

ASSEMBLY, No. 520

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblywoman HOLLY SCHEPISI

District 39 (Bergen and Passaic)

SYNOPSIS

Exempts child under age six from hepatitis B vaccine requirement if child's mother tested negative for hepatitis B during her pregnancy.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the hepatitis B vaccine and supplementing Title
2 26 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. Regulations adopted by the Commissioner of Health and
9 Senior Services, as set forth at N.J.A.C.8:57-4.16, require that every
10 child born on or after January 1, 1990, receive three doses of
11 hepatitis B vaccine, or any vaccine combination containing hepatitis
12 B virus, prior to school entry into a kindergarten through grade 12,
13 or a comparable age-level special education program with an
14 unassigned grade;

15 b. The vast majority of newborns and other young children are
16 not at risk for hepatitis B, because that disease is typically
17 transmitted by a contaminated needle, sexual activity with an
18 infected partner, or an infected mother;

19 c. It is more cost effective to analyze the mother's hepatitis B
20 status before administering the hepatitis B vaccine to a young child;

21 d. There is a high number of adverse reactions from hepatitis B
22 vaccinations, according to the federal Vaccine Adverse Event
23 Reporting System co-sponsored by the federal Centers for Disease
24 Control and Prevention and the federal Food and Drug
25 Administration;

26 e. A study published in the Annals of Epidemiology in 2009
27 found that infant boys more than tripled their risk for an autism
28 spectrum disorder after receiving a hepatitis B vaccination;

29 f. The website, GreenMedInfo.com, reports 44 articles, which,
30 in the aggregate, list 60 diseases or adverse unintended
31 consequences associated with receipt of the hepatitis B vaccine,
32 including: anaphylactic shock and death in infants, multiple
33 sclerosis, chronic arthritis, autism spectrum disorder, and diabetes,
34 among others; and

35 g. Newborn children generally receive the hepatitis B vaccine
36 before the mother and child have been discharged from the hospital
37 after the mother has given birth; however, in view of the risks to the
38 newborn child from receiving the vaccine and since pregnant
39 women are routinely screened for hepatitis B during their last
40 trimester of pregnancy, a negative test result for the mother should
41 constitute grounds for exempting her newborn child from the
42 hepatitis B vaccine required pursuant to N.J.A.C.8:57-4.16.

43

44 2. a. Notwithstanding the provisions of any other law or
45 regulation to the contrary, a child under six years of age shall not be
46 required to receive the hepatitis B vaccine as a condition of
47 attending school or a special education program if documented
48 evidence is furnished to the school or program that the child's

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1 mother tested negative for hepatitis B during the third trimester of
2 her pregnancy.

3 b. (1) A child who has not received the hepatitis B vaccine
4 pursuant to subsection a. of this section shall, upon reaching six
5 years of age, be examined by a physician to determine the child's
6 need to receive the vaccine.

7 (2) If the physician determines that receipt of the vaccine is not
8 medically suitable for the child, the physician shall certify that
9 determination in writing, which shall provide the basis for
10 continuing the child's exemption from such hepatitis B vaccination
11 requirement as may be set forth in statute or regulation.

12 (3) A child who is unable to furnish evidence of such a
13 physician's written determination to the school or special education
14 program that the child is attending shall, after age six, be subject to
15 such hepatitis B vaccination requirement as may be set forth in
16 statute or regulation.

17
18 3. The Commissioner of Health and Senior Services, pursuant
19 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
20 1 et seq.), shall adopt rules and regulations necessary to carry out
21 the provisions of this act.

22
23 4. This act shall take effect on the first day of the fifth month
24 next following the date of enactment, but the Commissioner of
25 Health and Senior Services may take such anticipatory
26 administrative action in advance thereof as shall be necessary for
27 the implementation of this act.

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30 STATEMENT

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32 This bill is intended to protect newborn children from being
33 unnecessarily exposed to the risks associated with receiving the
34 hepatitis B vaccine. The vast majority of newborns and other young
35 children are not at risk for hepatitis B, because that disease is
36 typically transmitted by a contaminated needle, sexual activity with
37 an infected partner, or an infected mother.

38 The bill provides specifically as follows:

- 39 • Notwithstanding the provisions of any other law or regulation to
40 the contrary, a child under six years of age will not be required to
41 receive the hepatitis B vaccine as a condition of attending school
42 or a special education program if documented evidence is
43 furnished to the school or program that the child's mother tested
44 negative for hepatitis B during the third trimester of her
45 pregnancy.
- 46 • A child who has not received the hepatitis B vaccine pursuant to
47 this bill will, upon reaching six years of age, be examined by a
48 physician to determine the child's need to receive the vaccine.

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- 1 • If the physician determines that receipt of the vaccine is not
2 medically suitable for the child, the physician is to certify that
3 determination in writing, which will provide the basis for
4 continuing the child's exemption from such hepatitis B
5 vaccination requirement as may be set forth in statute or
6 regulation.
- 7 • A child who is unable to furnish evidence of such a physician's
8 written determination to the school or special education program
9 that the child is attending will, after age six, be subject to such
10 hepatitis B vaccination requirement as may be set forth in statute
11 or regulation.
- 12 • The bill takes effect on the first day of the fifth month after the
13 date of enactment, but authorizes the Commissioner of Health and
14 Senior Services to take anticipatory administrative action in
15 advance as necessary for its implementation.