

# STATE OF NEW YORK

7838

2019-2020 Regular Sessions

## IN ASSEMBLY

May 24, 2019

Introduced by M. of A. ZEBROWSKI -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to requiring the  
department of health to approve medical exemptions from immunization  
requirements

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

1 Section 1. Subdivision 8 of section 2164 of the public health law, as  
2 amended by chapter 401 of the laws of 2015, is amended to read as  
3 follows:

4 8. [~~if any~~] (a) A physician licensed to practice medicine in this  
5 state who certifies that such immunization may be detrimental to a  
6 child's health[~~r~~] shall submit a request on behalf of such child to the  
7 department asking that the requirements of this section [~~shall~~] be inap-  
8 plicable until such immunization is found no longer to be detrimental to  
9 the child's health. The request shall provide acceptable medical  
10 evidence that such immunization is contraindicated or that a precaution  
11 exists which is supported by current federal Centers for Disease Control  
12 and Prevention (CDC) guidelines. The department shall review the request  
13 and if they find it provides adequate documentation and valid medical  
14 evidence supporting the exemption, approve such request.

15 (b) The department shall develop a process for medical exemption  
16 requests to be reviewed and approved in a timely manner, and for such  
17 decision to be communicated to the child's parent or guardian and  
18 school. Such process shall include an ability for a physician and parent  
19 to appeal a department decision on an exemption request.

20 § 2. This act shall take effect immediately.

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

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