

Chapter 14
New Jersey State Sanitary Code
Immunization of Pupils in Schools
(New Jersey Administrative Code Citation 8:57-4.1 to 8:57-4.20)
(Readopted with amendments July 19, 2004)

8:57-4.1 Applicability

This subchapter shall apply to all children attending any public or private school, child care center, nursery school, preschool or kindergarten in New Jersey.

8:57-4.2 Proof of immunization

A principal, director or other person in charge of a school, preschool, or child care facility shall not knowingly admit or retain any child whose parent or guardian has not submitted acceptable evidence of the child's immunization, according to the schedules specified in this subchapter. Exemptions to this requirement are identified at 8:57-4.3 and 8:57-4.4.

8:57-4.3 Medical exemptions

- (a) A child shall not be required to have any specific immunization(s), which are medically contraindicated.
- (b) A written statement 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) in any jurisdiction of the United States 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) of the United States Public Health Service or the American Academy of Pediatrics (AAP) guidelines, will exempt a pupil from the specific immunization requirement for the stated period of time.

The guidelines identified in (b) above, are available as follows:

- (i) Advisory Committee on Immunization Practices, U.S. Public Health Service, Centers for Disease Control and Prevention, Atlanta, GA 30333; and
 - (ii) American Academy of Pediatrics, Committee on Infectious Diseases, PO Box 927, Elk Grove, IL 60009-0927.
- (c) The physician's or an advanced practice nurse's (certified registered nurse practitioner or clinical nurse specialist) statement shall be retained as part of the child's immunization record and shall be reviewed annually by the school, preschool, or child care facility. When the child's medical condition permits immunization, this exemption shall thereupon terminate and the child shall be required to obtain the immunization(s) from which he or she has been exempted.
 - (d) Those children with medical exemptions to receiving specific immunizations may be excluded from the school, preschool, or child care facility during a vaccine-preventable disease outbreak or threatened outbreak as determined by the Commissioner, Health and Senior Services or his or her designee.
 - (e) As provided by N.J.S.A. 26:4-6, "Any body having control of a school may, on account of the prevalence of any communicable disease, or to prevent the spread of communicable diseases, prohibit the attendance of any teacher or pupil of any school under their control and specify the time during which the teacher or scholar shall remain away from school." The Department of Health and Senior Services shall provide guidance to the school of the appropriateness of any such prohibition. All schools are required to comply with the provisions of N.J.A.C. 8:61-1.1 regarding attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV).

8:57-4.4 Religious exemptions

- (a) A child shall be exempted from mandatory immunization if the parent or guardian objects thereto in a written statement submitted to the school, preschool, or child care center, signed by the parent or guardian, explaining how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.
- (b) Religious affiliated schools or child care centers shall have the authority to withhold or grant a religious exemption from the required immunizations for pupils entering or attending their institutions without challenge from any secular health authority.
- (c) This statement will be kept by the school, preschool, or child care center as part of the child's immunization record.
- (d) Those children with religious exemptions from receiving immunizing agents may be excluded from the school, preschool, or child care center during a vaccine-preventable disease outbreak or threatened outbreak as determined by the Commissioner, Department of Health and Senior Services or his or her designee.
- (e) As provided by N.J.S.A. 26:4-6, "Any body having control of a school may, on account of the prevalence of any communicable disease, or to prevent the spread of communicable diseases, prohibit the attendance of any teacher or pupil of any school under their control and specify the time during which the teacher or scholar shall remain away from school." The Department of Health and Senior Services shall provide guidance to the school on the appropriateness of any such prohibition. All schools are required to comply with the provisions of N.J.A.C. 8:61:1.1 regarding attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV).
- (f) Those children enrolled in school, preschool, or child care centers before September 1, 1991, and who have previously been granted a religious exemption, shall not be required to reapply for a new religious exemption under 8:57-4.4(a).

8:57-4.5 Provisional admission

- (a) A child may be admitted to a school, preschool, or child care center on a provisional basis if a physician, an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the pupil is in the process of receiving the remaining immunization(s).
- (b) Provisional admission for children under age five shall be granted in compliance with the specific requirements set forth in N.J.A.C. 8:57-4.10 through 4.15 for a period of time consistent with the current Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service or the American Academy of Pediatrics (AAP) immunization schedule, but shall not exceed 17 months for completion of all immunization requirements.
- (c) Provisional admission for children five years of age or older shall be granted in compliance with the specific requirements set forth in N.J.A.C. 8:57-4.10 through 4:14 and 4:16 for a period of time consistent with the current Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service or the American Academy of Pediatrics (AAP) immunization schedule, but shall not exceed one year for completion of all immunization requirements.
- (d) Provisional status shall only be granted one time to children entering or transferring into schools, preschools, or child care centers in New Jersey. Information on this status shall be sent by the original school, preschool, or child care center to the new school, preschool, or child care center pursuant to N.J.A.C. 8:57-4.7(b).
- (e) Those children transferring into a New Jersey school, preschool, or child care center from out-of-State or out-of-country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.

- (f) The school, preschool, or child care center shall ensure that the required vaccines/antigens are being received on schedule. If at the end of the provisional admission period, the child has not completed the required immunizations, the administrative head of the school, preschool or child care center shall exclude the child from continued school attendance until appropriate documentation has been presented.
- (g) Those children in provisional status may be temporarily excluded from the school, preschool, or child care center during a vaccine-preventable disease outbreak or threatened outbreak as determined by the Commissioner, Department of Health and Senior Services or his or her designee.

8:57-4.6 Documents accepted as evidence of immunization

- (a) The following documents shall be accepted as evidence of a child's immunization history provided that the type of immunization and the date when each immunization was administered is listed:
 - (1) An official school record from any school, preschool, or child care center indicating compliance with the immunization requirements of this subchapter;
 - (2) A record from any public health department indicating compliance with the immunization requirements of this subchapter;
 - (3) A certificate signed by a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner, or clinical practitioner) in any jurisdiction of the United States indicating compliance with the immunization requirements of this subchapter; or
 - (4) The official record of immunization from the New Jersey Immunization Information System indicating compliance with the immunization requirements of this subchapter.
- (b) All immunization records submitted by a parent or guardian in a language other than English shall be accompanied by a translation sufficient to determine compliance with the immunization requirements of this subchapter.

8:57-4.7 Records required

- (a) Every school, preschool, or child care center shall maintain an official State of New Jersey School Immunization Record for every pupil. This record shall include the date of each immunization and shall be separated from the child's other medical records for purpose of immunization record audit.
- (b) If a child withdraws, is promoted, or transfers to another school, preschool, or child care center, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity shall be sent to the new school by the original school or shall be given to the parent or guardian upon request, within 24 hours of such a request.
- (c) When a child graduates from secondary school, this record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent or guardian upon request.
- (d) Each child's official New Jersey School Immunization Record, or a certified copy thereof, shall be retained by every secondary school for a minimum of four years after the pupil has left the school. Every elementary school, preschool, or child care center shall retain an immunization record, or a copy thereof, for a minimum of one year after the child has left the school.
- (e) Any computer-generated document or list developed by a school, preschool, or child care center shall be considered a supplement to, and not a replacement of, the official New Jersey School Immunization Record.

8:57-4.8 Reports to be sent to Department of Health and Senior Services

- (a) A report of the immunization status of the pupils in every school, preschool, or child care center shall be sent each year to the Department of Health and Senior Services by the principal, director, or other person in charge of the school, preschool, or child care center.
- (b) The form for the annual immunization status report shall be provided by the Department of Health and Senior Services.
- (c) This report shall be submitted by December 1 of the respective academic year after a review of all appropriate immunization records.
- (d) A copy of this report shall be sent to the local board of health in whose jurisdiction the school, preschool, or child care center is located.
- (e) Those schools, preschools, and child care centers not submitting the annual report by December 1 shall be considered delinquent. A delinquency involving schools, preschools, and child care centers may be referred to the New Jersey Department of Education or the New Jersey Department of Human Services, as appropriate based on the length of time delinquent, number of times delinquent, and efforts made toward compliance. The local health department will also be notified of the delinquency.

8:57-4.9 Records available for inspection

Each school, preschool, and child care center shall maintain records of their children's immunization status. Upon 24 hour notice, these records shall be made available for inspection by authorized representatives of the Department of Health and Senior Services or the local board of health in whose jurisdiction the school or child care center is located.

8:57-4.10 Diphtheria and tetanus toxoids and pertussis vaccine

- (a) Every child less than seven years of age, shall have received a minimum of four doses of diphtheria and tetanus toxoids and pertussis vaccine (DTP), or any vaccine combination containing DTP, such as DTP/Hib, or DTaP, one dose of which shall have been given on or after the child's fourth birthday.
- (b) Those children enrolled in child care centers who are too young to meet this requirement, shall be in compliance with this section if they are appropriately immunized for their age as recommended by the Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service.
- (c) Diphtheria, tetanus, and acellular pertussis vaccine (DTaP) for children under age seven is preferred and shall be accepted in lieu of DTP vaccine.
- (d) Pediatric diphtheria-tetanus toxoid (DT) shall be accepted in lieu of DTP or DTaP for children under age seven if a physician's written medical contraindication to further pertussis vaccine has been presented as specified at N.J.A.C. 8:57-4.3.
- (e) Children seven years of age and older who have not completed this requirement shall receive tetanus and diphtheria toxoids (adult Td) instead of DTP. Any appropriately spaced combination of three doses of DTP, DTaP, DT, or Td in a child over age seven shall be acceptable as adequate immunization for this vaccine series.
- (f) The requirement to receive a school entry booster dose of DTP or DTaP after the child's fourth birthday shall not apply to children while enrolled in child care centers, preschool, or pre-kindergarten classes or programs.
- (g) Those children less than seven years of age who have received a total of five or more doses of DTP or DTaP shall have also satisfied the DTP requirement.

8:57-4.11 Poliovirus vaccine

- (a) Every child less than seven years of age shall have received at least three doses of live, trivalent, oral poliovirus vaccine (OPV), or inactivated poliovirus vaccine (IPV) either separately or in combination, one dose of which shall have been given on or after the child's fourth birthday or, alternatively, any appropriately spaced combination of four doses.
- (b) Those children enrolled in child care centers who are too young to meet this requirement, shall be considered to be in compliance with this section if they are appropriately immunized for their age as recommended by the Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service.
- (c) Any person 18 years of age or older shall not be required to receive poliovirus vaccine.
- (d) For children seven years of age and older, any appropriately spaced combination of three doses of OPV or IPV shall satisfy the poliovirus vaccine requirement.
- (e) The requirement to receive a school entry dose of OPV or IPV after the child's fourth birthday shall not apply to children while enrolled in child care centers, preschool or pre-kindergarten classes or programs.

8:57-4.12 Measles virus vaccine

- (a) Every child born on or after January 1, 1990, shall have received two doses of a live measles-containing vaccine, or any vaccine combination containing live measles vaccine, such as the preferred measles, mumps, rubella (MMR) vaccine, prior to school entrance for the first time into Kindergarten, Grade One, or a comparable age entry level special education program with an unassigned grade. The first dose shall have been administered on or after the child's first birthday, and the second dose shall have been administered no less than one month after the first dose.
- (b) Every child born after January 1, 1990 attending or transferring into a New Jersey school from another state or county shall have received two doses of a live measles containing vaccine.
- (c) Those children younger than 15 months of age who are enrolled in a preschool or child care center, shall be considered to be in compliance with this section until reaching the age of 15 months, which is the medically recommended age for receiving the first measles immunization.
- (d) Children born before January 1, 1990, shall have received one dose of live measles vaccine or any measles-containing combination vaccine on or after their first birthday.
- (e) Children born on or after January 1, 1990, and enrolling in school (Kindergarten or Grade One) for the first time after September 1, 1995, with no documented doses of measles vaccine, shall receive the second dose of measles or another measles-containing combination vaccine, no sooner than one month and no later than two months after receiving the first dose.
- (f) Children who present documented laboratory evidence of measles immunity shall not be required to receive measles vaccine.
- (g) Those children enrolled in school, preschool, or child care centers before September 1, 1991, who have a current immunization record with physician diagnosed and documented measles disease shall not be required to receive the first or second dose of measles vaccine.

8:57-4.13 Rubella vaccine

- (a) Every child shall have received one dose of live rubella virus vaccine, or any vaccine combination containing live rubella virus vaccine, administered on or after the child's first birthday.

- (b) Those children younger than 15 months of age who are enrolled in a preschool or child care center, shall be considered to be in compliance with this section until reaching the age of 15 months, which is the medically recommended age for routine rubella immunization.
- (c) Rubella virus vaccine shall not be required of children who present documented laboratory evidence of rubella immunity.

8:57-4.14 Mumps vaccine

- (a) Every child shall have received one dose of live mumps virus vaccine, or any vaccine combination containing live mumps virus vaccine, administered on or after the child's first birthday.
- (b) Those children younger than 15 months of age who are enrolled in a preschool or child care center, shall be considered to be in compliance with this section until reaching the age of 15 months, which is the medically recommended age for routine mumps immunization.
- (c) Children enrolled in school, preschool, or child care centers before September 1, 1995, and who previously provided written certification from the diagnosing physician that the pupil had mumps disease shall not be required to receive mumps vaccine.
- (d) Children who present documented laboratory evidence of mumps immunity shall not be required to receive mumps vaccine.

8:13-4.15 Haemophilus influenzae type b (Hib) conjugate vaccine

- (a) Every child from 12 to 59 months of age enrolling in or attending any child care center or preschool facility shall have received at least one dose of a separate or a combination Hib conjugate vaccine, on or after the first birthday.
- (b) Every child from two months to 11 months of age enrolling in or attending a child care center shall have received a minimum of two age-appropriate doses of a separate or a combination Hib conjugate vaccine, or fewer as appropriate for the child's age.

8:13-4.16 Hepatitis B Virus Vaccine

- (a) Every child born on or after January 1, 1996, shall have received three doses of hepatitis B vaccine, or any vaccine combination containing hepatitis B virus, prior to school entrance for the first time into a Kindergarten, Grade 1, or a comparable age entry level special education program with an unassigned grade.
- (b) Children born after January 1, 1996, attending or transferring into a New Jersey school from another state or another country shall have received three doses of hepatitis B vaccine.
- (c) Children born after January 1, 1996 attending or transferring into a New Jersey school (Kindergarten and Grade 1), for the first time after September 1, 2001, with no documented doses of hepatitis B vaccine, shall receive the first dose before entering school and shall receive a second dose of a hepatitis B containing vaccine, no later than three months after receiving the first dose and shall receive the third dose no later than 12 months following the first dose.
- (d) Every child born on or after January 1, 1990 and entering Grade 6, or a comparable age level special education program with an unassigned grade, on or after September 1, 2001 shall have received three doses of hepatitis B vaccine, or any vaccine combination containing hepatitis B virus.
- (e) Children born on or after January 1, 1990, and transferring into a New Jersey school at the Grade Six or a higher grade level from another state or country on or after September 1, 2001, shall have received three doses of hepatitis B vaccine.

- (f) Children born on or after January 1, 1990, attending or transferring into a New Jersey school from another state or country on or after September 1, 2001 with no documented doses of hepatitis B vaccine, shall receive the first dose before entering school, and shall receive a second dose of hepatitis B containing vaccine no later than three months after receiving the first dose and shall receive the third dose no later than 12 months following the first dose.
- (g) Unvaccinated children 11 through 15 years of age who have not begun or completed the hepatitis B vaccine series, and subject to the Grade Six hepatitis B requirement commencing September 1, 2001, can be given two doses of any hepatitis B vaccine licensed and approved for a two-dose regimen to satisfy the hepatitis B requirement.
- (h) Unvaccinated children 11 through 15 years of age who have not yet begun or completed the hepatitis B vaccine series, and subject to the Grade Six hepatitis B requirement commencing September 1, 2001, and who are eligible to enter, attend, or transfer into a New Jersey school in provisional status following receipt of the first dose of any hepatitis B vaccine licensed for a two dose regimen shall receive the second and final dose to complete that two dose series no later than six months following the first dose.
- (i) Every child born on or before January 1, 1990 entering, attending, or transferring into a New Jersey school in Grades Nine through 12 or in a comparable age level special education program after September 1, 2003, shall have received three doses of hepatitis B virus containing vaccine, or alternatively any two doses of a hepatitis B containing vaccine licensed and approved for a two-dose regimen administered to children 11 through 15 years of age.**
- (j) Unvaccinated children born on or before January 1, 1990 entering, attending, or transferring into a New Jersey school in Grades Nine through 12 on or after September 1, 2003 who have not completed the hepatitis B vaccine series are eligible to attend school in provisional status following receipt of the first dose of any hepatitis B vaccine dose. The child granted provisional status shall receive a second dose of hepatitis B containing vaccine no later than three months after receiving the first dose and shall receive the third dose no later than 12 months following the first dose. If the child is age eligible to receive the two-dose regimen, the second and final dose shall be received no later than six months following the first dose.**
- (k) 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.

8:57-4.17 Varicella virus vaccine

- (a) Every child born on or after January 1, 1998 shall have received one dose of varicella vaccine, or any vaccine combination containing varicella virus, administered on or after the first birthday, prior to school entrance for the first time into a Kindergarten, Grade 1, or a comparable age entry level special education program with an unassigned grade.
- (b) Every child 19 months of age or older enrolling in or attending a child care center or preschool facility shall have received at least one dose of a varicella containing vaccine administered on or after the first birthday.
- (c) Every child born on or after January 1, 1998, attending or transferring into a New Jersey school from another state or country, shall have received one dose of a varicella virus containing vaccine.
- (d) Children who present either documented laboratory evidence, a physician's statement, or a parental statement of previous varicella disease, shall not be required to receive varicella vaccine.

8:57-4.18 Providing immunization

- (a) A board of education and/or a local board of health may provide, at public expense, the necessary equipment, materials and services for immunizing children with the following immunizing agents, either singly or in combination:
 1. Diphtheria toxoid;
 2. Pertussis vaccine;
 3. Tetanus toxoid;
 4. Measles virus vaccine, live, attenuated;
 5. Rubella virus vaccine, live;
 6. Poliovirus vaccine;
 7. Mumps virus vaccine, live;
 8. Haemophilus influenzae type B conjugate vaccine;
 9. Hepatitis B vaccine;
 10. Varicella vaccine;
 11. Other immunizing agents when specifically authorized to do so by the Department of Health and Senior Services.

8:57-4.19 Emergency powers of the Commissioner of Health and Senior Services

- (a) In the event that the Commissioner, Department of Health and Senior Services or his or her designee determines either that an outbreak or threatened outbreak of disease or other public health immunization emergency exists, the Commissioner or his or her designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.
- (b) All children failing to meet these additional requirements shall be excluded from a school, preschool, or child care center until the outbreak or threatened outbreak is over.
- (c) These requirements or amendments to the requirements shall remain in effect until such time as the Commissioner, Department of Health and Senior Services or his or her designee determines that an outbreak or a threatened outbreak no longer exists or the emergency is declared over, or for three months after the declaration of the emergency, whichever one comes first. The Commissioner, Department of Health and Senior Services or his or her designee may redeclare a state of emergency if the emergency has not ended.

8:57-4.20 Optimal immunization recommendations

The specific vaccines and the number of doses required under this subchapter are intended to establish the minimum vaccine requirements for child care center, preschool, or school entry and attendance in New Jersey. Additional vaccines, vaccine doses, and proper spacing between vaccine doses are recommended by the Department in accordance with the guidelines of the American Academy of Pediatrics (AAP) and the Advisory Committee on Immunization Practices (ACIP) for optimal protection and additional vaccines or vaccine doses may be administered, although they are not required for school attendance unless otherwise specified in this subchapter.