STATE OF NEW YORK

4602

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. DiPIETRO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting a mandatory immunization against the novel coronavirus/COVID-19

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

Section 1. Article 21 of the public health law is amended by adding a new title 8 to read as follows:

TITLE 8

NOVEL CORONAVIRUS, COVID-19

Section 2180. Novel coronavirus/COVID-19; immunization.

§ 2180. Novel coronavirus/COVID-19; immunization. 1. No immunization used for the purposes of inducing immunity against COVID-19 in humans in this state shall be made a mandatory immunization. No person shall be required to receive such vaccine.

2. No child under the age of eighteen shall be required to receive such vaccine against COVID-19 unless a person in a parental relation to such child requests and consents to have the child vaccinated. For the purpose of this subdivision the term "person in parental relation to a child" shall have the same meaning as set forth in section twenty-one hundred sixty-four of this article. Prior to administering the immunization every health care provider or practitioner shall provide a list of ingredients contained in the vaccine as provided by the manufacturer product insert and all potential side effects as indicated by industry studies.

3. No incapacitated person shall be required to receive such immunization against COVID-19 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 is unable to make or communicate decisions affecting their physical health, safety,

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

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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.

4. No immunization against COVID-19 shall be required for:

(a) attendance by students or employment of teachers and staff at any public or private educational institution or day care facility;

(b) travel to or from any location, including other states or countries;

(c) receipt of any government services;

(d) entrance into public buildings;

(e) employment or continued employment in any business or not-for-profit organization; or

(f) use of public transportation.

5. (a) No governmental entity shall provide any special privileges or financial rewards to any individual for receiving immunization against COVID-19.

(b) No health care provider or practitioner which administers vaccine shall be offered any incentive or compensation to achieve targeted vaccination rates.

(c) No insurance company or other entity that could profit from the sale of COVID-19 vaccines shall provide any funding, incentives or advertising to any party to increase sales of a COVID-19 vaccine.

6. No nursing home, state-sponsored group home for adults or children or any other group home shall require immunization against COVID-19 as a condition of residency.

7. No person shall be required to have, carry or present evidence of having received immunization against COVID-19.

§ 2. This act shall take effect immediately.