STATE OF NEW YORK

5045

2023-2024 Regular Sessions

IN SENATE

February 22, 2023

Introduced by Sens. LANZA, MATTERA -- 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 novel coronavirus/COVID-19

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

Section 1. The public health law is amended by adding a new section 2184 to read as follows:

§ 2184. Novel coronavirus/COVID-19; immunization. 1. 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.

2. 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, 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.

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

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3. No immunization against COVID-19 shall be required for attendance by students or employment of teachers and staff at any public or private educational institution or day care facility.

4. 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.