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:

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 Subdivision 2 of section 613 of the public health law is REPEALED.

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

a. The term "school" means and includes any public, private or parochial child caring center, day nursery, day care agency, **or** nursery school[~~, kindergarten, elementary, intermediate or secondary school~~].

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

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 Subdivisions 6, 8-a, and 11 of section 2164 of the public health law are REPEALED.

§ 4. Subdivision 1 of section 914 of the education law, as amended by 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. Each~~] **No** school shall require of [~~every~~] **any** child entering or attending such school proof of immunization **provided for** in [~~accordance with the provisions of~~] section twenty-one hundred sixty-four of the public health law.

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 Subdivisions 2 and 3 of section 914 of the education law are REPEALED.

§ 6. This act shall take effect immediately.