

1536

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

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:

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, teta-  
11 nus, 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.