

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2173

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2019

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2173.

This bill revises the requirements concerning exemptions from mandatory student immunization requirements.

Under the bill as amended, provisions in the State Sanitary Code, or provisions otherwise set forth in statute or regulation, which require the immunization of children in public or private licensed child care centers and students at public or private elementary or secondary schools and institutions of higher education, are to provide for an exemption from the mandatory immunization requirements based upon a statement submitted to the child care center, elementary or secondary school, or institution of higher education, as applicable, using a standard form designated by the Department of Health by a licensed physician, doctor of osteopathy, or advanced practice nurse indicating: (1) that the vaccine is medically contraindicated for a specific period of time; (2) the professional's full name, address, and national provider identifier (or the national provider identifier of the professional's collaborating physician); and (3) the reasons for the medical contraindication, which are to be valid medical reasons consistent with guidelines issued by the Advisory Committee on Immunization Practices (ACIP) in the federal Centers for Disease Control and Prevention. The child or student will be exempt from receiving the indicated vaccination for the stated period of time.

Medical exemptions may be subject to review and approval by a physician employed by or consulting for the county or local board of health, and may be audited by county and local boards of health.

Approved medical exemptions will be forwarded for inclusion in the New Jersey Immunization Information System (NJIS). The amended bill requires the NJIS to be updated within one year from the effective date of the bill to allow for the inclusion of medical exemption information, and to allow for a printable report of information included in the registry.

As amended, the bill prohibits a child care center, elementary or secondary school, or institution of higher education from exempting a child or student 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 the bill.

The amended bill provides that the current statutory list of uses for the NJIIS is nonexclusive.

The amended bill removes a provision of current law that restricted access to information in the NJIIS to an authorized user who is currently providing services to a patient or client.

The bill provides the Commissioner of Health with expedited rulemaking authority in order to provide guidance to child care centers, schools, and public health authorities as they will need to implement its provisions on a timely basis.

The provisions of the bill will take effect 180 days after the date of enactment.

COMMITTEE AMENDMENTS:

The committee 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 committee amendments revise the title and synopsis of the bill to reflect these changes.

The committee amendments delete a statutory provision that authorizes a religious exemption from mandatory immunization requirements for school students and children in licensed child care centers, along with language in the bill that would have established additional requirements to obtain a religious exemption.

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

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

The committee amendments remove a provision of current law restricting access to information in the NJIS to authorized users who are currently providing services to a patient or client.

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