STATE OF NEW YORK

4376

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sen. OBERACKER -- 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 prohibiting a mandatory immunization against the coronavirus

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

Section 1. Section 2182 of the public health law is renumbered section 2183 and a new section 2182 is added to read as follows:

§ 2182. Coronavirus; vaccination. 1. No vaccine used for the purposes of inducing immunity against coronavirus in humans in this state shall be made a mandatory immunization. No person shall be required to receive such vaccine unless such individual chooses to be vaccinated.

2. No child under the age of eighteen shall be required to receive such vaccine against coronavirus unless a person in a parental relation to such child chooses to have the child vaccinated. For the purpose of this subdivision the term "person in parental relation to a child" shall mean and include any person who is a parent or legally appointed guardian of a child under the age of eighteen.

3. No incapacitated person shall be required to receive such vaccine against coronavirus unless a person who is the legal guardian of such incapacitated person chooses to have the incapacitated person vaccinated. For the purposes of this subdivision: (a) the term "incapacitated person" shall mean any person over the age of eighteen who are unable to make or communicate decisions affecting their physical health, safety, or self-care; and (b) the term "legal guardian" shall mean and include any person who is over the age of eighteen and designated by an incapacitated person prior to incapacitation as their legal guardian or a person legally appointed by a court as guardian of such incapacitated person.

§ 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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