S T A T E O F N E W Y O R K

1331

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the "philosophical exemption to immunizations act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "philosophical exemption to immunizations act".

S 2. Subdivision 6 of section 2164 of the public health law, as amended by chapter 189 of the laws of 2006, is amended to read as follows:

6. In the event that a person in parental relation to a child makes application for admission of such child to a school or has a child attending school and there exists no certificate or other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus influenzae type b (Hib) and pneumococcal disease, the principal, teacher, owner or person in charge of the school shall inform such person of the necessity to have the child immunized, that such immunization may be administered by any health practitioner, or that the child may be immunized without charge by the health officer in the county where the child resides, if such person executes a consent therefor AND PROVIDE A FORM CITING OTHER OPTIONS OF COMPLIANCE AS NOTED IN THIS SECTION. In the event that such person does not wish to select a health practitioner to administer the immunization, [he or she shall be provided with a form which] THE PROVIDED FORM shall give notice that as a prerequisite to processing the application for admission to, or for continued attendance at, the school such person shall state a valid reason for withholding consent, OR CHECK A FIXED STATEMENT PRE-PRINTED ON THE FORM INDICATING HIS OR HER PERSONAL OBJECTION TO IMMUNIZATIONS, MEDICAL TESTING AND TREATMENTS or consent

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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shall be given for immunization to be administered by a health officer in the public employ, or by a school physician or nurse. The form shall provide for the execution of a consent by such person and it shall also state that such person need not execute such consent if subdivision eight or nine of this section apply to such child.

S 3. The opening paragraph of subdivision 8-a of section 2164 of the public health law, as amended by chapter 189 of the laws of 2006, is amended to read as follows:

Whenever a child has been refused admission to, or continued attendance at, a school as provided for in subdivision seven of this section because there exists no certificate provided for in subdivision five of this section or other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus influenzae type b (Hib) and pneumococcal disease, OR OTHER EVIDENCE OF COMPLIANCE AS NOTED IN THIS SECTION, the principal, teacher, owner or person in charge of the school shall:

S 4. Subdivision 9 of section 2164 of the public health law, as separately amended by chapters 405 and 538 of the laws of 1989, is amended to read as follows:

9. This section shall not apply to children whose parent, parents, or guardian hold PERSONAL OBJECTIONS OR genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate OF IMMUNIZATION, MEDICAL TESTS AND TREATMENTS shall be required as a prerequisite to such children being admitted or received into school or attending school.

S 5. Subdivision 6 of section 2165 of the public health law, as added by chapter 405 of the laws of 1989, is amended to read as follows:

6. In the event that a student registers at an institution and has not complied with subdivision two of this section, the institution shall inform such student of the necessity to be immunized, that such immunization may be administered by any health practitioner, or that the student may be immunized without charge by the health officer in the county where the student resides or in which the institution is located, AND PROVIDE A FORM CITING THE OTHER OPTIONS OF COMPLIANCE AS NOTED IN THIS SECTION. In the event that such student does not comply with this section, he or she shall be given notice that attendance at the institution requires immunization unless a valid reason is provided by such student pursuant to subdivision eight or nine of this section OR UNLESS SUCH STUDENT HAS CHECKED A FIXED STATEMENT PRE-PRINTED ON THE FORM INDICATING A PERSONAL OBJECTION TO IMMUNIZATIONS, MEDICAL TESTING AND TREATMENTS.

S 6. Subdivision 9 of section 2165 of the public health law, as added by chapter 405 of the laws of 1989, is amended to read as follows:

9. This section shall not apply to a person who holds PERSONAL OBJECTIONS OR genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate OF IMMUNIZATION, MEDICAL TESTS AND TREATMENTS shall be required as a prerequisite to such person being admitted or received into or attending an institution.

S 7. This act shall take effect immediately.