STATE OF NEW YORK

7168

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. MARTINEZ -- 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 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:

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. **The commissioner shall develop a standardized medical immunization exemption request form for school use.** If any physician**, nurse practitioner or physician's assistant** licensed to practice medicine in this state [~~certifies~~] **completes the required exemption form stating** that such immunization may be detrimental to a child's health, the requirements of this section shall be inapplicable until such immunization is found no longer to be detrimental to the child's health **by the child's physician, nurse practitioner or physician's assistant. The department or any other state agency, board or commission may not require any other condition or requirement for the medical exemption to immunization or immunizations provided for in this section for school admission**.

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

8-a. Any physician, nurse practitioner or physician's assistant who believes that such immunization may be detrimental to the child's health must complete and file with the child's school the medical immunization exemption request form that may include but not be limited to the following information:

Medical Immunization Exemption Request Form

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

(b) Name of child:

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

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(c) Child's birthdate:

(d) Child's home address:

(e) Medical reason, diagnosis and/or condition of which deems immunization detrimental to the child's health with corresponding medical documentation:

(f) I hereby certify that immunization against (poliomyelitis, mumps, measles, diptheria, rubella, varicella, Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, influenza, meningococcal disease and hepatitis B) may be detrimental to the child's health. The date and signature of the physician, nurse practitioner or physician's assistant shall appear here. This certification, once provided to the child's school, shall serve as an exemption to section 2164 of the public health law.

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