STATE OF NEW YORK

118

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. GALLIVAN, BORRELLO, MATTERA, OBERACKER, 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, in relation to an exemption from certain vaccination requirements for school attendance based upon religious beliefs

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

Section 1. Section 2164 of the public health law is amended by adding a new subdivision 9 to read as follows:

9. This section shall not apply to children whose parent, parents, or guardian hold genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to such children being admitted or received into school or attending school.

§ 2. Subdivision 6 of section 2164 of the public health law, as amended by chapter 35 of the laws of 2019, is amended to read as follows:

6. In the event that a person in parental relation to a child makes application for admission of such child to a school or has a child attending school and there exists no certificate or 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, the principal, teacher, owner or person in charge of the school shall inform such person of the necessity to have the child immunized, that such immunization may be administered by any health practitioner, or that the child may be immunized without charge by the health officer in the county where the child resides, if such person executes a consent therefor. In the event that

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

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such person does not wish to select a health practitioner to administer the immunization, he or she shall be provided with a form which shall give notice that as a prerequisite to processing the application for admission to, or for continued attendance at, the school such person shall state a valid reason for withholding consent or consent shall be given for immunization to be administered by a health officer in the public employ, or by a school physician or nurse. The form shall provide for the execution of a consent by such person and it shall also state that such person need not execute such consent if subdivision eight **or nine** of this section applies to such child.

§ 3. Paragraph (f) of subdivision 5 of section 2168 of the public health law, as amended by chapter 35 of the laws of 2019, is amended to read as follows:

(f) The immunization status of children exempt from immunizations pursuant to subdivision eight of section twenty-one hundred sixty-four of this title **and a parent claiming exemption pursuant to subdivision nine of section twenty-one hundred sixty-four of this title** shall be reported by the health care provider.

§ 4. This act shall take effect immediately.