



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

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Governor

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HEATHER HOWARD
Commissioner

December 1, 2008

TO: County Superintendents of Schools
Superintendents of Schools
Principals
Parochial and Private School Administrators
Administrators of Child Care Facilities and Day Care Centers
Local Health Officers

THRU: Christina Tan, M.D. *CT*
Interim Acting Deputy Commissioner/Acting State Epidemiologist
Public Health Services

James A. Brownlee, M.P.H. *JAB*
Assistant Commissioner
Epidemiology, Environment & Occupational Health Services

FROM: Janet DeGraaf *JDB*
Director
Communicable Disease Service

RE: N.J.A.C. 8:57-4.3 and 4.4 Immunization of Pupils in Schools rule,
Religious and Medical Exemption

The New Jersey Department of Health and Senior Services (NJDHSS) has received numerous inquiries regarding enforcement of N.J.A.C. 8:57 – 4, Immunization of Pupils in School. The issue of exemptions to mandatory immunizations has been reviewed by the NJDHSS Office of Legal and Regulatory Affairs and the New Jersey Office of the Attorney General. Below is a summary of the advice received from legal council regarding exemptions to immunization(s).

- Religious Exemptions:
N.J.S.A. 26:1A – 1 provides an 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 grounds that the proposed immunization interferes with the free exercise of the pupil's religious rights." All schools, child care centers, and local health officers may be advised that the religious exemption extends to private, parochial, and public institutions. When a parent or guardian submits their written religious exemption to immunization, which contains some religious reference, those persons charged with

implementing administrative rules at N.J.A.C. 8:57 – 4.4, should not question whether the parent’s professed religious statement or stated belief is reasonable, acceptable, sincere and bona fide. In practice, if the written statement contains the word “religion” or “religious” or some reference thereto, then the statement should be accepted and the religious exemption of mandatory immunization(s) granted. The language requiring how the administration of immunizing agents conflicts with the student’s religious beliefs does not mandate specificity as to membership in a recognized church or religious denomination. NJDHSS will seek to amend the rules at N.J.A.C. 8:57 – 4.4 through the Administrative Rules process to be consistent with N.J.S.A. 26:1A – 1.

- Medical Exemptions:

N.J.A.C. 8:57 – 4.3 allows for exemptions to immunizations which are medically contraindicated. A written statement shall be submitted to the school, preschool, or child care center from a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) indicating that an immunization is medically contraindicated for a specific period of time, and the reason(s) for the medical contraindication, based upon valid medical reasons as enumerated by the Advisory Committee on Immunization Practices (ACIP) or the American Academy of Pediatrics (AAP) guidelines.

Objections to vaccination based on grounds which are not medical or religious in nature and which are of a philosophical, moral, secular, or more general nature continue to be unacceptable.

NJDHSS hopes that the information provided will enable schools, child care facilities, and local health departments to process requests for exemptions in a more uniform and expeditious manner. NJDHSS remains committed to ensuring that our children and communities are protected against vaccine-preventable diseases. The dramatic decrease in the morbidity and mortality of vaccine-preventable diseases is attributed, in large part, to enforcement of school immunization requirements. The Department remains grateful for all the work expended locally to implement and enforce these important health regulations within the proscribed authority.

If you have any questions, please contact the NJDHSS Vaccine Preventable Disease Program at (609) 588-7512.

cc: Lucille Davy, Commissioner, DOE
Ruth Charbonneau
Barbara Montana, M.D.
Angela Sorrells-Washington