

[First Reprint]

**ASSEMBLY, No. 3818**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED APRIL 5, 2018

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Co-Sponsored by:**

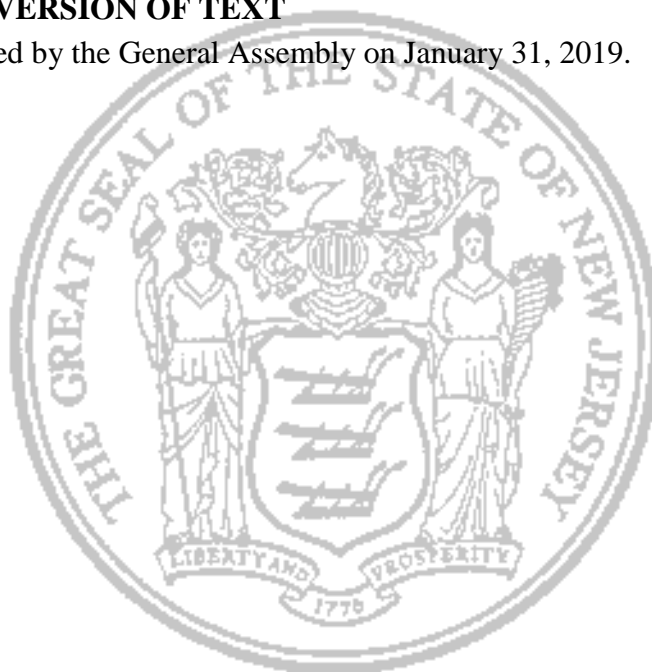
**Assemblywoman Tucker**

**SYNOPSIS**

Clarifies statutory exemptions from mandatory immunizations for students.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on January 31, 2019.



**(Sponsorship Updated As Of: 12/17/2019)**

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 in a preschool program, or 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 <sup>1</sup>**[one of the following:**

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

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

43 b. <sup>1</sup>**[The documentation required pursuant to paragraph (2) of**  
 44 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:

<sup>1</sup>Assembly floor amendments adopted January 31, 2019.

1 shall be notarized, signed, and sworn by the person submitting the  
2 statement, and which shall include:

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

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

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

13 (a) political, sociological, philosophical, or moral views; or

14 (b) concerns related to the safety or efficacy of the vaccination;  
15 and

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

25 c.]<sup>1</sup> A preschool program, elementary or secondary school, or  
26 institution of higher education shall not exempt a student from a  
27 mandatory immunization unless the student, or the student's parent  
28 or guardian if the student is a minor, complies with all of the  
29 applicable requirements set forth in <sup>1</sup>[subsections] subsection<sup>1</sup> a.  
30 <sup>1</sup>[and b.]<sup>1</sup> of this section.

31 <sup>1</sup>[d.] c.<sup>1</sup> The Commissioner of Health, pursuant to the  
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
33 seq.), shall adopt rules and regulations to effectuate the purposes of  
34 this section; except that, notwithstanding any provision of P.L.1968,  
35 c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may  
36 adopt, immediately upon filing with the Office of Administrative  
37 Law, such regulations as the commissioner deems necessary to  
38 implement the provisions of this section, which shall be effective  
39 for a period not to exceed six months and may thereafter be  
40 amended, adopted, or re-adopted by the commissioner in  
41 accordance with the requirements of P.L.1968, c.410 (C.52:14B-  
42 1 et seq.).

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

44

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

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

4 a. a written statement submitted to the secondary school or  
5 institution of higher education, as applicable, by a licensed  
6 physician indicating that the vaccine is medically contraindicated  
7 for a specific period of time and the reasons for the medical  
8 contraindication, based upon valid medical reasons as determined  
9 by regulation of the Commissioner of Health and Senior Services,  
10 which shall exempt the student from the vaccination for the stated  
11 period of time; or

12 b. a written statement submitted to the secondary school or  
13 institution of higher education, as applicable, by the student, or the  
14 student's parent or guardian if the student is a minor, explaining  
15 how the administration of the vaccine conflicts with the bona fide  
16 religious tenets or practices of the student, or the parent or guardian,  
17 as appropriate; except that a general philosophical or moral  
18 objection to the vaccination shall not be sufficient for an exemption  
19 on religious grounds**】** P.L.2002, c.58 (C.18A:61D-9 or C.18A:40-  
20 21.1) if the student qualifies for an exemption as provided in section  
21 6 of P.L.1974, c.150 (C.26:1A-9.1).  
22 (cf: P.L.2002, c.58, s.4)

23  
24 3. Section 3 of P.L.2003, c.284 (C.18A:62-15.2) is amended to  
25 read as follows:

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

29 (1) a written statement submitted to the institution of higher  
30 education by a licensed physician indicating that the vaccine is  
31 medically contraindicated for a specific period of time and the  
32 reasons for the medical contraindication, based upon valid medical  
33 reasons as determined by regulation of the Commissioner of Health  
34 and Senior Services, which shall exempt the student from the  
35 vaccination for the stated period of time; or

36 (2) a written statement submitted to the institution of higher  
37 education by the student, or the student's parent or guardian if the  
38 student is a minor, explaining how the administration of the vaccine  
39 conflicts with the bona fide religious tenets or practices of the  
40 student, or the parent or guardian, as appropriate; except that a  
41 general philosophical or moral objection to the vaccination shall not  
42 be sufficient for an exemption on religious grounds**】** P.L.2003,  
43 c.284 (C.18A:62-15.1) if the student qualifies for an exemption as  
44 provided in section 6 of P.L.1974, c.170 (C.26:1A-9.1).

45 b. In the event of an actual or threatened outbreak of meningitis  
46 at a public or private institution of higher education in this State,  
47 the institution may exclude from attendance a student who has been  
48 exempted from the vaccination requirement of this act pursuant to

**A3818 [1R] CONAWAY, JASEY**

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1 subsection a. of this section, as determined by the Commissioner of  
2 Health **【and Senior Services】**.

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

4

5 4. This act shall take effect immediately.