STATE OF NEW YORK

2371--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. DINOWITZ, MOSLEY, BURKE, MAGNARELLI, TAYLOR, FAHY, ARROYO, COOK, GLICK, JAFFEE, WALLACE, STECK, ZEBROWSKI, JACOBSON, QUART, REYES, PAULIN, L. ROSENTHAL, SIMOTAS -- Multi-Sponsored by -- M. of A. RICHARDSON -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to exemptions from vaccination due to religious beliefs; to repeal subdivision 9 of section 2164 of the public health law, relating to exemption from vaccination due to religious beliefs; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Subdivision 9 of section 2164 of the public health law is REPEALED.

§ 2. Subdivisions 6 and 7 of section 2164 of the public health law, as amended by chapter 401 of the laws of 2015, are amended to read as follows:

6. In the event that a person in parental relation to a child makes application for admission of such child to a school or has a child attending school and there exists no certificate or other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus influenzae type b (Hib), meningococcal disease, and pneumococcal disease, the principal, teacher, owner or person in charge of the school shall inform such person of the necessity to have the child immunized, that such immunization may be administered by any health practitioner, or that the child may be immunized without charge by the health officer in the county where the child resides, if such person executes a consent therefor. In the event that such person does not wish to select a health practitioner to administer

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

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the immunization, he or she shall be provided with a form which shall give notice that as a prerequisite to processing the application for admission to, or for continued attendance at, the school such person shall state a valid reason for withholding consent or consent shall be given for immunization to be administered by a health officer in the public employ, or by a school physician or nurse. The form shall provide for the execution of a consent by such person and it shall also state that such person need not execute such consent if subdivision eight [~~or nine~~] of this section [~~apply~~] **applies** to such child.

7. (a) No principal, teacher, owner or person in charge of a school shall permit any child to be admitted to such school, or to attend such school, in excess of fourteen days, without the certificate provided for in subdivision five of this section or some other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus influenzae type b (Hib), meningococcal disease, and pneumococcal disease; provided, however, such fourteen day period may be extended to not more than thirty days for an individual student by the appropriate principal, teacher, owner or other person in charge where such student is transferring from out-of-state or from another country and can show a good faith effort to get the necessary certification or other evidence of immunization **or where the parent, guardian, or any other person in parental relationship to such child can demonstrate that a child has received at least the first dose in each immunization series required by this section and has age appropriate appointments scheduled to complete the immunization series according to the Advisory Committee on Immunization Practices Recommended Immunization Schedules for Persons Aged 0 through 18 Years**.

(b) A parent, a guardian or any other person in parental relationship to a child denied school entrance or attendance may appeal by petition to the commissioner of education in accordance with the provisions of section three hundred ten of the education law.

§ 3. Paragraph (f) of subdivision 5 of section 2168 of the public health law, as amended by chapter 154 of the laws of 2013, is amended to read as follows:

(f) The immunization status of children exempt from immunizations pursuant to subdivision eight of section twenty-one hundred sixty-four of this title [~~and a parent claiming exemption pursuant to subdivision nine of section twenty-one hundred sixty-four of this title~~] shall be reported by the health care provider.

§ 4. This act shall take effect immediately; provided that the amendments to subdivision 7 of section 2164 of the public health law made by section two of this act shall expire and be deemed repealed June 30, 2020.