

# ASSEMBLY, No. 1931

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**SYNOPSIS**

Clarifies statutory exemptions from mandatory immunizations for students.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning exemptions from mandatory immunizations for  
2 students and amending P.L.1974, c.170 and P.L.2002, c.58.

3

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

6

7 1. Section 6 of P.L.1974, 170 (C.26:1A-9.1) is amended to read  
8 as follows:

9 6. Provisions in the State Sanitary Code in implementation of  
10 **[this act]** P.L.1947, c.177 (C.26:1A-1 et seq.), or provisions  
11 otherwise set forth in statute or regulation, which require the  
12 immunization of students at an elementary or secondary school or  
13 an institution of higher education, shall provide for an exemption  
14 **[for pupils]** from such mandatory immunization **[if the parent or**  
15 **guardian of the pupil objects thereto in a written statement signed**  
16 **by the parent or guardian upon the ground that the proposed**  
17 **immunization interferes with the free exercise of the pupil's**  
18 **religious rights. This exemption]** based upon one of the following:

19 a. a written statement submitted to the elementary or secondary  
20 school or the institution of higher education, as applicable, by a  
21 licensed physician indicating that the vaccine is medically  
22 contraindicated for a specific period of time and the reasons for the  
23 medical contraindication, based upon valid medical reasons as  
24 determined by regulation of the Commissioner of Health and Senior  
25 Services, which shall exempt the student from the vaccination for  
26 the stated period of time; or

27 b. a written statement submitted to the elementary or secondary  
28 school or the institution of higher education, as applicable, by the  
29 student, or the student's parent or guardian if the student is a minor,  
30 explaining how the administration of the vaccine conflicts with the  
31 bona fide religious tenets or practices of the student, or the parent or  
32 guardian, as appropriate; except that: a general philosophical or  
33 moral objection to the vaccination shall not be sufficient for an  
34 exemption on religious grounds; and an exemption on religious  
35 grounds may be suspended by the [State] Commissioner of Health  
36 and Senior Services during the existence of an emergency as  
37 determined by the [State Commissioner of Health] commissioner.

38 (cf: P.L.1974, c.150, s.6)

39

40 2. Section 4 of P.L.2002, c.58 (C.18A:61D-10) is amended to  
41 read as follows:

42 4. A student shall not be required to receive a vaccination  
43 pursuant to section 2 or 3 of **[this act based upon one of the**  
44 **following:**

**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.**

1 a. a written statement submitted to the secondary school or  
2 institution of higher education, as applicable, by a licensed  
3 physician indicating that the vaccine is medically contraindicated  
4 for a specific period of time and the reasons for the medical  
5 contraindication, based upon valid medical reasons as determined  
6 by regulation of the Commissioner of Health and Senior Services,  
7 which shall exempt the student from the vaccination for the stated  
8 period of time; or

9 b. a written statement submitted to the secondary school or  
10 institution of higher education, as applicable, by the student, or the  
11 student's parent or guardian if the student is a minor, explaining  
12 how the administration of the vaccine conflicts with the bona fide  
13 religious tenets or practices of the student, or the parent or guardian,  
14 as appropriate; except that a general philosophical or moral  
15 objection to the vaccination shall not be sufficient for an exemption  
16 on religious grounds] P.L.2002, c.58 (C.18A:61D-9 or C.18A:40-  
17 21.1) if the student qualifies for an exemption as provided in section  
18 6 of P.L.1974, 170 (C.26:1A-9.1).

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

20  
21 3. This act shall take effect immediately.

#### 22 23 24 STATEMENT

25  
26 The purpose of this bill is to provide statutory clarification for  
27 the State policy governing exemptions from immunizations of  
28 students that are mandated by the Commissioner of Health and  
29 Senior Services by regulation or otherwise required by law.

30 The bill stipulates that provisions in the State Sanitary Code, or  
31 provisions otherwise set forth in statute or regulation, which require  
32 the immunization of students at an elementary or secondary school  
33 or an institution of higher education, are to provide for an  
34 exemption from such mandatory immunization based upon one of  
35 the following:

- 36 • a written statement submitted to the elementary or secondary  
37 school or the institution of higher education, as applicable, by a  
38 licensed physician indicating that the vaccine is medically  
39 contraindicated for a specific period of time and the reasons for  
40 the medical contraindication, based upon valid medical reasons as  
41 determined by regulation of the Commissioner of Health and  
42 Senior Services, which is to exempt the student from the  
43 vaccination for the stated period of time; or
- 44 • a written statement submitted to the elementary or secondary  
45 school or the institution of higher education, as applicable, by the  
46 student, or the student's parent or guardian if the student is a  
47 minor, explaining how the administration of the vaccine conflicts

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1 with the bona fide religious tenets or practices of the student, or  
2 the parent or guardian, as appropriate; except that: a general  
3 philosophical or moral objection to the vaccination is not  
4 sufficient for an exemption on religious grounds; and an  
5 exemption on religious grounds may be suspended by the  
6 Commissioner of Health and Senior Services during the existence  
7 of an emergency as determined by the commissioner.

8 The bill incorporates within section 6 of P.L.1974, 170  
9 (C.26:1A-9.1) the language governing exemptions from mandatory  
10 immunizations against hepatitis B for students in high school and at  
11 institutions of higher education, which is set forth in section 4 of  
12 P.L.2002, c.58 (C.18A:61D-10), so as to apply these exemption  
13 provisions to all mandatory immunizations of students in  
14 elementary and secondary schools and at colleges and universities  
15 in New Jersey. This will provide for a clear and consistent  
16 regulatory approach to the issue of permitting exemptions from  
17 required vaccinations for all students at any educational level in the  
18 State, and will do so in a way that protects the children of New  
19 Jersey, and those with whom they come in contact, against serious  
20 communicable diseases, while allowing for appropriate exemptions  
21 based upon valid medical reasons and genuine religious objections.