STATE OF NEW YORK

8723

IN SENATE

January 7, 2026

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 enacting the "New York anti-mandate act"; and to repeal certain provisions of the education law and the public health law relating thereto

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

Section 1. Short title. This act shall be known and may be cited as the "New York anti-mandate act".

§ 2. Article 21 of the public health law is amended by adding a new title 9 to read as follows:

TITLE IX

NEW YORK ANTI-MANDATE ACT

Section 2185. Definitions.

2186. Medical mandates prohibited.

§ 2185. Definitions. For the purposes of this title, the following terms shall have the following meanings:

1. "business entity" means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not-for-profit. "Business entity" shall include but not be limited to:

(a) self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in New York, business trusts, and any business entity that registers with the secretary of state; and

(b) any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state; any business entity exempt by law from obtaining such a business license; and any business entity operating unlawfully without such a business license;

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

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2. "foreign jurisdiction" means any state, commonwealth, country, or nation outside the state of New York;

3. "medical intervention" means a procedure, treatment, device, drug injection, medication, or action taken to diagnose, prevent, or cure a disease or alter the health or biological function of a person;

4. "school" means any public, private, or parochial preschool; any kindergarten, elementary, or secondary school; any postsecondary institute of education, including trade schools, colleges, and universities; or any other institute of primary, secondary, or higher learning operating in this state; and

5. "ticket issuer" means an individual or entity providing tickets to an entertainment event, including any of the following:

(a) the operator of the venue where an entertainment event occurs;

(b) the sponsor or promoter of an entertainment event;

(c) a sports team participating in an entertainment event or a league whose teams are participating in an entertainment event;

(d) a theater company, musical group, or similar participant in an entertainment event; or

(e) an agent of any individual or entity described in this subdivision.

§ 2186. Medical mandates prohibited. 1. A business entity doing business in the state of New York shall not refuse to provide any service, product, admission to a venue, or transportation to a person because that person has or has not received or used a medical intervention.

2. A business entity doing business in the state of New York shall not require a medical intervention as a term of employment unless required by federal law or in such cases where the terms of employment include travel to foreign jurisdictions requiring a medical intervention as the only means of entry or where the terms of employment require entry into a place of business or facility in a foreign jurisdiction and such place of business or facility requires a medical intervention as the only means of entry. In any such instance where an employee is required to obtain or use a medical intervention due to travel to a foreign jurisdiction or entry into a place of business or facility in a foreign jurisdiction, said requirement shall either be included in a valid written employment contract between the employer and the employee or, when a written employment contract does not exist, advance written notice shall be provided to an impacted employee no less than fourteen days prior to such employee being required to receive or use a medical intervention. Business entities that receive medicare or medicaid funding shall be exempt from the requirements of this subdivision.

3. A ticket issuer shall not penalize, discriminate against, or deny access to an entertainment event to a ticket holder because the ticket holder has or has not received or used a medical intervention.

4. A school operating in the state shall not mandate a medical intervention for any person to attend school, enter campus or school buildings, or be employed by the school.

5. Unless required by federal law, no state, county, or local government entity or official in New York shall require any person to receive or use a medical intervention.

6. Unless required by federal law, no state, county, or local government entity or official in New York shall require any person to receive or use a medical intervention as a condition for:

(a) receipt of any government benefit;

(b) receipt of any government services;

(c) receipt of any government-issued license or permit;

(d) entrance into any public building;
(e) use of public transportation; or
(f) a term of employment, provided that such entities that receive medicare or medicaid funding shall be exempt from the requirements of this paragraph.
7. No state, county, or local government, or business entity in New York shall provide or offer any different salary, hourly wage, or other ongoing compensation or benefits to an employee based on whether the employee has or has not received or used a medical intervention.
8. The ability to require a medical intervention under this title is subject to other statutory or constitutional provisions regarding requests for medical interventions and requirements to provide reasonable accommodation.
9. The prohibition on medical interventions shall not apply to any situation where personal protective equipment, items, or clothing are required by employers in the public or private sectors based on existing traditional and accepted industry standards or federal law. These exemptions to the prohibition on medical interventions shall not apply to or include any vaccines, mask requirements, or other medical interventions introduced during the COVID-19 pandemic.
10. The provisions of this title may be enforced and injunctive relief may be pursued by either the attorney general or the district attorney for the county where a violation occurs. If a business entity, or state, county, city, or local government entity in New York is found to have violated the provisions of this title, the attorney general or district attorney, as applicable, shall be awarded attorneys' fees and costs incurred in pursuing the enforcement action.

§ 3. Subdivisions 2, 3, 5 and 6 of section 2164 of the public health law, subdivisions 2, 3 and 5 as amended by chapter 401 of the laws of 2015 and subdivision 6 as amended by chapter 35 of the laws of 2019, are amended to read as follows:

2. [~~a.~~] Every person in parental relation to a child in this state shall have the choice to have administered to such child an adequate dose or doses of an immunizing agent against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, and hepatitis B, which meets the standards approved by the United States public health service for such biological products, and which is approved by the department under such conditions as may be specified by the public health council.

[~~b. Every person in parental relation to a child in this state born on or after January first, nineteen hundred ninety-four and entering sixth grade or a comparable age level special education program with an unassigned grade on or after September first, two thousand seven, shall have administered to such child a booster immunization containing diphtheria and tetanus toxoids, and an acellular pertussis vaccine, which meets the standards approved by the United States public health service for such biological products, and which is approved by the department under such conditions as may be specified by the public health council.~~

~~c. Every person in parental relation to a child in this state entering or having entered seventh grade and twelfth grade or a comparable age level special education program with an unassigned grade on or after September first, two thousand sixteen, shall have administered to such child an adequate dose or doses of immunizing agents against meningococcal disease as recommended by the advisory committee on immunization practices of the centers for disease control and prevention, which meets the standards approved by the United States public health service for~~

~~such biological products, and which is approved by the department under such conditions as may be specified by the public health and planning council.~~]

3. The person in parental relation to any such child who has not previously [~~received~~] **chosen for such child to receive** such immunization shall present the child to a health practitioner and request such health practitioner to administer the [~~necessary~~] immunization against poliomyelitis, mumps, measles, diphtheria, Haemophilus influenzae type b (Hib), rubella, varicella, pertussis, tetanus, pneumococcal disease, meningococcal disease, and hepatitis B as provided in subdivision two of this section.

5. The health practitioner who administers such immunizing agent against poliomyelitis, mumps, measles, diphtheria, Haemophilus influenzae type b (Hib), rubella, varicella, pertussis, tetanus, pneumococcal disease, meningococcal disease, and hepatitis B to any such child shall give a certificate of such immunization to the person in parental relation to such child. **If any person in parental relation to such child chooses to have administered such immunization, such person shall submit a certificate of such immunization to the school to verify that such child has received the recommended immunization if an outbreak described in subdivision seven of this section occurs.**

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~~] **No school shall require a child to receive immunization against poliomyelitis, mumps, measles, diphtheria, Haemophilus influenzae type b (Hib), rubella, varicella, pertussis, tetanus, pneumococcal disease, meningococcal disease, or hepatitis B prior to being admitted or penalize a child because such child has not received the recommended immunizations**. In the event that such person does not wish to [~~select a health practitioner to administer the~~] **have such child administered with an** immunization, [~~he or she~~] **they** 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~~] **to fill out stating such person's choice not to have such child administered with the immunization**. [~~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 of this section applies to such child.~~]

§ 4. Subdivision 7 of section 2164 of the public health law, as amended by chapter 401 of the laws of 2015, is amended to read as follows:

7. [~~(a)~~] No principal, teacher, owner or person in charge of a school shall [~~permit~~] **prevent** any child [~~to be admitted~~] **from being admitted** to such school, or to attend such school[~~, in excess of fourteen days,~~

~~without 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 other evidence of immunization.~~

~~(b) A parent, a guardian or any other person in parental relationship to a child denied school entrance or attendance may appeal by petition to the commissioner of education in accordance with the provisions of section three hundred ten of the education law~~] **on the basis of such child's vaccination status**.

§ 5. Subdivisions 8 and 8-a of section 2164 of the public health law, as amended by chapter 401 of the laws of 2015, are amended to read as follows:

8. If any physician licensed to practice medicine in this state certifies that **any** such immunization may be detrimental to a child's health, [~~the requirements of this section shall be inapplicable until such immunization is found no longer to be detrimental to the child's health~~] **such physician shall give a certificate stating which immunization may be detrimental to a child's health to the person in parental relation to such child. The person in parental relation to such child shall submit such certificate to such child's school to be placed in the child's school record**.

8-a. Whenever a child has [~~been refused admission to, or continued attendance at, a school as provided for in subdivision seven of this section because there exists~~] no certificate **of immunization** provided for in subdivision five of this section 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:

a. forward a report of [~~such exclusion and~~] the name and address of such child **who has completed the recommended immunizations or has submitted a certificate stating immunization may be detrimental to such child's health** to the local health authority and to the [~~person in parental relation to the child together with a notification of the responsibility of such person under subdivision two of this section and a form of consent as prescribed by regulation of the commissioner~~] **department**, and

b. [~~provide, with the cooperation of the appropriate local health authority, for a time and place at which an immunizing agent or agents shall be administered, as required by subdivision two of this section, to a child for whom a consent has been obtained. Upon failure of a local health authority to cooperate in arranging for a time and place at which an immunizing agent or agents shall be administered as required by subdivision two of this section, the commissioner shall arrange for such administration and may recover the cost thereof from the amount of state aid to which the local health authority would otherwise be entitled~~] **forward a report of the name and address of such child who has not completed the recommended immunizations and has filed the required form,**

pursuant to subdivision six of this section, to the local health authority and to the department.

§ 6. Subdivision 6-a of section 310 of the education law is REPEALED.

§ 7. Subparagraph 1 of paragraph (b) of subdivision 5 of section 3208 of the education law, as amended by chapter 352 of the laws of 2005, is amended to read as follows:

(1) A physical examination pursuant to the provisions of sections nine hundred one, nine hundred three and nine hundred four of this chapter[~~, including proof of immunization as required by section twenty-one hundred sixty-four of the public health law~~].

§ 8. Subdivision 3 of section 3304 of the education law, as added by section 1 of part A of chapter 328 of the laws of 2014, is amended to read as follows:

3. [~~Notwithstanding any provisions of subdivision seven of section twenty-one hundred sixty-four of the public health law to the contrary, compacting~~] Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission, for students transferring from a school in a sending state to obtain any immunizations [~~required~~] recommended by the receiving state. [~~For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.~~]

§ 9. Paragraph (l) of subdivision 1 of section 206 of the public health law, as added by chapter 207 of the laws of 2004, is amended to read as follows:

(l) establish and operate such adult and child immunization programs as are necessary to prevent or minimize the spread of disease and to protect the public health. Such programs may include the purchase and distribution of vaccines to providers and municipalities, the operation of public immunization programs, quality assurance for immunization related activities and other immunization related activities. The commissioner may promulgate such regulations as are necessary for the implementation of this paragraph. Nothing in this paragraph shall authorize mandatory immunization of adults or children[~~, except as provided in sections twenty-one hundred sixty-four and twenty-one hundred sixty-five of this chapter~~].

§ 10. Paragraph (c) of subdivision 1 and subdivision 2 of section 613 of the public health law, paragraph (c) of subdivision 1 as amended by section 24 of part E of chapter 56 of the laws of 2013 and subdivision 2 as amended by chapter 538 of the laws of 1989, are amended to read as follows:

(c) The commissioner shall invite and encourage the active assistance and cooperation in such education activities of: the medical societies, organizations of other licensed health personnel, hospitals, corporations subject to article forty-three of the insurance law, trade unions, trade associations, parents and teachers and their associations, organizations of child care resource and referral agencies, the media of mass communication, and such other voluntary groups and organizations of citizens as [~~he or she~~] the commissioner shall deem appropriate. The public health and health planning council, the department of education, the department of family assistance, and the department of mental hygiene shall provide the commissioner with such assistance in carrying out the program as [~~he or she~~] the commissioner shall request. All other state agencies shall also render such assistance as the commissioner may reasonably require for this program. Nothing in this subdivision shall

authorize mandatory immunization of adults or children[~~, except as provided in sections twenty-one hundred sixty-four and twenty-one hundred sixty-five of this chapter~~].

2. The commissioner shall set such standards as [~~he~~] they shall deem necessary for the proper, safe, and efficient administration of the program. [~~He~~] The commissioner shall direct an annual survey to determine the immunization level of children entering school, and shall conduct annually an audit of such survey and an audit of the immunization level of children attending school. State aid provided by this article shall be reduced by ten percent, provided however that state aid for essential public health activities shall not be reduced, unless a municipality has submitted, in cooperation with local school districts, a plan within ninety days after the commissioner shall have certified to such municipality the results of [~~his~~] such survey of the immunization level of children entering schools in such local school districts. Such plan shall be submitted for the next ensuing school year and a subsequent plan shall be submitted annually thereafter [~~for assuring that immunizing agents are administered to pre-school children within a reasonable time prior to but, in any event, no later than their entrance into school, and to students generally, as required pursuant to section twenty-one hundred sixty-four of this chapter~~]. Such plan shall include the manner in which immunization activities are coordinated among the local health authority and the school districts. Such reduction in state aid and the requirement that a municipality submit an immunization plan shall not be applicable to any municipality where ninety percent or more of its children entering school are immunized. The determination of the percentage of immunization shall be made by the commissioner based upon [~~his~~] their audit of immunization surveys.

§ 11. 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~~] a child who acquires a certificate stating immunization may be detrimental to such child's health pursuant to subdivision eight of section twenty-one hundred sixty-four of this title shall be reported by the health care provider.

§ 12. Subdivision 9 of section 2165 of the public health law, as added by chapter 405 of the laws of 1989, is amended to read as follows:

9. This section shall not apply to a person who holds genuine and sincere religious beliefs which are contrary to the practices herein required or to a person who chooses not to receive the immunizations required by this section, and no certificate shall be required as a prerequisite to such person being admitted or received into or attending an institution.

§ 13. Subdivision 6 of section 2167 of the public health law is REPEALED.

§ 14. Section 2183 of the public health law is REPEALED.

§ 15. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to subparagraph 1 of paragraph (b) of subdivision 5 of section 3208 of the education law made by section seven of this act shall not affect the expiration of such section and shall be deemed to expire therewith.