner in
accordance with the requirements of P.L.1968, c.410 (C.52:14B-
1 et seq.);
(cf: P.L.1974, c.150, s.6)

2. Section 4 of P.L.2002, c.58 (C.18A:61D-10) is amended to
read as follows:
4. A student shall not be required to receive a vaccination pursuant to section 2 or 3 of this act based upon one of the following:
   a. a written statement submitted to the secondary school or institution of higher education, as applicable, by a licensed physician indicating that the vaccine is medically contraindicated for a specific period of time and the reasons for the medical contraindication, based upon valid medical reasons as determined by regulation of the Commissioner of Health and Senior Services, which shall exempt the student from the vaccination for the stated period of time; or
   b. a written statement submitted to the secondary school or institution of higher education, as applicable, by the student, or the student's parent or guardian if the student is a minor, explaining how the administration of the vaccine conflicts with the bona fide religious tenets or practices of the student, or the parent or guardian, as appropriate; except that a general philosophical or moral objection to the vaccination shall not be sufficient for an exemption on religious grounds.

3. Section 3 of P.L.2003, c.284 (C.18A:62-15.2) is amended to read as follows:
   a. A student shall not be required to receive a vaccination pursuant to subsection a. of section 2 of this act based upon one of the following:
      (1) a written statement submitted to the institution of higher education by a licensed physician indicating that the vaccine is medically contraindicated for a specific period of time and the reasons for the medical contraindication, based upon valid medical reasons as determined by regulation of the Commissioner of Health and Senior Services, which shall exempt the student from the vaccination for the stated period of time; or
      (2) a written statement submitted to the institution of higher education by the student, or the student's parent or guardian if the student is a minor, explaining how the administration of the vaccine conflicts with the bona fide religious tenets or practices of the student, or the parent or guardian, as appropriate; except that a general philosophical or moral objection to the vaccination shall not be sufficient for an exemption on religious grounds.

b. In the event of an actual or threatened outbreak of meningitis at a public or private institution of higher education in this State, the institution may exclude from attendance a student who has been exempted from the vaccination requirement of this act pursuant to
subsection a. of this section, as determined by the Commissioner of Health and Senior Services.

(cf: P.L.2003, c.284, s.3)

4. This act shall take effect immediately.