## STATE OF NEW YORK

5051

2023-2024 Regular Sessions

## IN SENATE

February 22, 2023

Introduced by Sens. LANZA, MATTERA -- 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 prohibiting a mandatory immunization against the novel coronavirus/COVID-19

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

Section 1. The public health law is amended by adding a new section 2184 to read as follows:

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- § 2184. Novel coronavirus/COVID-19; immunization. 1. No immunization 4 used for the purposes of inducing immunity against COVID-19 in humans in 5 this state shall be made a mandatory immunization. No person shall be required to receive such vaccine.
- 2. No child under the age of eighteen shall be required to receive 7 8 such vaccine against COVID-19 unless a person in a parental relation to 9 such child requests and consents to have the child vaccinated. For the purpose of this subdivision the term "person in parental relation to a 10 11 child" shall have the same meaning as set forth in section twenty-one hundred sixty-four of this article. Prior to administering the immuni-12 zation every health care provider or practitioner shall provide a list 13 14 of ingredients contained in the vaccine as provided by the manufacturer 15 product insert and all potential side effects as indicated by industry 16 studies.
- 17 3. No incapacitated person shall be required to receive such immunization against COVID-19 unless a person who is the legal quardian of such 18 19 incapacitated person chooses to have the incapacitated person vaccinat-20 ed. For the purposes of this subdivision: (a) the term "incapacitated person" shall mean any person over the age of eighteen who is unable to 22 make or communicate decisions affecting their physical health, safety, or self-care; and (b) the term "legal guardian" shall mean and include 23 24 any person who is over the age of eighteen and designated by an incapac-25 itated person prior to incapacitation as their legal guardian or a

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

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- 1 person legally appointed by a court as guardian of such incapacitated 2 person.
  - 4. No immunization against COVID-19 shall be required for:
- 4 (a) attendance by students or employment of teachers and staff at any public or private educational institution or day care facility;
- 6 (b) travel to or from any location, including other states or coun-7 tries;
  - (c) receipt of any government services;
    - (d) entrance into public buildings;
- 10 <u>(e) employment or continued employment in any business or not-for-pro-</u>
  11 <u>fit organization; or</u>
- 12 <u>(f) use of public transportation.</u>

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- 5. (a) No governmental entity shall provide any special privileges or financial rewards to any individual for receiving immunization against COVID-19.
- 16 (b) No health care provider or practitioner which administers vaccine
  17 shall be offered any incentive or compensation to achieve targeted
  18 vaccination rates.
- 19 (c) No insurance company or other entity that could profit from the 20 sale of COVID-19 vaccines shall provide any funding, incentives or 21 advertising to any party to increase sales of a COVID-19 vaccine.
- 22 <u>6. No nursing home, state-sponsored group home for adults or children</u> 23 <u>or any other group home shall require immunization against COVID-19 as a</u> 24 <u>condition of residency.</u>
- 25 <u>7. No person shall be required to have, carry or present evidence of</u>
  26 <u>having received immunization against COVID-19.</u>
- 27 § 2. This act shall take effect immediately.