

# 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 Assem-  
bly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 2184 to read as follows:

3 § 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  
6 required to receive such vaccine.

7 2. No child under the age of eighteen shall be required to receive  
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  
10 purpose of this subdivision the term "person in parental relation to a  
11 child" shall have the same meaning as set forth in section twenty-one  
12 hundred sixty-four of this article. Prior to administering the immuni-  
13 zation every health care provider or practitioner shall provide a list  
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 immuniza-  
18 tion against COVID-19 unless a person who is the legal guardian of such  
19 incapacitated person chooses to have the incapacitated person vaccinat-  
20 ed. For the purposes of this subdivision: (a) the term "incapacitated  
21 person" shall mean any person over the age of eighteen who is unable to  
22 make or communicate decisions affecting their physical health, safety,  
23 or self-care; and (b) the term "legal guardian" shall mean and include  
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.

LBD06807-01-3

1 person legally appointed by a court as guardian of such incapacitated  
2 person.

3 4. No immunization against COVID-19 shall be required for:

4 (a) attendance by students or employment of teachers and staff at any  
5 public or private educational institution or day care facility;

6 (b) travel to or from any location, including other states or coun-  
7 tries;

8 (c) receipt of any government services;

9 (d) entrance into public buildings;

10 (e) employment or continued employment in any business or not-for-pro-  
11 fit organization; or

12 (f) use of public transportation.

13 5. (a) No governmental entity shall provide any special privileges or  
14 financial rewards to any individual for receiving immunization against  
15 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 6. No nursing home, state-sponsored group home for adults or children  
23 or any other group home shall require immunization against COVID-19 as a  
24 condition of residency.

25 7. No person shall be required to have, carry or present evidence of  
26 having received immunization against COVID-19.

27 § 2. This act shall take effect immediately.