STATE OF NEW YORK

2905

2023-2024 Regular Sessions

IN ASSEMBLY

February 1, 2023

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

AN ACT to amend the public health law, in relation to requiring the department of health to approve medical exemptions from immunization requirements

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

Section 1. 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 any~~] **(a) A** physician licensed to practice medicine in this state **who** certifies that such immunization may be detrimental to a child's health[~~,~~] **shall submit a request on behalf of such child to the department asking that** the requirements of this section [~~shall~~] be inapplicable until such immunization is found no longer to be detrimental to the child's health. **The request shall provide acceptable medical evidence that such immunization is contraindicated or that a precaution exists which is supported by current federal Centers for Disease Control and Prevention (CDC) guidelines. The department shall review the request and if they find it provides adequate documentation and valid medical evidence supporting the exemption, approve such request.**

(b) The department shall develop a process for medical exemption requests to be reviewed and approved in a timely manner, and for such decision to be communicated to the child's parent or guardian and school. Such process shall include an ability for a physician and parent to appeal a department decision on an exemption request.

§ 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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