

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:

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

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

18 8-a. Any physician, nurse practitioner or physician's assistant who
19 believes that such immunization may be detrimental to the child's health
20 must complete and file with the child's school the medical immunization
21 exemption request form that may include but not be limited to the
22 following information:

23 Medical Immunization Exemption Request Form

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

25 (b) Name of child:

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

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1 (c) Child's birthdate:
2 (d) Child's home address:
3 (e) Medical reason, diagnosis and/or condition of which deems immuni-
4 zation detrimental to the child's health with corresponding medical
5 documentation:
6 (f) I hereby certify that immunization against (poliomyelitis, mumps,
7 measles, diphtheria, rubella, varicella, Haemophilus influenzae type b
8 (Hib), pertussis, tetanus, pneumococcal disease, influenza, meningococ-
9 cal disease and hepatitis B) may be detrimental to the child's health.
10 The date and signature of the physician, nurse practitioner or physi-
11 cian's assistant shall appear here. This certification, once provided to
12 the child's school, shall serve as an exemption to section 2164 of the
13 public health law.
14 § 3. This act shall take effect on the thirtieth day after it shall
15 have become a law.