

# STATE OF NEW YORK

8911

## IN SENATE

March 27, 2024

Introduced by Sen. WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to removing schools from participation in immunization enforcement; and repealing certain provisions of such laws relating thereto

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

1 Section 1. Subdivision 2 of section 613 of the public health law is  
2 REPEALED.

3 § 2. Paragraph a of subdivision 1 and paragraph (a) of subdivision 7  
4 of section 2164 of the public health law, as amended by chapter 401 of  
5 the laws of 2015, are amended to read as follows:

6 a. The term "school" means and includes any public, private or paro-  
7 chial child caring center, day nursery, day care agency, or nursery  
8 school~~[, kindergarten, elementary, intermediate or secondary school]~~.

9 (a) No local board of education, principal, teacher, owner or person  
10 in charge of a school shall ~~[permit any child to be admitted to such~~  
11 ~~school, or to attend such school, in excess of fourteen days, without]~~  
12 require presentation of the certificate provided for in subdivision five  
13 of this section or ~~[some other acceptable evidence of the child's immun-~~  
14 ~~ization against poliomyelitis, mumps, measles, diphtheria, rubella,~~  
15 ~~varicella, hepatitis B, pertussis, tetanus, and, where applicable,~~  
16 ~~Haemophilus influenzae type b (Hib), meningococcal disease, and pneumo-~~  
17 ~~coccal disease, provided, however, such fourteen day period may be~~  
18 ~~extended to not more than thirty days for an individual student by the~~  
19 ~~appropriate principal, teacher, owner or other person in charge where~~  
20 ~~such student is transferring from out-of-state or from another country~~  
21 ~~and can show a good faith effort to get the necessary certification or]~~  
22 any other evidence of immunization.

23 § 3. Subdivisions 6, 8-a, and 11 of section 2164 of the public health  
24 law are REPEALED.

25 § 4. Subdivision 1 of section 914 of the education law, as amended by  
26 chapter 659 of the laws of 2005, is amended to read as follows:

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

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1     ~~[1. Each]~~ No school shall require of ~~[every]~~ any child entering or  
2     attending such school proof of immunization provided for in ~~[accordance~~  
3     ~~with the provisions of]~~ section twenty-one hundred sixty-four of the  
4     public health law.

5     § 5. Subdivisions 2 and 3 of section 914 of the education law are  
6     REPEALED.

7     § 6. This act shall take effect immediately.