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

883

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GOTTFRIED, CAHILL, CYMBROWITZ, TITUS, BENEDETTO, FIELDS, EDDINGTON -- Multi-Sponsored by -- M. of A. BOYLAND, COOK, GALEF, GREENE, JOHN, KELLNER, McDONOUGH, McENENY, PAULIN, PERRY, PHEFFER, ROBINSON, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the religious exemption from mandatory immunizations for students

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

Section 1. This legislation is not intended to detract from the public health purpose of school immunization legislation. The law has long recognized the right of parents to decline to have their children immunized on the basis of religious beliefs. This legislation is intended to protect parents from inappropriate and intrusive inquiry into their beliefs by government authorities.

S 2. 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] A CHILD whose parent, parents, or guardian [hold] HOLDS genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to [such children] THE CHILD being admitted or received into school or attending school WHERE THE PARENT, PARENTS OR GUARDIAN SUBMITS AN AFFIDAVIT STATING THAT THE PARENT, PARENTS OR GUARDIAN HOLDS SUCH GENUINE AND SINCERE RELIGIOUS BELIEFS. THE PARENT, PARENTS OR GUARDIAN SHALL NOT BE REQUIRED TO SPECIFY OR ELABORATE ON THE NATURE, GENUINENESS OR SINCERITY OF THE RELIGIOUS BELIEF OR BE SUBJECT TO ANY FURTHER INQUIRY.

S 3. 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:

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

LBD00362-01-9

9. This section shall not apply to a person who holds genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to such person being admitted or received into or attending an institution WHERE THE PERSON SUBMITS AN AFFIDAVIT STATING THAT THE PERSON HOLDS SUCH GENUINE AND SINCERE RELIGIOUS BELIEFS. THE PERSON SHALL NOT BE REQUIRED TO SPECIFY OR ELABORATE ON THE NATURE, GENUINENESS OR SINCERITY OF THE RELIGIOUS BELIEF OR BE SUBJECT TO ANY FURTHER INQUIRY.

S 4. This act shall take effect immediately.