Sponsored by:
Senator JOSEPH PENNACCHIO
District 26 (Essex, Morris and Passaic)
Senator MICHAEL L. TESTA, JR.
District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:
Senators Thompson, Oroho, Durr and Holzapfel

SYNOPSIS
Requires entities to accept confirmation of prior COVID-19 infection or protective immune response against COVID-19 when proof of vaccination is required.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 1/27/2022)
AN ACT concerning coronavirus disease 2019 vaccine requirements and supplementing Title 10 of the Revised Statutes.

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

1. The Legislature finds and declares:
   a. Some scientific studies have suggested that people with SARS-CoV-2 antibodies, which is a sign of prior SARS-CoV-2 infection, are at a lower risk for future infection with SARS-CoV-2;
   b. Based on those observations, it appears that SARS-CoV-2 antibodies offer a degree of protection against being reinfected with the SARS-CoV-2 virus;
   c. As society returns to a sense of normalcy following the COVID-19 pandemic lockdown and COVID-19 vaccine rollout, proof of vaccination against SARS-CoV-2 is becoming a requirement for many workplaces and public venues;
   d. These vaccination requirements typically bar individuals from participating in many necessary social and economic activities unless the individual receives the COVID-19 vaccine. Although many of these requirements allow routine testing for COVID-19 as an alternative to vaccination to those who cannot be vaccinated or who are reluctant to be vaccinated out of health concerns or based on the individual’s personal preferences or beliefs, routine testing is burdensome; 
   e. Legislation is therefore necessary to provide individuals, who have recovered from COVID-19, stimulated their immune system, and developed antibodies, as well as other protective immune responses, to SARS-CoV-2, with an alternative method of confirming the individual’s health information concerning SARS-CoV-2; and 
   f. It is the intent of the Legislature to reduce discrimination based on vaccination status and to ensure that all individuals, including those who have recovered from a SARS-CoV-2 infection and developed a natural immunity, are entitled to the exercise of any privilege or right granted under State or federal law, including the ability to obtain and maintain employment and to access places of public accommodation.

2. a. As used in this act:
   “COVID-19” means the coronavirus disease 2019 caused by the SARS-CoV-2 virus.
   “Department” means Department of Health.
   b. Any entity that requires proof of vaccination against SARS-CoV-2 as a condition of employment with the entity, as a condition of receiving services from or through the entity, as a condition of admission to the entity’s premises, or as a condition of participating in an activity sponsored by the entity, shall accept any individual’s...
confirmation of a prior SARS-CoV-2 infection or a protective immune response against SARS-CoV-2 in lieu of providing proof of vaccination against COVID-19. Such confirmation shall be accepted as equal to any proof of vaccination required by the entity.

c. Such confirmation of a prior SARS-CoV-2 infection or a protective immune response against SARS-CoV-2 shall only be provided voluntarily by an individual. An entity may accept an individual’s confirmation verbally.

d. An individual providing confirmation of a prior SARS-CoV-2 infection or a protective immune response against SARS-CoV-2 shall have the same terms of employment and shall be provided with the same level of access to the premises, services, and activities of the entity, as the entity provides to an individual who submits proof of vaccination against COVID-19.

e. The provisions of this section shall apply to entities that include, but are not limited to, preschool programs, elementary or secondary schools, colleges, universities, or any other institutions of education.

f. Nothing in this act shall be construed to conflict with any federal law, rule, regulation, or executive order concerning COVID-19.

3. The Commissioner of Health shall adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.140 (C.52:14B-1 et seq.), as may be necessary to effectuate the provisions of this act.

4. This act shall take effect immediately.

STATEMENT

This bill requires any entity that requires proof of vaccination against SARS-CoV-2 as a condition of employment with the entity, as a condition of receiving services from or through the entity, as a condition of admission to the entity’s premises, or as a condition of participating in an activity sponsored by the entity, to accept any individual’s confirmation of a prior SARS-CoV-2 infection or a protective immune response against SARS-CoV-2 in lieu of providing proof of vaccination against COVID-19. This confirmation will be accepted as equal to any proof of vaccination required by an entity. Confirmation of a prior SARS-CoV-2 infection or a protective immune response against SARS-CoV-2 is to only be provided voluntarily. An entity may accept an individual’s confirmation verbally. An individual providing such confirmation is to have the same terms of employment and be provided with the same level of access to the premises, services, and activities of the entity, as the entity provides to an individual
who submits proof of vaccination against COVID-19. Nothing in
this bill is to be construed to conflict with any federal law, rule,
regulation, or executive order concerning COVID-19.

The provisions of the bill will apply to facilities that include, but
are not limited to, preschool programs, elementary or secondary
schools, colleges, universities, or any other institutions of
education.

It is the sponsor’s intent that this legislation will prevent
individuals, who have recovered from a prior SARS-CoV-2
infection and developed a natural immunity to COVID-19, from
being compelled to receive a COVID-19 vaccine and discriminated
against in workplaces and public venues based on vaccination
status. This legislation is not to be construed as promoting the
establishment of a vaccine passport system. However, in order to
conform to existing State and federal policy, proof of vaccination
status may be required under certain circumstances. The sponsors
prefer that, when such proof is required, simple verbal
acknowledgment of natural immunity be sufficient to satisfy proof
of vaccine requirements.