

STATE OF NEW YORK

3424--A

2019-2020 Regular Sessions

IN SENATE

February 6, 2019

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to providing a statewide, uniform religious belief exemption form to be available in all 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
17 to the child because the parent, parents, or guardian hold genuine and
18 sincere religious beliefs which are contrary to the practices required
19 in such section, the child shall be deemed to have complied with that
20 section and no certificate under that section shall be required as a
21 prerequisite to such child being admitted or received into school or
22 attending school pursuant to subdivision nine of section twenty-one
23 hundred sixty-four of the public health law, provided that the parent,

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

LBD09427-02-9

1 parents or guardian file with the district superintendent a religious
2 beliefs exemption form under subdivision four of this section.

3 4. Religious beliefs exemption form. Any parent, parents, or guardian
4 requesting an exemption from the vaccination requirements of subdivision
5 nine of section twenty-one hundred sixty-four of the public health law
6 based upon his, her or their genuine and sincere religious beliefs that
7 are contrary to the practices prescribed by such section shall complete
8 the following religious beliefs exemption form and file it with the
9 district superintendent:

10 RELIGIOUS BELIEFS VACCINATION EXEMPTION FORM

11 (a) Name(s) of parent, parents or guardian: _____

12 (b) Name of child: _____

13 (c) Child's birthdate: _____

14 (d) Child's home address: _____

15 I/we _____, as the parent, parents, or guardian of the
16 above-named child, request a religious beliefs exemption from the vacci-
17 nation requirements of Public Health Law section 2164 for such child
18 because I/we hold a genuine and sincere religious belief that is contra-
19 ry to such vaccination practices.

20 _____
21 (Signature of parent or guardian) _____ (Date)

22 _____
23 (Signature of parent or guardian) _____ (Date)

24 5. A parent, guardian, or any other person in a parental relationship
25 to a child denied school entrance or attendance may appeal by petition
26 to the commissioner in accordance with the provisions of section three
27 hundred ten of this chapter.

28 § 2. This act shall take effect on the sixtieth day after it shall
29 have become a law.