

26:1A-7 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:1A-7; 26:1A-9, 18A:40-20 et al.

Laws of 1974 Chapter 150

Bill No. A 132

Sponsor(s) Owens

Date Introduced Pre-filed

Committee: Assembly Education

Senate Education

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly March 18

Senate June 13

Date of approval Nov. 11

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly ~~Yes~~ No

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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10/4/76

FEB 1977

ASSEMBLY, No. 132

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**STATE OF NEW JERSEY**

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PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman OWENS

AN ACT concerning the immunization of school children, amending R. S. 26:4-6, P. L. 1947, c. 177 and N. J. S. 18A:40-20, supplementing Title 26 of the Revised Statutes and repealing R. S. 26:4-7, R. S. 26:4-8, N. J. S. 18A:40-13, N. J. S. 18A:40-14, N. J. S. 18A:40-15, N. J. S. 18A:40-21 and N. J. S. 18A:40-22.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 7 of P. L. 1947, c. 177 (C. 26:1A-7), is amended to  
2 read as follows:

3 7. The Public Health Council shall have power, by the affirmative  
4 vote of a majority of all its members, to establish, and from time  
5 to time amend and repeal, such reasonable sanitary regulations not  
6 inconsistent with the provisions of this act or the provisions of  
7 any other law of this State as may be necessary properly to pre-  
8 serve and improve the public health in this State. The regulations  
9 so established shall be called the State Sanitary Code.

10 The State Sanitary Code may cover any subject affecting public  
11 health, or the preservation and improvement of public health and  
12 the prevention of disease in the State of New Jersey, *including the*  
13 *immunization against disease of all school children in the State*  
14 *of New Jersey.* In addition thereto, and not in limitation thereof,  
15 said State Sanitary Code may contain sanitary regulations:  
16 (a) prohibiting nuisances hazardous to human health; (b) pro-  
17 hibiting pollution of any water supply; (c) regulating the use of  
18 privies and cesspools; (d) regulating the disposition of excre-  
19 mental matter; (e) regulating the control of fly and mosquito  
20 breeding places; (f) regulating the detection, reporting, prevention  
21 and control of communicable and preventable diseases; (g) reg-  
22 ulating the conduct of public funerals; (h) regulating the conduct  
23 of boarding homes for children; (i) regulating the conduct of

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

24 maternity homes and the care of maternity and infant patients  
25 therein; (j) regulating the conducts of camps; (k) regulating  
26 the production, distribution and sale of certified milk; (l) regulat-  
27 ing the preparation, handling, transportation, burial or other  
28 disposal, disinterment and reburial of dead human bodies; and  
29 (m) prescribing standards of cleanliness for public eating rooms  
30 and restaurants.

31 Prior to the final adoption by the council of any sanitary regula-  
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33 hold a public hearing thereon. The council shall cause to be pub-  
34 lished, at least once, not less than 15 days prior to such hearing,  
35 in each of the counties of the State in a newspaper published in each  
36 of said counties, or if no newspaper be published in any such  
37 county, then in a newspaper circulated in such county, a notice of  
38 such hearing, specifying the time when and the place where such  
39 hearing will be held, together with a brief summary of the proposed  
40 regulation, amendment or repealer and a statement that copies of  
41 the text thereof may be obtained from the State Commissioner of  
42 Health or from the board of health of any municipality in the State.  
43 The State Department of Health shall prepare and make available  
44 on request therefor, copies of the text of such proposed regulations  
45 and changes therein in the manner described in such public notice.

1 2. Section 9 of P. L. 1947, c. 177 (C. 26:1A-9), is amended to read  
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3 9. The provisions of the State Sanitary Code shall have the  
4 force and effect of law. Such code shall be observed throughout  
5 the State and shall be enforced by each local board of health, the  
6 local police authorities and other enforcement agencies. Nothing  
7 herein contained however shall be deemed to limit the right of any  
8 local board of health to adopt such ordinances, rules and regula-  
9 tions, as, in its opinion, may be necessary for the particular locality  
10 under its jurisdiction; but such ordinances, rules and regulations  
11 shall not be in conflict with the laws of this State or the provisions  
12 of the State Sanitary Code, except, however, that such ordinances,  
13 rules and regulations may be more restrictive than the provisions  
14 of the State Sanitary Code. *Every person, organization or board*  
15 *of education having control of any public or private school in this*  
16 *State shall insure compliance with the State Sanitary Code as it*  
17 *pertains to the immunization against disease of children attending*  
18 *or having the right to attend such school, including any provision*  
19 *of the code which prohibits attendance by a child who has not been*  
20 *immunized.*

1 3. N. J. S. 18A:40-20 is amended to read as follows:

2 18A:40-20. A board of education may provide, *at public expense*,  
3 the necessary equipment, materials and services for **[vaccinating]**  
4 *immunizing* pupils from the diseases which pupils are required  
5 to be immunized against by the State Sanitary Code or for diseases  
6 against which immunization may be recommended by the State  
7 Department of Health **[whose parents or guardians are, in the**  
8 **opinion of the board, unable to meet the necessary expense of**  
9 **vaccination].**

1 4. R. S. 26:4-6 is amended to read as follows:

2 26:4-6. Any body having control of **[the public schools]** *a school*  
3 may, on account of the prevalence of any communicable disease,  
4 or to prevent the spread of communicable disease **[:]**, *prohibit*  
5 *the attendance of any teacher or pupil of any school under their*  
6 *control and specify the time during which the teacher or scholar*  
7 *shall remain away from school.*

8 a. **[Prohibit the attendance of any teacher or scholar upon any**  
9 **school under their control and specify the time during which the**  
10 **teacher or scholar shall remain away from school;]** (*Deleted by*  
11 *amendment.*)

12 b. **[Prohibit the attendance of any unvaccinated child who has**  
13 **not had smallpox; and]** (*Deleted by amendment.*)

14 c. **[Decide whether revaccination shall be required if a case of**  
15 **smallpox occurs in the city or district.]** (*Deleted by amendment.*)

1 5. The State Department of Health and Local Boards of Health  
2 may provide at public expense, the necessary equipment, materials  
3 and services for immunizing pupils from the diseases which pupils  
4 are required to be immunized against by the State Sanitary Code  
5 or for diseases against which immunization may be recommended  
6 by the State Department of Health.

1 6. R. S. 26:4-7, 26:4-8, N. J. S. 18A:40-13, 18A:40-14, 18A:40-15,  
2 18A:40-21 and 18A:40-22 are hereby repealed.

1 7. This act shall take effect immediately.

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#### STATEMENT

Changes in medical and public health practice and technology are adding new immunization procedures and making others obsolete. Present statutes require legislative action each time immunization against another disease should be required of school children as a part of good public health practice in the prevention of communicable diseases. Similarly, legislative action is required

to remove immunization requirements against disease where evidence exists that such universal immunization is no longer necessary or may be harmful. Presently, routine vaccination of children against smallpox is no longer deemed advisable, but legislative action is needed, as proposed in this bill, to remove from the statutes regulations related to compulsory smallpox vaccination of children.

Determination of the specific immunization that should be required of school pupils is a technical decision, and should be placed with an administrative agency dealing with public health, namely the Public Health Council. This bill repeals all previous statutes related to compulsory immunization and vests the power to determine the diseases for which immunization should be required in the Public Health Council, with appropriate medical and religious safeguards for the individual child.

Present statutes permit each individual board of education to determine whether or not immunization will be required for each specific disease, thus resulting in a variety of immunization requirements. Immunization requirements against communicable disease are in the public health interest everywhere in the State and should be applied uniformly. This bill provides for one standard of public health practice in immunization throughout New Jersey for all children in public and nonpublic schools.

This bill also makes it permissive for the State Department of Health, local boards of health and local boards of education to provide immunization free of charge.

ASSEMBLY COMMITTEE AMENDMENTS TO  
**ASSEMBLY, No. 132**

—◆—  
**STATE OF NEW JERSEY**  
—◆—

ADOPTED FEBRUARY 15, 1974

Amend page 1, Title, line 1, omit "the"; omit "of school children".

Amend page 3, section 5, line 3, after "immunizing", omit "pupils",  
insert "people".

[OFFICIAL COPY REPRINT]  
ASSEMBLY, No. 132

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman OWENS

AN ACT concerning **\*[the]\*** immunization **\*[of school children]\***,  
amending R. S. 26:4-6, P. L. 1947, c. 177 and N. J. S. 18A:40-20,  
supplementing Title 26 of the Revised Statutes and repealing  
R. S. 26:4-7, R. S. 26:4-8, N. J. S. 18A:40-13, N. J. S. 18A:40-14,  
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5 to time amend and repeal, such reasonable sanitary regulations not  
6 inconsistent with the provisions of this act or the provisions of  
7 any other law of this State as may be necessary properly to pre-  
8 serve and improve the public health in this State. The regulations  
9 so established shall be called the State Sanitary Code.

10 The State Sanitary Code may cover any subject affecting public  
11 health, or the preservation and improvement of public health and  
12 the prevention of disease in the State of New Jersey, *including the*  
13 *immunization against disease of all school children in the State*  
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15 said State Sanitary Code may contain sanitary regulations:  
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24 maternity homes and the care of maternity and infant patients  
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26 the production, distribution and sale of certified milk; (l) regulat-  
27 ing the preparation, handling, transportation, burial or other  
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29 (m) prescribing standards of cleanliness for public eating rooms  
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33 hold a public hearing thereon. The council shall cause to be pub-  
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36 of said counties, or if no newspaper be published in any such  
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38 such hearing, specifying the time when and the place where such  
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11 shall not be in conflict with the laws of this State or the provisions  
12 of the State Sanitary Code, except, however, that such ordinances,  
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15 *of education having control of any public or private school in this*  
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20 *immunized.*

1 3. N. J. S. 18A:40-20 is amended to read as follows:

2 18A:40-20. A board of education may provide, *at public expense*,  
3 the necessary equipment, materials and services for **[vaccinating]**  
4 *immunizing pupils from the diseases which pupils are required*  
5 *to be immunized against by the State Sanitary Code or for diseases*  
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1 7. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO  
**ASSEMBLY, No. 132**  
[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED MARCH 18, 1974

Amend page 3, after section 5, insert a new section 6 as follows:

“6. A board of education may exempt a pupil from the provisions of this section if the parent or guardian of said pupil objects thereto in a written statement signed by him upon the ground that the proposed immunization interferes with the free exercise of his religious principles.”.

Amend page 3, section 6, line 1, renumber sections 6. and 7. as 7. and 8.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 132

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman OWENS

AN ACT concerning **\*[the]\*** immunization **\*[of school children]\***, amending R. S. 26:4-6, P. L. 1947, c. 177 and N. J. S. 18A:40-20, supplementing Title 26 of the Revised Statutes and repealing R. S. 26:4-7, R. S. 26:4-8, N. J. S. 18A:40-13, N. J. S. 18A:40-14, N. J. S. 18A:40-15, N. J. S. 18A:40-21 and N. J. S. 18A:40-22.

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19 *of the code which prohibits attendance by a child who has not been*  
20 *immunized.*

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2 18A :40-20. A board of education may provide, *at public expense*,  
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15 smallpox occurs in the city or district.**]** *(Deleted by amendment.)*

1 5. The State Department of Health and Local Boards of Health  
2 may provide at public expense, the necessary equipment, materials  
3 and services for immunizing **\*[pupils]\*** *\*people\** from the diseases  
4 which pupils are required to be immunized against by the State  
5 Sanitary Code or for diseases against which immunization may  
6 be recommended by the State Department of Health.

1 *\*\*6. A board of education may exempt a pupil from the provi-*  
2 *sions of this section if the parent or guardian of said pupil objects*  
3 *thereto in a written statement signed by him upon the ground that*  
4 *the proposed immunization interferes with the free exercise of his*  
5 *religious principles.\*\**

1 **\*\*[6.]\*\*** **\*\*7.\*\*** R. S. 26:4-7, 26:4-8, N. J. S. 18A:40-13,  
2 18A:40-14, 18A:40-15, 18A:40-21 and 18A:40-22 are hereby re-  
3 pealed.

1 **\*\*[7.]\*\*** **\*\*8.\*\*** This act shall take effect immediately.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 132

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STATE OF NEW JERSEY

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DATED: MAY 6, 1974

Changes in medical and public health practice and technology are adding new immunization procedures and making others obsolete. Present statutes require legislative action each time immunization against another disease should be required of school children as a part of good public health practice in the prevention of communicable diseases. Similarly, legislative action is required to remove immunization requirements against disease where evidence exists that such universal immunization is no longer necessary or may be harmful. Presently, routine vaccination of children against smallpox is no longer deemed advisable, but legislative action is needed, as proposed in this bill, to remove from the statutes regulations related to compulsory smallpox vaccination of children.

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This bill also makes it permissive for the State Department of Health, local boards of health and local boards of education to provide immunization free of charge.

An Assembly amendment was added which would give the local board of education the right to grant exemptions on religious grounds. The Senate Education Committee amendment changes the Assembly amendment in order that exemption from mandatory immunization may only be granted by the Public Health Council. This would make it possible for religious exemptions to have Statewide application.

SENATE COMMITTEE AMENDMENT TO

**ASSEMBLY, No. 132**

[SECOND OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED MAY 6, 1974

Amend page 3, section 6, lines 1-5, omit section in its entirety, and insert new section 6. as follows:

“6. Provisions in the State Sanitary Code in implementation of this act shall provide 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 by the State Commissioner of Health during the existence of an emergency as determined by the State Commissioner of Health.”.

[SENATE REPRINT]

## ASSEMBLY, No. 132

[SECOND OFFICIAL COPY REPRINT]

with Senate committee amendments adopted May 6, 1974

# STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman OWENS

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21 and control of communicable and preventable diseases; (g) reg-

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

22 ulating the conduct of public funerals; (h) regulating the conduct  
23 of boarding homes for children; (i) regulating the conduct of  
24 maternity homes and the care of maternity and infant patients  
25 therein; (j) regulating the conducts of camps; (k) regulating  
26 the production, distribution and sale of certified milk; (l) regulat-  
27 ing the preparation, handling, transportation, burial or other  
28 disposal, disinterment and reburial of dead human bodies; and  
29 (m) prescribing standards of cleanliness for public eating rooms  
30 and restaurants.

31 Prior to the final adoption by the council of any sanitary regula-  
32 tion or amendment thereto or repealer thereof the council shall  
33 hold a public hearing thereon. The council shall cause to be pub-  
34 lished, at least once, not less than 15 days prior to such hearing,  
35 in each of the counties of the State in a newspaper published in each  
36 of said counties, or if no newspaper be published in any such  
37 county, then in a newspaper circulated in such county, a notice of  
38 such hearing, specifying the time when and the place where such  
39 hearing will be held, together with a brief summary of the proposed  
40 regulation, amendment or repealer and a statement that copies of  
41 the text thereof may be obtained from the State Commissioner of  
42 Health or from the board of health of any municipality in the State.  
43 The State Department of Health shall prepare and make available  
44 on request therefor, copies of the text of such proposed regulations  
45 and changes therein in the manner described in such public notice.

1 2. Section 9 of P. L. 1947, c. 177 (C. 26:1A-9), is amended to read  
2 as follows:

3 9. The provisions of the State Sanitary Code shall have the  
4 force and effect of law. Such code shall be observed throughout  
5 the State and shall be enforced by each local board of health, the  
6 local police authorities and other enforcement agencies. Nothing  
7 herein contained however shall be deemed to limit the right of any  
8 local board of health to adopt such ordinances, rules and regula-  
9 tions, as, in its opinion, may be necessary for the particular locality  
10 under its jurisdiction; but such ordinances, rules and regulations  
11 shall not be in conflict with the laws of this State or the provisions  
12 of the State Sanitary Code, except, however, that such ordinances,  
13 rules and regulations may be more restrictive than the provisions  
14 of the State Sanitary Code. *Every person, organization or board*  
15 *of education having control of any public or private school in this*  
16 *State shall insure compliance with the State Sanitary Code as it*  
17 *pertains to the immunization against disease of children attending*  
18 *or having the right to attend such school, including any provision*

19 *of the code which prohibits attendance by a child who has not been*  
20 *immunized.*

1 3. N. J. S. 18A :40-20 is amended to read as follows :

2 18A :40-20. A board of education may provide, *at public expense,*  
3 the necessary equipment, materials and services for **【vaccinating】**  
4 *immunizing pupils from the diseases which pupils are required*  
5 *to be immunized against by the State Sanitary Code or for diseases*  
6 *against which immunization may be recommended by the State*  
7 *Department of Health* **【whose parents or guardians are, in the**  
8 *opinion of the board, unable to meet the necessary expense of*  
9 *vaccination】.*

1 4. R. S. 26:4-6 is amended to read as follows :

2 26:4-6. Any body having control of **【the public schools】** *a school*  
3 *may, on account of the prevalence of any communicable disease,*  
4 *or to prevent the spread of communicable disease【:], prohibit*  
5 *the attendance of any teacher or pupil of any school under their*  
6 *control and specify the time during which the teacher or scholar*  
7 *shall remain away from school.*

8 a. **【Prohibit the attendance of any teacher or scholar upon any**  
9 *school under their control and specify the time during which the*  
10 *teacher or scholar shall remain away from school;】* *(Deleted by*  
11 *amendment.)*

12 b. **【Prohibit the attendance of any unvaccinated child who has**  
13 *not had smallpox ; and】* *(Deleted by amendment.)*

14 c. **【Decide whether revaccination shall be required if a case of**  
15 *smallpox occurs in the city or district.】* *(Deleted by amendment.)*

1 5. The State Department of Health and Local Boards of Health  
2 may provide at public expense, the necessary equipment, materials  
3 and services for immunizing **【pupils】** *\*people\** from the diseases  
4 which pupils are required to be immunized against by the State  
5 Sanitary Code or for diseases against which immunization may  
6 be recommended by the State Department of Health.

1 **\*\*\*【\*\*6. A board of education may exempt a pupil from the pro-**  
2 *visions of this section if the parent or guardian of said pupil objects*  
3 *thereto in a written statement signed by him upon the ground that*  
4 *the proposed immunization interferes with the free exercise of his*  
5 *religious principles.\*\*】\*\*\**

6 **\*\*\*6. Provisions in the State Sanitary Code in implementation**  
7 *of this act shall provide for exemption for pupils from mandatory*  
8 *immunization if the parent or guardian of the pupil objects thereto*  
9 *in a written statement signed by the parent or guardian upon the*  
10 *ground that the proposed immunization interferes with the free*

11 *exercise of the pupil's religious rights. This exemption may be*  
12 *suspended by the State Commissioner of Health during the exis-*  
13 *tence of an emergency as determined by the State Commissioner of*  
14 *Health.\*\*\**

1 **\*\*[6.]\*\*** **\*\*7.\*\*** R. S. 26:4-7, 26:4-8, N. J. S. 18A:40-13,  
2 18A:40-14, 18A:40-15, 18A:40-21 and 18A:40-22 are hereby re-  
3 pealed.

1 **\*\*[7.]\*\*** **\*\*8.\*\*** This act shall take effect immediately.

CHAPTER 150 LAWS OF N. J. 19 74  
APPROVED 11/11/74

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 132

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman OWENS

AN ACT concerning **\*[the]\*** immunization **\*[of school children]\***,  
amending R. S. 26:4-6, P. L. 1947, c. 177 and N. J. S. 18A:40-20,  
supplementing Title 26 of the Revised Statutes and repealing  
R. S. 26:4-7, R. S. 26:4-8, N. J. S. 18A:40-13, N. J. S. 18A:40-14,  
N. J. S. 18A:40-15, N. J. S. 18A:40-21 and N. J. S. 18A:40-22.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 7 of P. L. 1947, c. 177 (C. 26:1A-7), is amended to  
2 read as follows:

3 7. The Public Health Council shall have power, by the affirmative  
4 vote of a majority of all its members, to establish, and from time  
5 to time amend and repeal, such reasonable sanitary regulations not  
6 inconsistent with the provisions of this act or the provisions of  
7 any other law of this State as may be necessary properly to pre-  
8 serve and improve the public health in this State. The regulations  
9 so established shall be called the State Sanitary Code.

10 The State Sanitary Code may cover any subject affecting public  
11 health, or the preservation and improvement of public health and  
12 the prevention of disease in the State of New Jersey; *including the*  
13 *immunization against disease of all school children in the State*  
14 *of New Jersey.* In addition thereto, and not in limitation thereof,  
15 said State Sanitary Code may contain sanitary regulations:  
16 (a) prohibiting nuisances hazardous to human health; (b) pro-  
17 hibiting pollution of any water supply; (c) regulating the use of  
18 privies and cesspools; (d) regulating the disposition of excre-  
19 mental matter; (e) regulating the control of fly and mosquito  
20 breeding places; (f) regulating the detection, reporting, prevention  
21 and control of communicable and preventable diseases; (g) reg-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

22 ulating the conduct of public funerals; (h) regulating the conduct  
23 of boarding homes for children; (i) regulating the conduct of  
24 maternity homes and the care of maternity and infant patients  
25 therein; (j) regulating the conducts of camps; (k) regulating  
26 the production, distribution and sale of certified milk; (l) regulat-  
27 ing the preparation, handling, transportation, burial or other  
28 disposal, disinterment and reburial of dead human bodies; and  
29 (m) prescribing standards of cleanliness for public eating rooms  
30 and restaurants.

31 Prior to the final adoption by the council of any sanitary regula-  
32 tion or amendment thereto or repealer thereof the council shall  
33 hold a public hearing thereon. The council shall cause to be pub-  
34 lished, at least once, not less than 15 days prior to such hearing,  
35 in each of the counties of the State in a newspaper published in each  
36 of said counties, or if no newspaper be published in any such  
37 county, then in a newspaper circulated in such county, a notice of  
38 such hearing, specifying the time when and the place where such  
39 hearing will be held, together with a brief summary of the proposed  
40 regulation, amendment or repealer and a statement that copies of  
41 the text thereof may be obtained from the State Commissioner of  
42 Health or from the board of health of any municipality in the State.  
43 The State Department of Health shall prepare and make available  
44 on request therefor, copies of the text of such proposed regulations  
45 and changes therein in the manner described in such public notice.

1 2. Section 9 of P. L. 1947, c. 177 (C. 26:1A-9), is amended to read  
2 as follows:

3 9. The provisions of the State Sanitary Code shall have the  
4 force and effect of law. Such code shall be observed throughout  
5 the State and shall be enforced by each local board of health, the  
6 local police authorities and other enforcement agencies. Nothing  
7 herein contained however shall be deemed to limit the right of any  
8 local board of health to adopt such ordinances, rules and regula-  
9 tions, as, in its opinion, may be necessary for the particular locality  
10 under its jurisdiction; but such ordinances, rules and regulations  
11 shall not be in conflict with the laws of this State or the provisions  
12 of the State Sanitary Code, except, however, that such ordinances,  
13 rules and regulations may be more restrictive than the provisions  
14 of the State Sanitary Code. *Every person, organization or board*  
15 *of education having control of any public or private school in this*  
16 *State shall insure compliance with the State Sanitary Code as it*  
17 *pertains to the immunization against disease of children attending*  
18 *or having the right to attend such school, including any provision*

19 of the code which prohibits attendance by a child who has not been  
20 immunized.

1 3. N. J. S. 18A :40-20 is amended to read as follows:

2 18A :40-20. A board of education may provide, *at public expense*,  
3 the necessary equipment, materials and services for **[vaccinating]**  
4 *immunizing* pupils from the diseases which pupils are required  
5 to be immunized against by the State Sanitary Code or for diseases  
6 against which immunization may be recommended by the State  
7 Department of Health **[whose parents or guardians are, in the**  
8 *opinion of the board, unable to meet the necessary expense of*  
9 *vaccination]*.

1 4. R. S. 26:4-6 is amended to read as follows:

2 26:4-6. Any body having control of **[the public schools]** *a school*  
3 may, on account of the prevalence of any communicable disease,  
4 or to prevent the spread of communicable disease**[:]**, *prohibit*  
5 *the attendance of any teacher or pupil of any school under their*  
6 *control and specify the time during which the teacher or scholar*  
7 *shall remain away from school.*

8 a. **[Prohibit the attendance of any teacher or scholar upon any**  
9 *school under their control and specify the time during which the*  
10 *teacher or scholar shall remain away from school;]* *(Deleted by*  
11 *amendment.)*

12 b. **[Prohibit the attendance of any unvaccinated child who has**  
13 *not had smallpox; and]* *(Deleted by amendment.)*

14 c. **[Decide whether revaccination shall be required if a case of**  
15 *smallpox occurs in the city or district.]* *(Deleted by amendment.)*

1 5. The State Department of Health and Local Boards of Health  
2 may provide at public expense, the necessary equipment, materials  
3 and services for immunizing **\*[pupils]\* \*people\*** from the diseases  
4 which pupils are required to be immunized against by the State  
5 Sanitary Code or for diseases against which immunization may  
6 be recommended by the State Department of Health.

1 **\*\*\*[\*\*6.** *A board of education may exempt a pupil from the pro-*  
2 *visions of this section if the parent or guardian of said pupil objects*  
3 *thereto in a written statement signed by him upon the ground that*  
4 *the proposed immunization interferes with the free exercise of his*  
5 *religious principles.\*\*]**\*\*\****

6 **\*\*\*6.** *Provisions in the State Sanitary Code in implementation*  
7 *of this act shall provide for exemption for pupils from mandatory*  
8 *immunization if the parent or guardian of the pupil objects thereto*  
9 *in a written statement signed by the parent or guardian upon the*  
10 *ground that the proposed immunization interferes with the free*

11 *exercise of the pupil's religious rights. This exemption may be*  
12 *suspended by the State Commissioner of Health during the exis-*  
13 *tence of an emergency as determined by the State Commissioner of*  
14 *Health.\*\*\**

1 **\*\*[6.]\*\* \*\*7.\*\*** R. S. 26:4-7, 26:4-8, N. J. S. 18A:40-13,  
2 18A:40-14, 18A:40-15, 18A:40-21 and 18A:40-22 are hereby re-  
3 pealed.

1 **\*\*[7.]\*\* \*\*8.\*\*** This act shall take effect immediately.