

Alert

New York State Ends Religious Exemptions to Vaccinations

June 19, 2019

On June 13, 2019, New York Governor Andrew Cuomo signed a bill that amends the Public Health Law and bans all religious exemptions from required vaccinations for school children in the state. New York Public Health Law Section 2164 previously provided for an exception to the vaccination requirements for school students if the student's parent(s) or guardian held "genuine and sincere religious beliefs which are contrary to the practices herein required." The new bill eliminates this exception entirely. A medical exemption, in which a physician licensed to practice in New York certifies that immunization may be detrimental to a child's health, remains.

Schools in New York State, including independent schools, may not permit any child to be admitted to school or to attend school for more than 14 days without providing adequate certification that they have received all of the required immunizations¹ (or extended to not more than 30 days where the 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). The new law extends this 14-day period to 30 days if the parent or guardian of a student can prove that the school-aged child has received the first dose of all required immunizations and has scheduled appointments for the completion of the immunization series. This extended grace period expires on June 30, 2020.

This law takes effect immediately. We expect to see legal challenges of the law on constitutional and other grounds. New York joins California, Mississippi, Maine and West Virginia in passing laws to eliminate religious exemptions.

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If you have any questions concerning this *Alert*, please contact your attorney at Schulte Roth & Zabel or one of the authors.

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¹ Public Health Law Section 2164 requires children aged two months to 18 years be immunized against poliomyelitis, measles, mumps, rubella, diphtheria, tetanus, pertussis, varicella, hepatitis B and, where applicable, Haemophilus influenza type b (Hib) and pneumococcal disease.