

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3818

STATE OF NEW JERSEY

DATED: APRIL 5, 2018

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 3818.

This bill clarifies the State policy governing exemptions from mandatory student immunizations.

Under the bill, provisions in the State Sanitary Code, or provisions otherwise set forth in statute or regulation, which require the immunization of students at a preschool program, an elementary or secondary school, or an institution of higher education, are to provide for an exemption from such mandatory immunization based on medical or religious reasons.

In the case of a medical exemption, the bill requires a written statement submitted to the school by a physician, doctor of osteopathy, advanced practice nurse, or physician assistant that indicates: (1) the vaccine is medically contraindicated for a specific period of time; and (2) the reasons for the medical contraindication, which are to be based on a valid medical reason as determined by the Commissioner of Health (Commissioner) by regulation. The student will be exempt from the immunization requirement for the period of time indicated in the written statement.

In the case of a religious exemption, the bill requires the student or the student's parent or guardian, if the student is a minor, to submit documentation explaining how the administration of the vaccine conflicts with the bona fide religious tenets or practices of the student, parent, or guardian. A religious exemption may not be based on general philosophical or moral objections, and a religious exemption may be suspended by the Commissioner during an emergency as determined by the Commissioner. The bill requires the documentation for a religious exemption to specifically include a signed, notarized, and sworn written statement that includes:

- 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;

- 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;

-- a statement that the religious tenet or practice is not solely an expression of that person's political, sociological, philosophical, or moral views, or the person's concerns related to the safety or efficacy of the vaccination; and

-- a statement that the person understands the risks and benefits of vaccination to the student and to the public health, and acknowledges that the student may be excluded from attendance at the student's preschool, elementary or secondary school, or institution of higher education, as applicable, in the event of a threat or occurrence of a communicable disease or condition that, in the opinion of the Commissioner, requires unvaccinated students to be excluded from attendance.

The bill prohibits a preschool, elementary or secondary school, or institution of higher education from exempting 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 the bill.

The bill provides the Commissioner with expedited rulemaking authority in order to provide such guidance to school and public health authorities as they will need to implement its provisions on a timely basis.