

# 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:

1 Section 1. Section 2182 of the public health law is renumbered section  
2 2183 and a new section 2182 is added to read as follows:

3 § 2182. Coronavirus; vaccination. 1. No vaccine used for the purposes  
4 of inducing immunity against coronavirus in humans in this state shall  
5 be made a mandatory immunization. No person shall be required to  
6 receive such vaccine unless such individual chooses to be vaccinated.

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

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

24 § 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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