

# Department of Health

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## **Student Exemption From Mandatory Immunization In New Jersey**

### **Quick Fact:**

A written statement should be submitted by the student, or the student's parent or guardian if the student is a minor, explaining how the administration of the vaccine conflicts with the bona fide religious tenets or practices of the student, or the parent or guardian, as appropriate; except that a general philosophical or moral objection to the vaccination shall not be sufficient for an exemption on religious grounds.

### **New Jersey's Statutory Provisions**

The State Sanitary Code (26:1A-9.1) provides for "exemption for pupils from mandatory immunization if the parent or guardian of the pupil objects thereto in a written statement signed by the parent or guardian upon the ground that the proposed immunization interferes with the free exercise of the pupil's religious rights. This exemption may be suspended... during the existence of an emergency..."

Institutions of higher education have two additional provisions. 18A:61D-3. Conflict with Religious Beliefs: "A student who submits to the institution of higher education a written statement that immunization conflicts with his religious beliefs shall not be required to submit a list of immunizations to the institution as a condition of admission or continued enrollment." Also, 18A:61D-4, "A student who submits to the institution a written statement that an immunization is medically contraindicated shall submit a valid immunization record of other administered immunizations in accordance with regulations promulgated by the department. \*\*\* [18A:61D-5] "The provisions of this act shall not be construed as holding any institution of higher education liable for failure to notify a student of any outbreak of contagious disease, or the threat of any disease outbreak."

### **Religious Objection**

Individual families may have religious beliefs that preclude the use of vaccination. Membership in a recognized church that objects to immunization is not necessary. Even those who belong to churches that do not object to immunization may themselves have religious objection to immunization. Under the statutes, it is clearly a parental choice. In New Jersey, for example, "if the parent or guardian of the pupil objects thereto in a written statement signed by the parent or guardian upon the ground that the proposed immunization interferes with the free exercise of the pupil's religious rights..." the child is exempt from vaccination. For further information please go to [http://www.njleg.state.nj.us/2010/Bills/S3000/2625\\_I1.PDF](http://www.njleg.state.nj.us/2010/Bills/S3000/2625_I1.PDF)

What follows is a Sample Exemption Letter for use in New Jersey:

Date :

The undersigned is the parent or guardian of \_\_\_\_\_.

The State Sanitary Code (26:1A-9.1) provides for "exemption for pupils from mandatory immunization if the parent or guardian of the pupil objects thereto in a written statement signed by the parent or guardian upon the ground that the proposed immunization interferes with the free exercise of the pupil's religious rights."

I do therefore hereby certify that the proposed immunization interferes with the free exercise of the child's religious rights. The administration of immunizing agents conflicts with the child's exercise of religious tenets or practices in that we object to the administration of such agents by injection or orally based upon our religious beliefs.

\_\_\_\_\_  
Signature of Parent or Guardian

#### ACKNOWLEDGMENT

state of New Jersey

county of \_\_\_\_\_:

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me

personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed, for the purposes therein set forth.

\_\_\_\_\_  
(Notary Public)

My Commission Expires \_\_\_\_\_, 200\_\_

Following is a Sample Medical Excuse Letter that any reasonable physician should be able to sign, based upon the parents' assertion of a history of allergic reaction.

### **Immunization Medical Excuse Letter**

Date: \_\_\_\_\_

Name of Student: \_\_\_\_\_

Name of Physician: \_\_\_\_\_

Address of Physician: \_\_\_\_\_

Name of School: \_\_\_\_\_

Dear School Nurse:

This letter is provided as a Medical Excuse for the above named student to be excused from receiving the Hepatitis B or other Vaccination.

The medical history of the student, as relayed by the parents, indicates an allergic reaction to a previous vaccination or vaccine component.

Such reaction is listed as a "true contraindication" in the Advisory Committee on Immunization Practices (ACIP) Guidelines, found at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5102a1.htm>. On Table 5, Guide to Contraindications, it is stated, in regard to the Hepatitis B vaccine, "allergic reaction after a previous dose or to a vaccine component" is a "true contraindication" justifying the withholding of further vaccination.

\_\_\_\_\_  
Signature of MD