

# STATE OF NEW YORK

8123--B

2017-2018 Regular Sessions

## IN ASSEMBLY

May 31, 2017

Introduced by M. of A. GOTTFRIED, SEPULVEDA, BENEDETTO, THIELE, WEPRIN, PALUMBO, McDONOUGH, BARRON, PAULIN, BYRNE, MURRAY, MONTESANO, COLTON, NORRIS, CRESPO, MORINELLO, HIKIND, TAYLOR, ABBATE, GARBARINO, LAWRENCE, KIM, BRABENEC, PICHARDO, WILLIAMS, CURRAN, RIVERA, DICKENS -- Multi-Sponsored by -- M. of A. DE LA ROSA, FITZPATRICK, RA -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to admission of certain unvaccinated students to public schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 3201-b  
2 to read as follows:

3 § 3201-b. Procedure for religious exemption from vaccination require-  
4 ment. 1. Legislative intent. The legislature hereby finds and declares  
5 that to effectuate the provisions of subdivision nine of section twen-  
6 ty-one hundred sixty-four of the public health law, a uniform form that  
7 shall be used by parents is necessary.

8 2. The definitions of terms in section twenty-one hundred sixty-four  
9 of the public health law shall apply to this section. This section shall  
10 only apply with respect to admission or receiving of a child into a  
11 school or attending a school referred to in section one of article elev-  
12 en of the New York state constitution, including a charter school,  
13 pursuant to subdivision nine of section twenty-one hundred sixty-four of  
14 the public health law.

15 3. Where a child's parent, parents or guardian claim that section  
16 twenty-one hundred sixty-four of the public health law shall not apply

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

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1 to the child because the parent, parents, or guardian hold genuine and  
2 sincere religious beliefs which are contrary to the practices required  
3 in such section, the child shall be deemed to have complied with that  
4 section and no certificate under that section shall be required as a  
5 prerequisite to such child being admitted or received into school or  
6 attending school pursuant to subdivision nine of section twenty-one  
7 hundred sixty-four of the public health law, provided that the parent,  
8 parents or guardian file with the school a religious beliefs exemption  
9 form under subdivision four of this section.

10 4. Religious beliefs exemption form. Any parent, parents, or guardian  
11 requesting an exemption from the vaccination requirements of subdivision  
12 nine of section twenty-one hundred sixty-four of the public health law  
13 based upon his, her or their genuine and sincere religious beliefs that  
14 are contrary to the practices prescribed by such section shall complete  
15 the following religious beliefs exemption form and file it with the  
16 school:

17 RELIGIOUS BELIEFS VACCINATION EXEMPTION FORM

18 (a) Name(s) of parent, parents or guardian: \_\_\_\_\_

19 (b) Name of child: \_\_\_\_\_

20 (c) Child's birthdate: \_\_\_\_\_

21 (d) Child's home address: \_\_\_\_\_

22 I/we \_\_\_\_\_, as the parent, parents, or guardian of the  
23 above-named child, request a religious beliefs exemption from the vacci-  
24 nation requirements of Public Health Law section 2164 for such child  
25 because I/we hold a genuine and sincere religious belief that is contra-  
26 ry to such vaccination practices.

27 \_\_\_\_\_  
28 (Signature of parent or guardian) (Date)

29 \_\_\_\_\_  
30 (Signature of parent or guardian) (Date)

31 § 2. This act shall take effect on the thirtieth day after it shall  
32 have become a law.