

ASSEMBLY, No. 138

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman JONES

1 AN ACT concerning childhood immunizations, amending P.L.1986,
2 c.134 and supplementing chapter 40 of Title 18A of the New Jersey
3 Statutes.

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

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8 1. Section 1 of P.L.1986, c.134 (C.26:2N-1) is amended to read as
9 follows:

10 1. For the purposes of this act:

11 a. "Commissioner" means the Commissioner of Health.

12 b. "Department" means the [State] Department of Health.

13 c. "Health care provider" means any licensed health care
14 professional or public or private health care facility in this State that
15 administers [pertussis] a vaccine.

16 d. "Major adverse reaction" means collapse or shock, high pitched
17 screaming, persistent crying for three or more hours, excessive
18 somnolence (sleepiness), temperature of 105°, convulsions with or
19 without accompanying fever or severe alterations of consciousness or
20 any serious illness, disability or impairment of mental, emotional,
21 behavioral or physical functioning or development, the first
22 manifestation of which appears within 30 days of the date of
23 administration of [pertussis] a vaccine, and for which there is
24 reasonable scientific or medical evidence that [pertussis] the vaccine
25 causes or significantly contributes to the illness, disability or
26 impairment; or any other reaction which the department determines,
27 by regulation, is a basis for not administering [pertussis] the vaccine.

28 e. "[Pertussis vaccine" means any vaccine containing a substance
29 intended to prevent the occurrence of pertussis, which is administered
30 separately or in conjunction with other substances intended to prevent
31 the occurrence of other diseases] "Vaccine" means a vaccine which is
32 administered to a child to immunize the child against one or more

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 diseases as required by the Public Health Council pursuant to section
2 7 of P.L.1947, c.177 (C.26:1A-7), or administration of which may be
3 recommended by the department.

4 (cf: P.L.1986, c.134, s.1)

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6 2. Section 2 of P.L.1986, c.134 (C.26:2N-2) is amended to read as
7 follows:

8 2. The commissioner shall prepare and make available to all health
9 care providers in the State and parents and guardians[, upon request,]a
10 pamphlet which explains the benefits and possible adverse reactions to
11 child immunizations [for pertussis]. This pamphlet may contain any
12 information which the commissioner deems necessary and may be
13 revised by the department whenever new information concerning these
14 immunizations becomes available. The pamphlet shall include the
15 following information:

16 a. A list of the immunizations required for admission to a public or
17 private school in the State, and a summary of the exemptions from the
18 immunization requirements which are permitted under section 4 of
19 P.L.1986, c.134 (C.26:2N-4);

20 b. Specific information regarding [the pertussis] a vaccine which
21 includes:

22 (1) [The] information about the demonstrated efficacy of the
23 vaccine in preventing the disease which it is intended to prevent, and
24 the circumstances under which [pertussis] the vaccine should not be
25 administered or should be delayed, including the categories of persons
26 who are significantly more vulnerable to major adverse reactions than
27 are members of the general population;

28 (2) Possible adverse reactions to [pertussis] the vaccine and the
29 early warning signs or symptoms that may be precursors to a major
30 adverse reaction which, upon occurrence, should be brought to the
31 immediate attention of the health care provider who administered the
32 vaccine;

33 (3) A form that the parent or guardian may use to monitor
34 symptoms of a possible adverse reaction and which includes places
35 where the parent or guardian can record information about the
36 symptoms that will assist the health care provider; and

37 (4) Measures that a parent or guardian should take to reduce the
38 risk of, or to respond to, a major adverse reaction including
39 identification of who should be notified of the reaction and when the
40 notification should be made.

41 The commissioner shall prepare the pamphlet in consultation with
42 the Medical Society of New Jersey and the University of Medicine and
43 Dentistry of New Jersey and shall adopt by regulation the information
44 contained in the pamphlet, pursuant to the "Administrative Procedure
45 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

46 (cf: P.L.1986, c.134, s.2)

1 3. Section 3 of P.L.1986, c.134 (C.26:2N-3) is amended to read as
2 follows:

3 3. Prior to administering a [pertussis] vaccine to a child in this
4 State, a health care provider shall give the child's parent or guardian
5 a copy of the pamphlet prepared pursuant to section 2 of this act and
6 provide the parent or guardian with a reasonable opportunity to read,
7 consider, and ask questions of the health care provider regarding, the
8 contents of the pamphlet. As used in this section, "reasonable
9 opportunity" means a period of at least seven days between the date
10 of receipt of the pamphlet by the parent or guardian and the date that
11 the vaccine is administered to the child.

12 (cf: P.L.1986, c.134, s.3)

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14 4. Section 4 of P.L.1986, c.134 (C.26:2N-4) is amended to read as
15 follows:

16 4. A child shall not be required to receive a [pertussis] vaccine as
17 a condition for admission to a public or private school if:

18 a. the child's health care provider states in writing that the vaccine
19 is medically contraindicated pursuant to subsection b. (1) of section 2
20 of this act and the reasons for the medical [contradictions]
21 contraindications; or

22 b. the child's parent or guardian states in writing that the
23 administration of the vaccine conflicts with the religious tenets or
24 practices of, or the philosophical principles adhered to, by the parent
25 or guardian.

26 (cf: P.L.1986, c.134, s.4)

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28 5. Section 5 of P.L.1986, c.134 (C.26:2N-5) is amended to read as
29 follows:

30 5. a. Upon administering a [pertussis] vaccine to a child in this
31 State, a health care provider shall record and retain as part of the
32 child's permanent health record the date the vaccine was administered,
33 the manufacturer, a lot number and any other available identifying
34 information of the vaccine that was administered, and the name and
35 title of the health care provider who administered the vaccine.

36 b. The health care provider shall make the information concerning
37 the vaccine available to the child's parent or guardian, upon request.

38 (cf: P.L.1986, c.134, s.5)

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40 6. Section 6 of P.L.1986, c.134 (C.26:2N-6) is amended to read as
41 follows:

42 6. a. If the health care provider has reason to believe that the
43 recipient of the [pertussis] vaccine has had a major adverse reaction,
44 the health care provider shall immediately record all relevant
45 information in the child's permanent medical record and shall report
46 the information, including the manufacturer and the lot number, to the

1 department within seven days.

2 b. Upon receipt of the information, the department shall
3 immediately notify the manufacturer of the vaccine and the [Center]
4 Centers for Disease Control and Prevention of the adverse reaction.
5 (cf: P.L.1988, c.128, s.1)

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7 7. (New section) A board of education shall include with any list
8 of immunizations required for admission to school which the board
9 publishes or distributes, a summary of the exemptions from the
10 immunization requirements which are permitted under section 4 of
11 P.L.1986, c.134 (C.26:2N-4).

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13 8. This bill shall take effect on the 180th day after its enactment.

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STATEMENT

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18 This bill amends P.L.1986, c.134 (C.26:2N-1 et seq.), which
19 establishes requirements governing the administration of pertussis
20 (whooping cough) vaccine in New Jersey, to expand its provisions to
21 cover other childhood immunizations required or recommended by the
22 Department of Health, such as those for diphtheria, tetanus, measles,
23 rubella, polio and mumps.

24 The bill would require that the Commissioner of Health prepare and
25 make available to all health care providers and parents and guardians
26 a pamphlet which explains the benefits and possible adverse reactions
27 to childhood immunizations, and that at least seven days prior to the
28 date scheduled for administering a vaccine to a child, a health care
29 provider shall give the child's parent or guardian a copy of the
30 pamphlet and provide the parent or guardian with an opportunity to
31 read, consider, and ask questions of the provider regarding the
32 contents of the pamphlet. Currently, under section 2 of P.L.1986,
33 c.134 (C.26:2N-2), the Department of Health prepares such a
34 pamphlet only for pertussis, which is given to parents or guardians
35 only upon their request, without a stipulated waiting period before the
36 vaccine is administered to the child.

37 The bill also permits a child to be exempted from an immunization
38 required for admission to school if the child's parent or guardian states
39 in writing that the administration of the vaccine conflicts with the
40 religious tenets or practices of, or the philosophical principles adhered
41 to, by the parent or guardian. Under current Department of Health
42 regulations, exemptions are permitted only on medical or religious
43 grounds.

44 In addition, the bill requires that the pamphlet prepared by the
45 Department of Health under section 2 of P.L.1986, c.134 (C.26:2N-2)
46 contain a summary of the exemptions from the immunization

1 requirements which would be permitted under this bill, and that each
2 local board of education include with any list of immunizations
3 required for admission to school which the board publishes or
4 distributes, a summary of these exemptions as well.

5 This bill is intended to give parents and guardians additional
6 information about the vaccines that are mandated for their children by
7 the State, so that they can make informed choices while weighing the
8 potential benefits and risks of immunization for the child.

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13 Establishes certain requirements regarding childhood immunizations.