

**SENATE, No. 2907**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**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.



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.

47 h. Preschools, child care centers, and K-12 schools, where  
48 children come into close contact with and freely mingle with each

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

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

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

28 k. Although children in New Jersey who are between six and  
29 59 months of age and are attending a child care center or preschool  
30 facility are also required by the State Sanitary Code to receive an  
31 annual vaccination for influenza, this requirement is not codified in  
32 the statutory law.

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

**S2907 VITALE**

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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#### 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.