

# ASSEMBLY, No. 4338

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 20, 2022

**Sponsored by:**  
**Assemblyman HERB CONAWAY, JR.**  
**District 7 (Burlington)**

### **SYNOPSIS**

Requires vaccinations against coronavirus disease 2019 (COVID-19) be reported to New Jersey Immunization Information System.

### **CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning vaccinations and amending P.L.2004, c.138.

2

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

5

6 1. Section 4 of P.L.2004, c.138 (C.26:4-134) is amended to  
7 read as follows:

8 4. a. There is established a Statewide automated and electronic  
9 immunization registry, to be designated as the New Jersey  
10 Immunization Information System, in the Department of Health.  
11 The registry shall be designed to serve as a single repository of  
12 immunization records to aid, coordinate, and help promote effective  
13 and cost-efficient disease screening, prevention, and control efforts  
14 in the State.

15 b. (1) A newborn infant in New Jersey, who is born on or after  
16 January 1, 1998, shall be enrolled in the registry immediately  
17 following birth unless the parent or legal guardian of the infant  
18 provides a written request to not participate in the registry.

19 (2) A child born prior to January 1, 1998 may be enrolled in the  
20 registry at the parent's or legal guardian's written request.

21 (3) Any person not currently enrolled in the registry shall be  
22 enrolled at the time the person is administered the SARS-CoV-2  
23 immunization, unless the person, or the person's parent or legal  
24 guardian in the case of a person who is younger than 18 years of  
25 age, provides a written request to not participate in the registry.

26 c. Access to the information in the registry shall be limited to:  
27 health care providers, schools, colleges, licensed child care centers,  
28 and public agencies, and private organizations as determined by  
29 regulation of the commissioner. Each health care provider who  
30 administers a vaccine against SARS-CoV-2 shall register as a  
31 registry site and as an authorized user, and shall commence online  
32 reporting of administrations of the SARS-CoV-2 vaccine. A  
33 registrant, or the registrant's parent or legal guardian if the  
34 registrant is a minor, shall have access to the registrant's  
35 immunization and other preventive health screening information in  
36 the registry.

37 d. The information contained in the registry shall be used for  
38 the following purposes:

39 (1) to help ensure that registrants receive all recommended  
40 immunizations in a timely manner by providing access to the  
41 registrants' immunization records;

42 (2) to help improve immunization rates by providing notice to  
43 registrants of overdue or upcoming immunizations; **[and]**

44 (3) to help control communicable diseases by assisting in the

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

Matter underlined thus is new matter.

- 1 identification of persons who require immediate immunization in  
2 the event of a vaccine-preventable disease outbreak; and  
3 (4) to track the administration of vaccines against SARS-CoV-2.
- 4 e. The authentic immunization and other preventive health  
5 screening record of a **[child]** person, which shall consist of a paper  
6 or electronic copy of the registry entry that is a true and accurate  
7 representation of the information contained therein, obtained from  
8 the registry shall be accepted as a valid immunization and  
9 preventive health screening record of the registrant for the purpose  
10 of meeting immunization and preventive health screening  
11 documentation requirements for admission to a school, college, or  
12 licensed child care center.
- 13 f. A health care provider shall not discriminate in any way  
14 against a person solely because the person elects not to participate  
15 in the registry.
- 16 g. An authorized user granted access as provided in subsection  
17 c. of this section shall only access information in the registry on a  
18 specific patient or client who is presently receiving services, is  
19 under the user's care or is within the applicable governmental health  
20 authority's jurisdiction.
- 21 h. An agency, organization, or other entity authorized to access  
22 information in the registry shall not use any report made by a health  
23 care provider pursuant to this act in any punitive manner against the  
24 provider.
- 25 i. The commissioner, in consultation with the Public Health  
26 Council, shall adopt rules and regulations, pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
28 seq.), to effectuate the purposes of this act, including, but not  
29 limited to:
- 30 (1) the establishment and maintenance of the registry;
- 31 (2) the methods for submitting, and the content of, reports of  
32 immunizations to the registry, for which purpose the commissioner  
33 shall provide, to the maximum extent practicable, for reporting  
34 options to facilitate compliance with the requirements of subsection  
35 b. of this section;
- 36 (3) procedures for the birth hospital of a newborn infant or  
37 health care provider, as applicable, to inform the parent or legal  
38 guardian of a newborn infant or minor of the purpose of the registry  
39 and its potential uses by parties having authorized access to registry  
40 information, and the content of that information;
- 41 (4) procedures for a registrant, or the registrant's parent or legal  
42 guardian if the registrant is a minor, to review and correct  
43 information contained in the registry;
- 44 (5) procedures for the parent or legal guardian of a newborn  
45 infant or minor, or a person over 18 years of age, to request to not  
46 participate in the registry at any time and to remove or inactivate  
47 information from the registry;

- 1 (6) limits on, and methods of, access to the registry by those  
2 authorized pursuant to subsection c. of this section;
- 3 (7) procedures for health insurers to obtain immunization  
4 information from the registry concerning only their covered  
5 persons, as well as summary statistics, which information or  
6 statistics shall not be used or disclosed for any other purpose than  
7 to:
- 8 (a) improve patient care;
- 9 (b) provide quality assurance to employers purchasing group  
10 coverage and to health care providers;
- 11 (c) improve outreach and education efforts with respect to their  
12 covered persons and health care providers; and
- 13 (d) monitor and improve quality of care standards as developed  
14 by professional organizations, accreditation agencies and  
15 government agencies in collaboration with the department; **[and]**
- 16 (8) procedures for the department to disseminate statistical  
17 information and supporting commentary; and
- 18 (9) procedures for health care providers administering the  
19 SARS-CoV-2 vaccine to inform a person receiving the vaccine, or  
20 the person's parent or legal guardian in the case of a person who is  
21 younger than 18 years of age, of the purpose of using the registry to  
22 track SARS-CoV-2 vaccine administrations.  
23 (cf: P.L.2012, c.17, s.340)

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25 2. The Commissioner of Health may adopt rules and  
26 regulations pursuant to the "Administrative Procedure Act,"  
27 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the  
28 implementation of this act.

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30 3. This act shall take effect immediately.

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#### STATEMENT

35 This bill requires vaccinations against SARS-CoV-2, the virus  
36 that causes the coronavirus disease 2019 (COVID-19), to be  
37 reported to the New Jersey Immunization Information System  
38 (NJIIS). The NJIIS is a Statewide database that maintains records  
39 of individual vaccination histories. Individuals born after January  
40 1, 1998 are automatically included in the registry, unless the  
41 individual's parent or guardian provides a written request that the  
42 person not be included in the registry; individuals born prior to  
43 January 1, 1998 may be included in the registry by written request.

44 This bill would require any person who is not currently enrolled  
45 in the registry to be automatically enrolled at the time the person is  
46 administered the SARS-CoV-2 vaccine, unless the person, or the  
47 person's parent or legal guardian in the case of a person younger  
48 than 18 years of age, provides a written request not to participate in

1 the registry. Each health care provider who administers the SARS-  
2 CoV-2 vaccine will be required to register as an immunization site  
3 and as an authorized user, and will be required to commence online  
4 reporting of administrations of the SARS-CoV-2 vaccine. The  
5 Department of Health will be required to establish procedures for  
6 health care providers to advise people receiving the SARS-CoV-2  
7 vaccine of the purpose of using the NJIIS to track administrations  
8 of the vaccine.

9 It is the sponsor's belief that the NJIIS will be an essential tool  
10 for tracking administrations of the SARS-CoV-2 vaccine and  
11 helping ensure the vaccine is administered as widely and effectively  
12 as possible, as well as in identifying gaps in vaccination rates that  
13 could lead to an outbreak of COVID-19 among a given population  
14 group or in a given region.