

SENATE, No. 1592

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MAY 13, 2004

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Provides for philosophical exemption to mandatory immunizations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning immunization requirements and supplementing
2 Title 26 of the Revised Statutes.

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

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7 1. As used in this act:

8 "Commissioner" means the Commissioner of Health and Senior
9 Services.

10 "Mandatory immunization" means any vaccination required by the
11 State as a condition for attendance at a public or private institution of
12 higher education, public or private school, kindergarten, nursery
13 school, preschool or child care facility in New Jersey.

14 "Philosophical exemption" means an exemption from a mandatory
15 immunization on the grounds of a personal, philosophical or moral
16 objection to the immunization.

17 "School" means any public or private institution of higher
18 education, public or private school, kindergarten, nursery school,
19 preschool or child care facility in New Jersey.

20 "Student" means any person attending a public or private institution
21 of higher education, public or private school, kindergarten, nursery
22 school, preschool or child care facility in New Jersey.

23

24 2. A student shall be granted a philosophical exemption from a
25 mandatory immunization if the student, or if the student is a minor, the
26 student's parent or legal guardian, submits a notarized and signed
27 written statement to an official at the student's school as provided in
28 this section. The statement shall explain how a specific immunization
29 conflicts with a personal, philosophical or moral belief held by the
30 student or the student's parent or legal guardian. The statement shall
31 also explain that the student, or parent or legal guardian, understands
32 the potential benefits of immunization and the risks in not immunizing.

33 The statement shall be kept by the student's school as part of the
34 student's immunization record.

35

36 3. a. Any student with a philosophical exemption from a mandatory
37 immunization may be excluded from school during a vaccine-
38 preventable disease outbreak or threatened outbreak as determined by
39 the commissioner.

40 b. Pursuant to the provisions of R.S.26:4-6, a school official may
41 prohibit the attendance of any student who has been granted a
42 philosophical exemption and is under a school official's control, on
43 account of a communicable disease, or to prevent the spread of a
44 communicable disease. The school official may also specify the
45 duration of time the student with a philosophical exemption must
46 remain away from school.

1 c. A philosophical exemption from a mandatory immunization may
2 be suspended at any time by the commissioner during the existence of
3 an emergency, as determined by the commissioner.

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5 4. The commissioner shall, pursuant to the "Administrative
6 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and
7 regulations to effectuate the purposes of this act.

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9 5. This act shall take effect on the 180th day following enactment,
10 but the commissioner may take such anticipatory administrative action
11 in advance as shall be necessary for the implementation of the act.

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14 STATEMENT

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16 This bill provides for philosophical exemptions from mandatory
17 immunizations.

18 Under current law, the State requires certain immunizations for
19 students as a condition for attending public or private institutions of
20 higher education, public or private schools, kindergartens, nursery
21 schools, preschools and child care facilities in New Jersey.

22 While provisions in the New Jersey Administrative Code grant
23 students medical and religious exemptions from immunizations,
24 currently no law permits philosophical exemptions. Accordingly, this
25 bill would grant a philosophical exemption from a mandatory
26 immunization to any person attending a public or private institution of
27 higher education, public or private school, kindergarten, nursery
28 school, preschool or child care facility in New Jersey.

29 The bill provides that a student seeking a philosophical exemption
30 shall submit a notarized, written statement to his school signed by the
31 student, or if the student is a minor, by the student's parent or legal
32 guardian. The statement shall explain how a specific immunization
33 conflicts with a personal, philosophical or moral belief held by the
34 student or the student's parent or legal guardian. The student's school
35 shall grant the exemption and keep the statement on file as part of the
36 student's immunization record.

37 A student with a philosophical exemption shall not be permitted to
38 attend school during a disease outbreak or threatened outbreak, as
39 determined by the Commissioner of Health and Senior Services. A
40 philosophical exemption may also be suspended at any time by the
41 commissioner in an emergency. Further, pursuant to N.J.S.A.26:4-6,
42 a school official, taking into consideration the spread of a
43 communicable disease, may prohibit the attendance of a student with
44 a philosophical exemption and specify the amount of time the student
45 must remain away from the school.