

ASSEMBLY, No. 4576

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 25, 2020

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

SYNOPSIS

Requires students and certain other children to be annually vaccinated for influenza as condition of enrollment at public and private K-12 schools, preschools, child care centers, and institutions of higher education.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning the annual vaccination of students and certain
2 other children for influenza and supplementing Title 18A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares the following:

9 a. In March 2020, Governor Murphy issued Executive Order
10 No. 103, which declared both a public health emergency and a state
11 of emergency in New Jersey in response to the novel coronavirus
12 disease 2019 (COVID-19).

13 b. COVID-19 is a newly discovered and highly contagious
14 pandemic-level disease that has spread quickly throughout the
15 world, nation, and State, and against which humans have no natural
16 immunity.

17 c. COVID-19 affects persons of all ages and ethnicities,
18 particularly those persons who have other underlying health
19 conditions, and it can result either in death or in severe illness that
20 necessitates long-term hospitalization, intensive care, and ventilator
21 support.

22 d. COVID-19 is associated with a wide range of symptoms,
23 including, but not limited to, fever, cough, difficulty breathing,
24 chills, sudden loss of smell or taste, nausea, vomiting, and diarrhea.

25 e. Influenza is an annually recurring seasonal disease, which
26 shares many of the same symptoms as, and can be confused for,
27 COVID-19.

28 f. A person may become simultaneously infected with both
29 COVID-19 and influenza, which may not only cause the person to
30 experience more severe symptoms, but may also cause problems
31 both for health care providers, in relation to their ability to provide
32 the patient with an accurate diagnosis and appropriate treatment,
33 and for administrators of public and private K-12 schools,
34 preschools, child care centers, and institutions of higher education
35 in relation to their ability to identify and appropriately respond to
36 outbreaks occurring at those institutions.

37 g. The vaccination of children and students for influenza will
38 significantly reduce the number of children and students in the State
39 who experience severe flu symptoms or a severe combination of flu
40 and COVID-19 symptoms, will help reduce competition among flu
41 and COVID-19 patients for similar medical resources, and will
42 result in fewer emergency department visits and hospitalizations
43 related to influenza, thereby enabling the State to preserve its
44 hospital capacity and emergency and intensive care resources for
45 patients who are infected with COVID-19 or other severe diseases
46 and ailments.

1 h. Preschools, child care centers, and K-12 schools, where
2 children come into close contact with and freely mingle with each
3 other and with adult faculty and staff members, and institutions of
4 higher education, where students often live in communal settings
5 and come into close contact with thousands of other students,
6 faculty, and other staff in dormitories, lecture halls, sports arenas,
7 and other large, on-campus venues, are the types of institutions that
8 may facilitate the quick and uncontrollable spread of COVID-19;
9 however, because these institutions operate during flu season, it
10 may be difficult for these institutions and for health care officials to
11 quickly determine, for the purposes of implementing preventative
12 and responsive measures, whether an outbreak of illness at the
13 institution is occurring as a result of the spread of COVID-19 or
14 influenza.

15 i. The vaccination of children and students for influenza will
16 make it easier for K-12 schools, preschools, child care centers, and
17 institutions of higher education to identify enrolled students and
18 children who may be showing signs of COVID-19 infection,
19 thereby enabling these institutions to more promptly distinguish
20 whether a COVID-19 or influenza outbreak is occurring at the
21 institution.

22 j. Children attending public or private K-12 schools, child care
23 centers, and preschools in New Jersey are currently required to be
24 vaccinated for various contagious and dangerous diseases, including
25 diphtheria, hepatitis B, measles, meningitis, mumps, pertussis,
26 pneumococcal disease, polio, rubella, tetanus, and varicella, as a
27 condition of attendance at the institution, and students of higher
28 education are required to verify their receipt of these vaccinations
29 as a condition of their attendance at an institute of higher education.

30 k. Although children in New Jersey who are between six and
31 59 months of age and are attending a child care center or preschool
32 facility are also required by the State Sanitary Code to receive an
33 annual vaccination for influenza, this requirement is not codified in
34 the statutory law.

35 l. Given the severe, unprecedented, and unpredictable nature
36 of COVID-19, the fact that there is currently no vaccine or
37 preventative treatment for COVID-19, the commonalities that exist
38 between COVID-19 and influenza, the fact that a person may
39 simultaneously be infected with both diseases, the fact that patients
40 with influenza will compete with COVID-19 patients and other
41 severely ill patients for hospital space and resources, and the unique
42 characteristics that make preschools, child care centers, K-12
43 schools, and institutions of higher education susceptible to
44 outbreaks, it is both reasonable and necessary for the Legislature to
45 require children and students of all ages to be annually vaccinated
46 for influenza, as a condition of their enrollment and continued
47 attendance at a public or private K-12 school, preschool, child care
48 center, or institution of higher education.

1 2. a. The Commissioner of Health shall require each child in
2 the State to annually receive a vaccination for influenza as a
3 condition of the child's enrollment and continued attendance at a
4 public or private K-12 school, preschool, or child care center.

5 b. Commencing with the 2020-2021 school year:

6 (1) a principal, director, or other person in charge of a public or
7 private school in this State shall not knowingly admit or retain in
8 grades K through 12 a child whose parent or guardian has failed to
9 submit acceptable evidence, by December 31 of the relevant school
10 year, showing that the child has received an annual vaccination for
11 influenza as required by this section; and

12 (2) an executive director, administrator, or other person in
13 charge of a preschool or child care center shall not knowingly admit
14 or retain in the preschool or child care center a child whose parent
15 or guardian has failed to submit acceptable evidence, by December
16 31 of the relevant school year, showing that the child has received
17 an annual vaccination for influenza as required by this section.

18 c. A child shall not be required to receive a vaccination
19 pursuant to this section if:

20 (1) a written statement is submitted to the K-12 school,
21 preschool, or child care center, as applicable, by a licensed
22 physician indicating that the vaccine is medically contraindicated
23 for a specific period of time and the reasons for the medical
24 contraindication, which shall be valid medical reasons as
25 determined by regulation of the commissioner. Such statement
26 shall exempt the child from the vaccination for the period of time
27 stated therein; or

28 (2) a written statement is submitted to the K-12 school,
29 preschool, or child care center, as applicable, by the student or, if
30 the student is a minor child, by the student's parent or guardian,
31 explaining how the administration of the vaccine conflicts with the
32 bona fide religious tenets or practices of the student or the student's
33 parent or guardian, as the case may be, except that a general
34 philosophical or moral objection to the vaccination shall not be
35 sufficient for an exemption on religious grounds.

36
37 3. a. The Commissioner of Health shall require each student
38 who is enrolled in a program leading to an academic degree at a
39 public or private institution of higher education in this State to
40 annually receive a vaccination for influenza as a condition of the
41 student's enrollment and continued attendance at the institution.

42 b. Commencing with the 2020-2021 school year, an
43 administrator or other person in charge of an institution of higher
44 education in this State shall not knowingly admit or retain a student
45 who has not submitted acceptable evidence, by December 31 of the
46 relevant school year, showing that the student has received an
47 annual vaccination for influenza as required by this section.

1 c. A student of higher education shall not be required to
2 receive a vaccination pursuant to this section if:

3 (1) a written statement is submitted to the institution of higher
4 education by a licensed physician indicating that the vaccine is
5 medically contraindicated for a specific period of time and the
6 reasons for the medical contraindication, which shall be valid
7 medical reasons as determined by regulation of the commissioner.
8 Such statement shall exempt the student from the vaccination for
9 the period of time stated therein; or

10 (2) a written statement is submitted to the institution of higher
11 education by the student or, if the student is a minor, by the
12 student's parent or guardian explaining how the administration of
13 the vaccine conflicts with the bona fide religious tenets or practices
14 of the student, or of the parent or guardian, as the case may be,
15 except that a general philosophical or moral objection to the
16 vaccination shall not be sufficient for an exemption on religious
17 grounds.

18

19 4. The Commissioner of Health shall adopt rules and
20 regulations, pursuant to the "Administrative Procedure Act,"
21 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
22 implement the provisions of this act.

23

24 5. This act shall take effect immediately.

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26

27

STATEMENT

28

29 This bill requires students who attend a public or private K-12
30 school, preschool, child care center, or institution of higher
31 education to be annually vaccinated for influenza as a condition of
32 enrollment and continued attendance at the school or center.

33 Commencing with the 2020-2021 school year:

34 1) a principal, director, or other person in charge of a public or
35 private school in this State will be prohibited from knowingly
36 admitting or retaining in grades K through 12 a child whose parent
37 or guardian has not submitted acceptable evidence, by December 31
38 of the relevant school year, showing that the child has received an
39 annual vaccination for influenza;

40 2) an executive director, administrator, or other person in
41 charge of a preschool or child care center will be prohibited from
42 knowingly admitting or retaining in the preschool or child care
43 center a child whose parent or guardian has not submitted
44 acceptable evidence, by December 31 of the relevant school year,
45 showing that the child has received an annual vaccination for
46 influenza; and

47 3) an administrator or other person in charge of an institution of
48 higher education in this State will be prohibited from knowingly

1 admitting or retaining a student who has not submitted acceptable
2 evidence, by December 31 of the relevant school year, showing that
3 the student has received an annual vaccination for influenza.

4 Consistent with existing laws pertaining to the mandatory
5 vaccination of children and students, the bill would provide that a
6 child or student will be exempt from the bill's vaccination
7 requirements if:

8 1) a written statement is submitted to the K-12 school,
9 preschool, child care center, or institution of higher education by a
10 licensed physician indicating that the vaccine is medically
11 contraindicated for a specific period of time and the reasons for the
12 medical contraindication, which are to be valid medical reasons as
13 determined by regulation of the commissioner. Such statement will
14 exempt the child or student from the vaccination for the period of
15 time stated therein; or

16 2) a written statement is submitted to the K-12 school,
17 preschool, or child care center by the child's or student's parent or
18 guardian, if the child or student is a minor, or by the student, if the
19 student is 18 years of age or older, explaining how the
20 administration of the vaccine conflicts with the bona fide religious
21 tenets or practices of the child or student, or of the parent or
22 guardian, as the case may be, except that a general philosophical or
23 moral objection to the vaccination will not be sufficient for an
24 exemption to be granted on religious grounds.

25 Children attending public or private K-12 schools, child care
26 centers, and preschools in New Jersey are already required by
27 existing law to be vaccinated for various contagious and dangerous
28 diseases, including diphtheria, hepatitis B, measles, meningitis,
29 mumps, pertussis, pneumococcal disease, polio, rubella, tetanus,
30 and varicella, as a condition of attendance at the institution.
31 Students of higher education are further required to verify their
32 receipt of these vaccinations as a condition of their attendance at an
33 institute of higher education. Although children in New Jersey who
34 are between six and 59 months of age and who are attending a
35 child-care center or preschool facility are additionally required by
36 the State Sanitary Code to receive an annual vaccination for
37 influenza, this requirement is not codified in the statutory law.

38 In March 2020, Governor Murphy issued Executive Order No.
39 103, which declared a public health emergency and state of
40 emergency in New Jersey in response to the coronavirus disease
41 2019 (COVID-19). COVID-19 is a newly discovered and highly
42 contagious pandemic-level disease that has spread quickly
43 throughout the world, nation, and State, and against which humans
44 have no natural immunity. It is associated with a wide range of
45 symptoms, including, but not limited to, fever, cough, difficulty
46 breathing, chills, sudden loss of smell or taste, nausea, vomiting,
47 and diarrhea, many of which overlap with the symptoms of seasonal
48 influenza. It is also possible for a person to become simultaneously

1 infected with both COVID-19 and influenza, which may not only
2 cause the person to experience more severe symptoms, but may also
3 cause problems both for health care providers, in relation to their
4 ability to provide the patient with an accurate diagnosis and
5 appropriate treatment, and for administrators of schools, preschools,
6 and child care centers, in relation to their ability to identify and
7 appropriately respond to outbreaks occurring at those institutions.

8 The vaccination of children and students for influenza will
9 significantly reduce the number of children and students in the State
10 who experience severe flu symptoms or a severe combination of flu
11 and COVID-19 symptoms, will help reduce competition among flu
12 and COVID-19 patients for similar medical resources, and will
13 result in fewer emergency department visits and hospitalizations
14 related to influenza, thereby enabling the State to preserve its
15 hospital capacity and emergency and intensive care resources for
16 patients who are infected with COVID-19 or other severe diseases
17 and ailments.

18 Preschools, child care centers, and K-12 schools, where children
19 come into close contact with and freely mingle with each other and
20 adult faculty and staff members, and institutions of higher
21 education, where students often live in communal settings and come
22 into close contact with thousands of other students, faculty, and
23 other staff in dormitories, lecture halls, sports arenas, and other
24 large, on-campus venues, are the types of institutions that may
25 facilitate the quick and uncontrollable spread of COVID-19;
26 however, because these institutions operate during flu season, it
27 may be difficult for these institutions and for health care officials to
28 quickly determine, for the purposes of implementing preventative
29 and responsive measures, whether an outbreak of illness at the
30 institution is occurring as a result of the spread of COVID-19 or
31 influenza. By requiring the vaccination of children and students for
32 influenza, the State can make it easier for these institutions to
33 identify which children or students, if any, are showing signs of
34 COVID-19 infection.

35 Because of the severe, unprecedented, and unpredictable nature
36 of COVID-19, the fact that there is currently no vaccine or
37 preventative treatment for COVID-19, the commonalities that exist
38 between COVID-19 and influenza, the fact that a person may
39 simultaneously be infected with both diseases, the fact that patients
40 with influenza will compete with COVID-19 patients and other
41 severely ill patients for hospital space and resources, and the unique
42 characteristics of public and private K-12 schools, preschools, child
43 care centers, and institutions of higher education, it is both
44 reasonable and necessary for the Legislature to require children and
45 students at these institutions to be annually vaccinated for
46 influenza, as a condition of their continued enrollment and
47 attendance at the institution, in each year going forward.