SYNOPSIS
Clarifies statutory exemptions from mandatory immunization requirements for child care center and school attendance.

CURRENT VERSION OF TEXT
As reported by the Senate Health, Human Services and Senior Citizens Committee on December 12, 2019, with amendments.
AN ACT concerning exemptions from mandatory *(immunizations for students)* immunization requirements* and amending *(P.L.1974, c.150, P.L.2002, c.58, and P.L.2003, c.284)* various parts of the statutory law*.

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 *children in a public or private licensed child care center, or* students in a *public or private preschool program, or* at an *elementary or secondary school* or *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 *, using a standard form as shall be prescribed by the Commissioner of Health, to the public or private child care center, preschool program, elementary or secondary school, or institution of higher education, as applicable, by a licensed physician, doctor of osteopathy, or advanced practice nurse *(or physician assistant indicating)* that includes: *(1) the professional’s full name and address, and the national provider identifier of the professional or the professional’s collaborating physician; and (2) a statement that the vaccine is medically contraindicated for a specific period of time and the reasons for the medical contraindication, *(based upon)* which shall be valid medical reasons *(as determined by regulation of the Commissioner of Health, which)* that are consistent with guidelines issued by the Advisory Committee on Immunization Practices in the federal Centers for Disease Prevention. A medical exemption submitted pursuant to this subsection may be reviewed and subject to approval by the physician employed by or consulting for the local or county board of health. A medical exemption approved pursuant to this subsection shall exempt the child or student, as applicable, 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

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:

*Senate SHH committee amendments adopted December 12, 2019.*
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[1]
. County and local boards of health shall have the authority to audit
medical exemptions approved pursuant to this subsection. Subject
to the provisions of subsection i. of section 4 of P.L.2004, c.138
(C.26:4-134), the professional issuing the statement shall
additionally enter the statement into the child’s or student’s record
in the New Jersey Immunization Information System established
pursuant to the P.L.2004, c.138 (C.26:4-131 et seq.)[1]
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b. [The documentation required pursuant to paragraph (2) of
subsection a. of this section shall include a written statement, which
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.

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

The Commissioner of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et 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:

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.


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

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

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.] P.L.2003, c.284 (C.18A:62-15.1) if the student qualifies for an exemption as provided in section 6 of P.L.1974, c.170 (C.26:1A-9.1).

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)

14. Section 4 of P.L.2004, c.138 (C.26:4-134) is amended to read as follows:

4. a. There is established a Statewide automated and electronic immunization registry, to be designated as the New Jersey Immunization Information System, in the Department of Health. The registry shall be designed to serve as a single repository of immunization records to aid, coordinate, and help promote effective and cost-efficient disease screening, prevention, and control efforts in the State.

b. A newborn infant in New Jersey, who is born on or after January 1, 1998, shall be enrolled in the registry immediately following birth unless the parent or legal guardian of the infant provides a written request to not participate in the registry.

A child born prior to January 1, 1998 may be enrolled in the registry at the parent's or legal guardian's written request.

c. Access to the information in the registry shall be limited to: health care providers, schools, colleges, licensed child care centers, and public agencies, and private organizations as determined by regulation of the commissioner. A registrant, or the registrant's parent or legal guardian if the registrant is a minor, shall have access to the registrant's immunization and other preventive health screening information in the registry.

d. The information contained in the registry shall be used for [the following] purposes including, but not limited to:
(1) to help ensure that registrants receive all recommended immunizations in a timely manner by providing access to the registrants' immunization records;

(2) to help improve immunization rates by providing notice to registrants of overdue or upcoming immunizations; and

(3) to help control communicable diseases by assisting in the identification of persons who require immediate immunization in the event of a vaccine-preventable disease outbreak.

e. The authentic immunization and other preventive health screening record of a child, which shall consist of a paper or electronic copy of the registry entry that is a true and accurate representation of the information contained therein, obtained from the registry shall be accepted as a valid immunization and preventive health screening record of the registrant for the purpose of meeting immunization and preventive health screening documentation requirements for admission to a school, college, or licensed child care center.

f. A health care provider shall not discriminate in any way against a person solely because the person elects not to participate in the registry.

g. [An authorized user granted access as provided in subsection c. of this section shall only access information in the registry on a specific patient or client who is presently receiving services, is under the user's care or is within the applicable governmental health authority's jurisdiction.] (deleted by amendment, P.L. ___, c. ___) (pending before the Legislature as this bill)

h. An agency, organization, or other entity authorized to access information in the registry shall not use any report made by a health care provider pursuant to this act in any punitive manner against the provider.

i. A record of an exemption from a mandatory immunization on the grounds of medical contraindication shall be included in the registry along with supporting documentation. Within one year after the effective date of P.L. ___, c. (C. ___) (pending before the Legislature as this bill), the registry shall be updated with the capability to allow for the inclusion in the registry of relevant forms provided by the Department of Health, including the form or equivalent information included in the form prescribed by the Commissioner of Health upon which a health care professional provides the reasons for the issuance of a medical exemption to a mandatory immunization, including the name, address, and national provider identifier of the health care professional responsible for completing the prescribed form.

Within one year after the effective date of P.L. ___, c. (C. ___) (pending before the Legislature as this bill), the registry shall be updated with the capability to allow for the generation of a printable
report of the information placed in the registry as required pursuant to this subsection.

The commissioner, in consultation with the Public Health Council, shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act, including, but not limited to:

1. The establishment and maintenance of the registry;
2. The methods for submitting, and the content of, reports of immunizations to the registry, for which purpose the commissioner shall provide, to the maximum extent practicable, for reporting options to facilitate compliance with the requirements of subsection b. of this section;
3. Procedures for the birth hospital of a newborn infant or health care provider, as applicable, to inform the parent or legal guardian of a newborn infant or minor of the purpose of the registry and its potential uses by parties having authorized access to registry information, and the content of that information;
4. Procedures for a registrant, or the registrant's parent or legal guardian if the registrant is a minor, to review and correct information contained in the registry;
5. Procedures for the parent or legal guardian of a newborn infant or minor, or a person over 18 years of age, to request to not participate in the registry at any time and to remove or inactivate information from the registry;
6. Limits on, and methods of, access to the registry by those authorized pursuant to subsection c. of this section;
7. Procedures for health insurers to obtain immunization information from the registry concerning only their covered persons, as well as summary statistics, which information or statistics shall not be used or disclosed for any other purpose than:
   a. Improve patient care;
   b. Provide quality assurance to employers purchasing group coverage and to health care providers;
   c. Improve outreach and education efforts with respect to their covered persons and health care providers; and
   d. Monitor and improve quality of care standards as developed by professional organizations, accreditation agencies and government agencies in collaboration with the department; and
   e. Procedures for the department to disseminate statistical information and supporting commentary. ²
(cf: P.L.2012, c.17, s.340)

5. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read as follows:
   a. The department shall have responsibility and authority to license and inspect child care centers. The commissioner shall
promulgate rules and regulations for the operation and maintenance
of child care centers which shall prescribe standards governing the
safety and adequacy of the physical plant or facilities; the
education, health, safety, general well-being and physical and
intellectual development of the children; the quality and quantity of
food served; the number of staff and the qualifications of each staff
member; the implementation of a developmentally appropriate
program; the maintenance and confidentiality of records and
furnishing of required information; the transportation of children;
and the administration of the center. The commissioner shall also
promulgate rules and regulations for license application, issuance,
renewal, expiration, denial, suspension and revocation. In
developing, revising or amending such rules and regulations, the
commissioner shall consult with the Child Care Advisory Council
created pursuant to section 14 of P.L.1983, c.492 (C.30:5B-14), and
with other appropriate administrative officers and agencies,
including the Departments of Health and Senior Services,
Education, Labor, Community Affairs and the Division of Motor
Vehicles giving due weight to their recommendations. The rules
and regulations promulgated pursuant to this act shall be adopted
and amended in accordance with the "Administrative Procedure
b. The department shall conduct an on site facility inspection
and shall evaluate the program of the child care center to determine
whether the center complies with the provisions of this act.
c. Any rule or regulation involving physical examination [,
immunization] or medical treatment other than immunization shall
include an appropriate exemption for any child whose parent or
parents object thereto on the ground that it conflicts with the tenets
and practice of a recognized church or religious denomination of
which the parent or child is an adherent or member.
d. The department shall have the authority to inspect and
examine the physical plant or facilities of a child care center and to
inspect all documents, records, files or other data maintained
pursuant to this act during normal operating hours and without prior
notice.
e. The department shall request the appropriate State and local
fire, health and building officials to conduct examinations and
inspections to determine compliance with State and local
ordinances, codes and regulations by a child care center. The
inspections shall be conducted and the results reported to the
department within 60 days after the request.
f. Nothing in this act shall be interpreted to permit the adoption
of any code or standard which exceeds the standards established
pursuant to the "State Uniform Construction Code Act," P.L.1975,
c.217 (C.52:27D-119 et seq.).
g. Any rules and regulations adopted by the department
pursuant to this act prescribing standards governing the safety and
adequacy of the physical plant or facilities of child care centers shall not apply to a child care center operated by a nonprofit organization in a public school building used as a public school.¹
(cf: P.L.2000, c.122, s.2)

¹ This act shall take effect 180 days after the date of enactment¹.