STATE OF NEW YORK

477

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. RIVERA -- 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 the medical exemption from mandatory immunizations for students

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

Section 1. The provisions of this act are not intended to detract from the public health purpose of school immunization legislation. This act is intended to ensure deference to the professional assessments of physicians, nurse practitioners and physician assistants in the care of their individual patients.

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

8. [~~If~~] **Upon submission of a written opinion by** any physician**, nurse practitioner or physician assistant** licensed to practice [~~medicine~~] in this state [~~certifies~~] **stating** that **the physician, nurse practitioner or physician assistant believes** such immunization **or immunizations** may be detrimental to a child's health, **or is otherwise contraindicated for health reasons, the physician's, nurse practitioner's or physician assistant's determination shall prevail and** the requirements of this section shall be inapplicable until **the child's physician, nurse practitioner or physician assistant finds** such immunization **or immunizations** is [~~found~~] **or are** no longer [~~to be~~] detrimental to the child's health **or is or are no longer contraindicated for health reasons**.

§ 3. Subdivision 8 of section 2165 of the public health law, as added by chapter 405 of the laws of 1989, is amended to read as follows:

8. [~~If~~] **Upon submission of a written opinion by** any licensed physician [~~or~~]**,** nurse practitioner [~~certifies~~] **or physician assistant stating** that **the physician, nurse practitioner or physician assistant believes** such

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

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immunization **or immunizations** may be detrimental to the person's health or is otherwise [~~medically~~] contraindicated **for health reasons**, **the physician's, nurse practitioner's or physician assistant's determination shall prevail and** the requirements of this section shall be inapplicable until **the person's physician, nurse practitioner or physician assistant finds** such immunization **or immunizations** is [~~found~~] **or are** no longer [~~to be~~] detrimental to such person's health or is **or are** no longer [~~medically~~] contraindicated **for health reasons**.

§ 4. This act shall take effect immediately.