



State of New Jersey

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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 – 9.1 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 – 9.1.
- 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.

## **N.J.A.C. 8:25-5.5 Health records**

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**(a)** The parent or guardian of a camper shall complete and submit a written health history for the camper, at the time of admission, to the youth camp for review by the health director, including all known:

1. Physical conditions;
2. Mental conditions; and
3. Allergies.

**(b)** All staff, or the parent or guardian of a staff member if under the age of 18 at the time of employment, shall submit a written health history, prior to employment, to the youth camp for review by the health director, including all known:

1. Physical conditions;
2. Mental conditions; and
3. Allergies.

**(c)** The health director shall maintain the written health histories for campers and staff on file at the youth camp during the camp season.

**(d)** All campers shall:

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1. Be immunized, with the vaccinations required for child-care center, preschool or school attendance, as appropriate for the camper's age, according to the immunization schedule set forth at Immunization of Pupils in School, N.J.A.C. 8:57-4; or

2. Provide a statement from a physician that immunization is in progress.

**(e)** The youth camp shall adhere to the requirements established at N.J.A.C. 8:57-4.3(a) and (b) regarding medical exemptions for campers from immunization, where the immunization is medically contraindicated.

1. The camp director or health director may exclude from the youth camp those campers with medical exemptions from receiving specific immunizations during a vaccine-preventable disease outbreak or threatened outbreak as determined by the Commissioner.

**(f)** The youth camp shall adhere to the requirements established at N.J.A.C. 8:57-4.4(a) regarding religious exemptions for campers from immunization.

1. The camp director or health director may exclude from the youth camp those children with religious exemptions from receiving immunizations during a vaccine-preventable disease outbreak or threatened outbreak as determined by the Commissioner.

**(g)** The camp director shall maintain on file at the youth camp all immunization records and medical and/or religious exemptions for each camper during the camp season.



**NJ Department of Health  
Vaccine Preventable Disease Program**

New Jersey Minimum Immunization Requirements for Kindergarten-Grade 12 Attendance  
N.J.A.C. 8:57-4 Immunization of Pupils in School

- Guide for checking compliance**
- Step 1: Each child attending/enrolling must present documentation of immunizations or valid medical or religious exemption to vaccines. In order to allow a child to enter school, he/she must have at least one dose of each age-appropriate required vaccine.
- Step 2: Determine child's present grade level.
- Step 3: Compare the child's record with the requirements listed on the chart below.

Grade/level child enters school:	Minimum Number of Doses for Each Vaccine						
	DTaP Diphtheria, Tetanus, acellular Pertussis	Polio Inactivated Polio Vaccine (IPV)	MMR (Measles, Mumps, Rubella)	Varicella (Chickenpox)	Hepatitis B	Meningococcal	Tdap (Tetanus, diphtheria, acellular pertussis)
Kindergarten – 1 <sup>st</sup> grade	A total of 4 doses with one of these doses on or after the 4 <sup>th</sup> birthday <u>OR</u> any 5 doses*	A total of 3 doses with one of these doses given on or after the 4 <sup>th</sup> birthday* <u>OR</u> any 4 doses*	2 doses†	1 dose	3 doses	None	None
2 <sup>nd</sup> – 5 <sup>th</sup> grade	3 doses <i>NOTE: Children 7 years of age and older, who have not been previously vaccinated with the primary DTaP series, should receive 3 doses of Tetanus, diphtheria (Td)</i>	3 doses	2 doses	1 dose	3 doses	None	None
6 <sup>th</sup> grade and higher	3 doses	3 doses	2 doses	1 dose required for children born on or after 1/1/98§	3 doses†	1 dose required for children born on or after 1/1/97 given no earlier than ten years of age*	1 dose required for children born on or after 1/1/97**

Additional vaccines are recommended by the Centers for Disease Control and Prevention (CDC). The chart above lists only the vaccines that are required for school attendance in NJ. Please note that unvaccinated children, including those with medical and/or religious exemptions, may be excluded from school during a vaccine preventable disease outbreak or threatened outbreak to ensure public health safety.

For the complete CDC Recommended Immunization Schedule, please visit <http://www.cdc.gov/vaccines/schedules/index.html>.

\* **DTaP:** Children who previously attended child care/preschool should have received 4 doses since the requirement to receive the fourth birthday booster dose (3<sup>rd</sup> dose) does not apply until the child attends Kindergarten. However, if one of these 4 doses was given after the 4<sup>th</sup> birthday, this child will not need an additional dose for Kindergarten. Children will need 5 doses if all doses were administered prior to the 4<sup>th</sup> birthday in order to enter Kindergarten.

**Polio:** Children who previously attended child care/preschool should have 3 doses since the requirement to receive the fourth birthday booster dose (4<sup>th</sup> dose) does not apply until the child attends Kindergarten. However, if one of these 3 doses was given after the 4<sup>th</sup> birthday, this child will not need an additional dose for Kindergarten.

Children will need 4 doses if all doses were administered prior to the 4<sup>th</sup> birthday.

<sup>†</sup> A child is required to receive two doses of measles, one dose of mumps, and one dose of rubella once he/she enters Kindergarten. Since single antigen (separate components of the vaccine) is not readily available, most children will have two MMR vaccines.

The Antibody Titer Law (Holly's Law, NJSA 26:2N-8-11), passed on January 14, 2004, requires the New Jersey Department of Health (NJDOH) to accept serologic evidence of protective immunity to measles, mumps and rubella in lieu of the second ACP recommended measles, mumps and rubella vaccine. For more information, please visit [http://nj.gov/health/cd/documents/antibody\\_tier\\_law.pdf](http://nj.gov/health/cd/documents/antibody_tier_law.pdf).

<sup>§</sup> Varicella vaccine is only required for children born on or after January 1, 1998. A child will not have to receive the varicella vaccine if he/she previously had chickenpox as long as a parent can provide the school with one of the following: 1) Documented laboratory evidence showing immunity (protection) from chickenpox, 2) A physician's written statement that the child previously had chickenpox, or 3) A parent's written statement that the child previously had chickenpox.

<sup>¶</sup> Two doses of hepatitis B vaccine is acceptable if child received the vaccine between 11 – 15 yrs. of age AND the vaccine is identified as Adolescent Formulation. Children who present documented laboratory evidence of hepatitis B disease or immunity, constituting a medical exemption, shall not be required to receive hepatitis B vaccine.

\*\* Tdap and Meningococcal vaccines are required for all entering 6<sup>th</sup> graders who are 11 years of age or older; 6<sup>th</sup> graders < 11 years must receive Tdap and meningococcal vaccines once age 11 is reached.

For the complete list of "NJ Immunization Requirements Frequently Asked Questions", please visit <http://nj.gov/health/cd/imm.shtml>.