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AN ACT concerning vaccinations and supplementing Title 26 of the Revised Statutes.

Restricts establishment of mandates to become vaccinated against coronavirus disease 2019 (COVID-19); establishes reimbursement program to cover certain out-of-pocket costs incurred in obtaining COVID-19 vaccine.

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PRIME Sponsor \_\_\_\_\_ / \_\_\_\_\_

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Same as \_\_\_\_\_ 18/19      Same as \_\_\_\_\_ 20/21

Suggested allocation: s.1-2: C.26:1A-9.2 and -9.3 to 2020/117

AN ACT concerning vaccinations and supplementing Title 26 of the Revised Statutes.

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

1. a. Notwithstanding the provisions of P.L.2005, c.222 (C.26:13-1 et seq.) to the contrary, no person shall be required to be immunized against SARS-CoV-2 by:

- (1) an executive order issued by the Governor;
- (2) an order issued by any State, county, or local department, agency, office, or other governmental entity; or
- (3) a public or private child care center, preschool program, elementary or secondary school, or institution of higher education as a condition of attendance at the child care center, preschool program, elementary or secondary school, or institution of higher education.

b. The provisions of subsection a. of this section shall not apply in the case of a health care worker or an individual employed by or providing services at a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) who is required to be immunized against SARS-CoV-2 as a condition of working with a medically-vulnerable population. Any requirement for a health care worker or an individual employed by or providing services at a licensed health care facility to be immunized against SARS-CoV-2 shall be subject to any other standards and requirements as apply under State and federal law concerning immunizations required for health care workers and individuals employed by, or providing services at, a licensed health care facility, including any exemptions as may apply when the immunization is medically contraindicated for an individual or when the individual objects to the immunization based on sincerely-held religious belief. In the case of an immunization against SARS-CoV-2 that is required by a health care facility for health care workers or other individuals, the immunization requirement shall additionally be subject to the same facility policies as apply to other immunizations required as a condition of working at or providing services at the facility, including any exemptions as may apply when the immunization is medically contraindicated for an individual or when the individual objects to the immunization based on sincerely-held religious belief.

2. a. The Department of Health shall establish a program to reimburse health care workers and individuals employed by or providing services at a long-term care facility who are required to be immunized against SARS-CoV-2 as a condition of working with a medically-vulnerable population for the out-of-pocket costs incurred by the individual to obtain the immunization against SARS-CoV-2. To be eligible for reimbursement for the immunization against SARS-CoV-2 under the program, the individual shall certify to the department:

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(1) the actual out-of-pocket costs incurred by the individual in obtaining the immunization against SARS-CoV-2;

(2) that the full cost of the SARS-CoV-2 immunization is not covered under the individual’s health benefits plan;

(3) that the entity employing or utilizing the services of the individual will not cover any portion of the cost of the SARS-CoV-2 immunization that is not covered under the individual’s health benefits plan;

(4) that the out-of-pocket costs incurred by the individual do not represent a copay, coinsurance, or other cost sharing imposed by the individual’s health benefits plan; and

(5) that the out-of-pocket costs incurred by the individual to obtain the SARS-CoV-2 immunization represents an undue financial burden to the individual.

b. An individual who submits a false certification to the department pursuant to subsection a. of this section shall be required to repay to the department the full amount of any reimbursement paid to the individual out of program funds, and shall additionally be liable to a civil penalty of up to \$1,000, which shall be collected by and in the name of the department in summary proceedings before a court of competent jurisdiction pursuant to the provisions of the “Penalty Enforcement Law of 1999,” P.L.1999, c.174 (C.2A:58-10 et seq.).

2. This act shall take effect immediately.

STATEMENT

This bill prohibits State, county, and local government entities, as well as public and private child care centers, preschool programs, elementary and secondary schools, and institutions of higher education, from mandating that any person be immunized against SARS-CoV-2, the virus that causes coronavirus disease 2019 (COVID-19). The restriction will not apply to health care workers or individuals employed by or providing services at a licensed health care facility who are required to receive the immunization as a condition of working with a medically-vulnerable population.

The bill additionally provides that any requirement that health care workers and other individuals working or providing services at a licensed health care facility be vaccinated against COVID-19 will be subject to State and federal laws and health care facility policies that apply to other vaccines that are required for health care workers and other vaccines that are required as a condition of working or providing services at a health care facility, including any exemptions that apply when a vaccine is medically-contraindicated for the individual or when the individual objects to the vaccine based on sincerely-held religious belief.

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The bill further requires the Department of Health (DOH) to establish a program to reimburse health care workers and other individuals who are required to receive the COVID-19 vaccine for out-of-pocket costs. To be eligible for reimbursement, the individual will be required to certify to the DOH: (1) the actual out-of-pocket costs incurred by the individual; (2) that all or part of the cost of the vaccine is not covered by health insurance; (3) that the individual's employer will not cover any portion of the cost of the vaccine that is not covered by health insurance; (4) that the out-of-pocket costs incurred are not a copay, coinsurance, or other cost sharing imposed by the individual's health insurer; and (5) that the out-of-pocket costs of the vaccine represent an undue financial burden to the individual. A person who submits a false certification will be required to repay to the DOH the full amount of any reimbursement received from the program, and will be liable to a civil penalty of up to \$1,000, to be collected by and in the name of the DOH.

Although several vaccines against COVID-19 have shown promise in preventing against the spread of the disease, the development of COVID-19 vaccines has proceeded at an unprecedented pace, and the vaccines first being made available to the general public have not completed the full process ordinarily mandated by the U.S. Food and Drug Administration to ensure the safety of new drugs and devices for human use.

It is the sponsor's belief that, until there is a fuller record concerning the safety, effectiveness, and long-term effects of the COVID-19 vaccines being made available to the general public, these vaccines should not be made mandatory outside of certain health care settings.

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