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

The New Jersey Department of Health (Department) has received numerous inquiries regarding N.J.A.C. 8:57-4.3 and N.J.A.C. 8:57-4.4, Immunization of Pupils in School, Medical and Religious Exemptions. Schools, child care centers and local health departments who are responsible for processing requests for exemptions from mandatory immunization requirements are reminded that such exemptions are limited to medical and religious reasons. Requests for exemptions based on philosophical, moral, secular, or more general reasons are unacceptable and should not be granted.

- Medical Exemptions:

N.J.A.C. 8:57-4.3 provides for exemptions from mandatory immunization(s) 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.

- Religious Exemptions:

N.J.S.A. 26:1A-9.1 provides an exemption 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."

N.J.A.C. 8:57-4.4 provides an exemption from mandatory immunization for a child in school, preschool, or child care center if the child's parent or guardian submits to the school, preschool, or child care center a written, signed statement requesting a religious exemption from the immunization, pursuant to N.J.S.A. 26:1A-9.1. Religious exemptions extend to private, parochial, and public institutions.

When a parent or guardian submits a written, signed request for exemption from mandatory immunization(s) due to religious beliefs, the statement should be accepted and the religious exemption granted. The request does

not need to identify membership in a recognized church or religious denomination or describe how the administration of immunizing agents conflicts with the student's religious beliefs in order for the request to be granted. Religious affiliated schools or child care centers shall have the authority to withhold or grant a religious exemption from the required immunization for pupils entering or attending their institutions without challenge by any secular health authority.

In accordance with N.J.A.C. 8:57-4.3 (d) and 4.4 (d), a school, preschool, or child care center may exclude children with religious or medical exemptions during a vaccine-preventable disease outbreak or threatened outbreak as determined by the Commissioner, Department of Health, or his or her designee.

The Department hopes that the information provided will enable schools, child care centers, and local health departments to process requests for exemptions in a uniform and expeditious manner. The Department 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 prescribed authority.