

STATE OF NEW YORK

1102

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

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

AN ACT to amend the public health law, in relation to a standardized form for medical exemption from required immunizations

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

1 Section 1. Subdivision 8 of section 2164 of the public health law, as
2 amended by chapter 401 of the laws of 2015, is amended to read as
3 follows:

4 8. If any physician, nurse practitioner or physician's assistant
5 licensed to practice medicine in this state [~~certifies~~] completes the
6 required exemption form stating that such immunization may be detri-
7 mental to a child's health, the requirements of this section shall be
8 inapplicable until such immunization is found no longer to be detri-
9 mental to the child's health by the child's physician, nurse practition-
10 er or physician's assistant. The department or any other state agency,
11 board or commission may not require any other condition or requirement
12 for the medical exemption to immunization or immunizations provided for
13 in this section for school admission.

14 § 2. Subdivision 8-a of section 2164 of the public health law is
15 renumbered subdivision 8-b and a new subdivision 8-a is added to read as
16 follows:

17 8-a. Any physician, nurse practitioner or physician's assistant who
18 believes that such immunization may be detrimental to the child's health
19 must complete the following form and file it with the child's school:

20 Medical Exemption Form

21 (a) Name(s) of parent, parents or guardian:

22 (b) Name of child:

23 (c) Child's birthdate:

24 (d) Child's home address:

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

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1 (e) I hereby certify that immunization against (poliomyelitis, mumps,
2 measles, diptheria, rubella, varicella, Haemophilus influenzae type b
3 (Hib), pertussis, tetanus, pneumococcal disease, influenza, meningococ-
4 cal disease and hepatitis B) may be detrimental to the child's health.
5 This certification, once provided to the child's school, shall serve as
6 an exemption to section 2164 of the public health law.

7 (signature of physician, nurse practitioner or physician's assistant)

8 (date)

9 § 3. This act shall take effect on the thirtieth day after it shall
10 have become a law.