

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3818

with Senate Floor Amendments
(Proposed by Senator WEINBERG)

ADOPTED: JANUARY 9, 2020

These Senate amendments codify language appearing in current regulations that provides that mandatory immunization requirements apply to public and private child care centers, elementary and secondary schools, and institutions of higher education. The amendments revise the title and synopsis of the bill to reflect these changes.

The amendments clarify that medical exemptions will be submitted using a standard form prescribed by the Commissioner of Health and are to include the authorizing professional's name and address, and the national provider identifier of the professional or the professional's collaborating physician.

The amendments remove a provision that would have allowed physician assistants to approve medical exemptions.

The amendments codify a requirement appearing in Department of Health regulations requiring that medical exemptions be consistent with Advisory Committee on Immunization Practices (ACIP) guidelines.

The amendments provide that medical exemptions may be reviewed and subject to approval by the physician employed by or consulting for the county or local board of health. Medical exemptions will also be subject to audit by county and local boards of health.

The amendments require records of medical exemptions to be included in the New Jersey Immunization Information System (NJIS), and that the NJIS be updated within one year after the effective date of the bill to include this information, and to include the capacity to generate printable records of information included in the registry.

The amendments provide that the statutory list of uses for the NJIS is nonexclusive.

The amendments remove a provision of current law providing that an agency, organization, or other entity authorized to access information in the NJIS may not use any report made by a health care provider in any punitive manner against the provider.

The amendments authorize an exemption from mandatory immunization requirements for a child or student who has a sibling who experienced a vaccine injury. To qualify for the exemption, the child or student will be required to submit to the Department of Health documentation of a final determination of vaccine injury issued through the Vaccine Injury Compensation Program administered by the Health Resources and Services Administration in the United States

Department of Health and Human Services or a final judgment issued by a court of competent jurisdiction that includes a finding of vaccine injury. Documentation of the department's approval of a sibling vaccine injury exemption will be submitted to the school or child care center by the child or student, or by the child or student's parent or guardian, if the child or student is a minor.

The amendments allow nonpublic child care centers, preschool programs, elementary and secondary schools, and institutions of higher education to adopt a policy authorizing the admission of children and students who are not in full compliance with mandatory immunization requirements and who do not meet the requirements for a medical or sibling vaccine injury exemption, provided that the facility requires each child or student enrolled in the child care center, preschool program, school, or institution of higher education, or the child's or student's parent or guardian if the child or student is a minor, to sign an acknowledgement form, at the time of enrollment, that sets forth the facility's policy with regard to admitting children or students who are not in full compliance with mandatory immunization requirements and indicates the immunization rates for the facility for the prior academic year.

The child care center, preschool program, school, or institution of higher education will additionally be required to prominently post its policy concerning the admission of children or students who are not fully immunized and the facility's immunization rates for the prior academic year at each entrance to the facility. The Commissioner of Health will be required to adopt rules and regulations concerning the format of acknowledgement forms used by nonpublic schools for this purpose.

A child or student who is not in compliance with mandatory immunization requirements who seeks to attend the child care center, preschool program, school, or institution of higher education will be required to provide the facility with written notice of which specific immunization requirements the child or student is not in compliance with and sign a form that states that the child or student, or the child or student's parent or guardian, as applicable, understands the risks and benefits of vaccination and acknowledges that the child or student may be excluded from attendance in the event of the occurrence of a communicable disease or condition or threat of a communicable disease or condition.

The amendments revise the effective date to provide the bill will take effect 180 days after the date of enactment, rather than immediately.