

New Jersey Legislation on School Immunization Requirements

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Issue

Provide a brief summary of legislation recently considered by the New Jersey legislature on religious exemptions from school immunization requirements.

Summary

On December 16th, the New Jersey House of Representatives passed [A 3818](#) (as amended and identical to [S 2173](#)), which (1) eliminates the state's religious exemption from school immunization requirements (i.e., public and private child care facilities and schools) and (2) modifies medical exemptions from these requirements.

The bill was transferred to the Senate, which [amended](#) both bills in January 2020 to (1) authorize an exemption from school immunization requirements for a child whose sibling experienced a vaccine injury and (2) allow private schools and child care facilities to adopt policies allowing non-exempt, unvaccinated students to attend the school or facility under certain conditions. The Senate took no further action on the amended bill.

Summary of Bill Passed by the House

The bill eliminates the state's current religious exemption from school immunization requirements and further modifies its medical exemption by, among other things, allowing them to be reviewed and audited by county and local health departments.

Medical Exemption Requirements

Under current law, a student may receive a medical exemption from school immunization requirements if a licensed allopathic physician submits a written statement to the school indicating that the vaccine is medically contraindicated for a specific time period. The bill also allows osteopathic physicians and advanced practice registered nurses (APRNs) to complete the written statement. Additionally, it requires the physician or APRN to include on the statement his or her full name, address, and national provider identifier (NPI) (or the NPI of his or her collaborating physician).

As under current law, the bill requires the written statement to include valid medical reasons for the contraindication. But it requires these reasons to be consistent with the CDC's Advisory Committee on Immunization Practices guidelines, instead of those determined by the health commissioner. (This codifies a requirement in existing public health regulations.)

Review and Approval of Medical Exemptions

Under the bill, medical exemptions may be (1) subject to review and approval by a physician employed by or consulting for county or local boards of health and (2) audited by county and local boards of health.

Data Collection and Reporting

The bill requires schools to forward approved medical exemptions to the health department for inclusion in the student's record in the New Jersey Immunization Information System (NJIS). The department must update the system within one year after the bill takes effect to include the medical exemption information and the capacity to generate a printable report of this information.

It also removes a provision in current law restricting access to NJIS to only authorized users currently providing services to a patient or client. (This provision was restored by the Senate amendment described below.)

The bill authorizes the health commissioner to expedite the adoption of implementing rules and regulations. It takes effect 180 days after the date of its passage.

Summary of Senate Amendment to the House Bill

In January 2020, the Senate [amended the bill](#) to authorize an exemption from school and child care facility immunization requirements for a child or student whose sibling experienced a vaccine

injury. The amendment also allows private schools and child care facilities to adopt a policy authorizing the admission of unvaccinated children.

Sibling Vaccine Injury Exemption

To qualify for the sibling vaccine injury exemption, the child or student must submit to the Department of Health the following documentation:

1. a final determination issued by the federal Department of Health and Human Service's Vaccine Injury Compensation Program or
2. a final judgement issued by a court that includes a finding of a vaccine injury.

If the department approves a sibling vaccine injury exemption, the child's parent or guardian must submit the approval to the child's school or child care facility.

Attendance of Non-Vaccinated Children at Private Schools and Child Care Facilities

The Senate amendment allows non-public child care centers, preschool programs, elementary and secondary schools, and higher education institutions to adopt a policy authorizing the admission of unvaccinated children and students who are (1) not in full compliance with mandatory immunization requirements and (2) ineligible for a medical or sibling vaccine injury exemption.

The school or facility must require the child or student (or if a minor, the parent or guardian) to sign an acknowledgement form at the time of enrollment that provides information on its (1) policy for admitting unvaccinated students or children and (2) immunization rates for the prior academic year. The school or facility must also prominently post this information at each building entrance. Under the amendment, the state's health commissioner must adopt rules and regulations on the format of the acknowledgment forms used by the schools and facilities.

Additionally, the amendment requires an unvaccinated child or student who wishes to attend a private school or child care facility to provide the entity with written notice of the immunization requirements with which he or she is noncompliant. The child or student (or if a minor, the parent or guardian) must also sign a form stating that he or she understands the risks and benefits of vaccination and acknowledging that the child may be excluded from attending in the event of an actual or potential communicable disease or health condition.

Data Collection and Reporting

The amendment restores a provision in current law that the original bill removed which restricts access to NJIIS to only authorized users currently providing services to a patient or client. It instead eliminates another provision in current law specifying that an entity authorized to access information in the NJIIS may not use any report made by a health care provider in a punitive manner against the provider.

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