

2337

2009-2010 Regular Sessions

I N S E N A T E

February 18, 2009

Introduced by Sen. PADAVAN -- 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:

1 Section 1. This act shall be known and may be cited as the "philosophical exemption to immunizations act".
2
3 S 2. Subdivision 6 of section 2164 of the public health law, as
4 amended by chapter 189 of the laws of 2006, is amended to read as
5 follows:
6 6. In the event that a person in parental relation to a child makes
7 application for admission of such child to a school or has a child
8 attending school and there exists no certificate or other acceptable
9 evidence of the child's immunization against poliomyelitis, mumps,
10 measles, diphtheria, rubella, varicella, hepatitis B, pertussis, tetanus,
11 and, where applicable, Haemophilus influenzae type b (Hib) and
12 pneumococcal disease, the principal, teacher, owner or person in charge
13 of the school shall inform such person of the necessity to have the
14 child immunized, that such immunization may be administered by any
15 health practitioner, or that the child may be immunized without charge
16 by the health officer in the county where the child resides, if such
17 person executes a consent therefor AND PROVIDE A FORM CITING OTHER
18 OPTIONS OF COMPLIANCE AS NOTED IN THIS SECTION. In the event that such
19 person does not wish to select a health practitioner to administer the
20 immunization, [he or she shall be provided with a form which] THE
21 PROVIDED FORM shall give notice that as a prerequisite to processing the
22 application for admission to, or for continued attendance at, the school
23 such person shall state a valid reason for withholding consent, OR CHECK
24 A FIXED STATEMENT PRE-PRINTED ON THE FORM INDICATING HIS OR HER PERSONAL
25 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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1 shall be given for immunization to be administered by a health officer
2 in the public employ, or by a school physician or nurse. The form shall
3 provide for the execution of a consent by such person and it shall also
4 state that such person need not execute such consent if subdivision
5 eight or nine of this section apply to such child.

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

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

18 S 4. Subdivision 9 of section 2164 of the public health law, as sepa-
19 rately amended by chapters 405 and 538 of the laws of 1989, is amended
20 to read as follows:

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

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

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

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

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

50 S 7. This act shall take effect immediately.