



OCT 27 1989

Memorandum to Presidents

Date: October 16, 1989 Vol. 89 No. 20

From: Offices of University Counsel and Vice Chancellor
for Legal Affairs and Vice Chancellor for Student
Affairs and Special Programs

Subject: Mandatory Student Immunizations -- Measles,
Mumps and Rubella

To: Presidents, State-operated Campuses
Presidents, Community Colleges

Recent amendments to the Public Health Law establish new requirements for measles, mumps and rubella immunization for students attending colleges and universities in New York State (Chapters 405 and 406 of the Laws of 1989; Attachments I and II).

Beginning in August 1990, full-time students who were not in attendance at your campus prior to August 1, 1989 and who were born on or after January 1, 1957 will be required to provide proof of adequate immunization against measles, mumps and rubella in accordance with standards approved by the New York State Department of Health. Beginning in August 1991, students born on or after January 1, 1957 who plan to register for at least six semester hours or four quarter hours who were enrolled at the campus after August 1, 1989 will be subject to the immunization requirement.

Limited exceptions are granted for students who hold "genuine and sincere religious beliefs" which are contrary to immunization and for students for whom immunization would be physically detrimental or otherwise medically contraindicated. Although students enrolled for less than six semester hours or four quarter hours are exempt from these new requirements, immunization is strongly encouraged by public health officials.

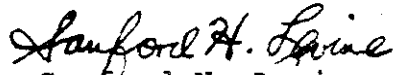
It is anticipated that the New York State Department of Health will be issuing regulations which define, with more specificity, the types of immunizations which will be deemed adequate. These regulations will be shared with you as soon as they become available. Attached is a copy of a "Fact Sheet" prepared by the Department of Health which contains some preliminary information about the anticipated regulatory provisions (Attachment III).

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Proof of immunization, in accordance with these new requirements, is a condition of registration and enrollment rather than a prerequisite for admission. During the first phase of implementation (August 1, 1990), students are allowed 60 days from the date of enrollment to present certification of adequate immunization. This deadline can be extended for not more than 90 days if the students are transferring from another state or country and can show good faith efforts to comply with the certification procedure. After August 1, 1991, these deadlines for receipt of proof of immunization are shortened to 30 days and 45 days, respectively.

These new Public Health Law provisions do not affect the Department of Health's authority to require more extensive immunization procedures in the case of a measles, mumps or rubella outbreak. Notice of the new immunization requirements should be incorporated into appropriate campus publications as soon as possible in order to inform students and potential applicants. Any questions about these new requirements should be directed to the Office of the Assistant Vice Chancellor for Student Affairs at (518) 443-5139 or the Office of University Counsel at (518) 443-5400.


Sanford H. Levine


Frank G. Pogue

Attachments

cc: Vice Presidents for Student Affairs
Directors, Student Health Services

Copies for information only to:
Deans, Statutory Colleges
President Coll
Provost Nesheim

S. 2230-C

Approved July 16, 1989, effective as provided in section 3

AN ACT to amend the public health law, in relation to required immunizations for certain post-secondary students

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The public health law is amended by adding a new section 2165 to read as follows:

§ 2165. Immunization of certain post-secondary students

1. As used in this section, unless the context requires otherwise:

a. The term "institution" means a college as defined in section two of the education law.

b. The term "student" means any person born on or after January first, nineteen hundred fifty-seven, who is registered to attend or attends classes at an institution, whether full-time or part-time. "Part-time student" shall mean a student who is part-time as defined in section six hundred sixty-six of the education law.

c. The term "health practitioner" means any person authorized by law to administer an immunization.

d. The term "immunization" means an adequate dose or doses of an immunizing agent against measles, mumps and rubella which meets the standards approved by the United States public health service for such biological products, and which is approved by the state department of health under such conditions as may be specified by the public health council.

2. Each student at an institution shall provide to the institution a certificate from a health practitioner or other acceptable evidence of such student's immunization, unless such student presents a certificate under subdivision eight of this section or is exempt under subdivision nine of this section. Upon compliance, no student shall be denied attendance at an institution because of the requirements of this section.

3. A student who has not complied with subdivision two of this section shall present himself or herself to a health practitioner and request such practitioner to administer such immunization.

4. If any person is unable to pay for the services of a private health practitioner, such person shall present himself or herself to the health officer of the county in which such person resides, or the county in which the institution is located who shall then administer the immunization without charge.

5. The health practitioner who administers such immunization to any such person shall give a certificate of such immunization to such person.

6. In the event that a student registers at an institution and has not complied with subdivision two of this section, the institution shall inform such student of the necessity to be immunized, that such immunization may be administered by any health practitioner, or that the student may be immunized without charge by the health officer in the county where the student resides or in which the institution is located. In the event that such student does not comply with this section, he or she shall be given notice that attendance at the institution requires immunization unless a valid reason is provided by such student pursuant to subdivision eight or nine of this section.

7. No institution shall permit any student to attend such institution in excess of thirty days without complying with subdivision two of this section. However, such thirty day period may be extended to not more than forty-five days for a student where such student is transferring from out-of-state or from another country and can show a good faith effort to comply with subdivision two of this section.

8. If any licensed physician or nurse practitioner certifies that such immunization may be detrimental to the person's health or is otherwise medically contraindicated, the requirements of this section shall be inapplicable until such immunization is found no longer to be detrimental to such person's health or is no longer medically contraindicated.

9. This section shall not apply to a person who holds genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to such person being admitted or received into or attending an institution.

10. The institution shall provide annually to the commissioner, on forms provided by the commissioner, a summary regarding compliance with this section.

11. The commissioner may adopt and amend rules and regulations to effectuate the provisions and purposes of this section.

12. The commissioner shall report annually to the governor and the legislature concerning the immunization of all students pursuant to this section.

§ 2. Subdivision 9 of section 2164 of the public health law, as added by chapter 994 of the laws of 1966 and as renumbered by chapter 633 of the laws of 1975, is amended to read as follows:

9. This section shall not apply to children whose parent, parents, or guardian ~~are bona fide members of a recognized religious organization whose teachings~~ hold genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a ~~prerequisite~~ prerequisite to such children being admitted or received into school or attending school.

S. 6260

Approved July 16, 1989, effective as provided in section 3

AN ACT to amend the public health law, in relation to the application of required immunizations for certain post-secondary students

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 7 of section 2165 of the public health law, as added by a chapter of the laws of 1989, amending the public health law, relating to required immunizations for certain post-secondary students, as proposed in legislative bill numbers A. 4123-A and S. 2230-C,¹ is amended to read as follows:

7. No institution shall permit any student to attend such institution in excess of thirty days without complying with subdivision two of this section. However, such thirty day period may be extended to not more than forty-five days for a student where such student is ~~transferring~~ from out-of-state or from another country and can show a good faith effort to comply with subdivision two of this section.

¹1989 McKinney Session Laws, Ch. 405, p. 861.

§ 2. Section 2165 of the public health law is amended by adding a new subdivision 13 to read as follows:

13. a. Prior to August first, nineteen hundred ninety-one, this section shall not apply to (i) part-time students or (ii) any student who attended the institution he or she is attending prior to August first, nineteen hundred eighty-nine.

b. Prior to August first, nineteen hundred ninety-one, the thirty and forty-five day periods referred to in subdivision seven of this section shall be deemed to be sixty and ninety days, respectively.

§ 3. This act shall take effect on the same date as a chapter of the laws of 1989, amending the public health law, relating to required immunizations for certain post-secondary students, as proposed in legislative bill numbers A. 4123-A and S. 2230-C¹ takes effect.



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

OFFICE OF PUBLIC HEALTH

Linda A. Pandolfi, M.D., M.P.H.
Director

William F. Leahy
Executive Deputy Director

September 1989

Dear Chancellor/College President:

New York State Public Health Law 2165, which passed in June 1989, requires post-secondary students attending colleges and universities to demonstrate proof of immunity against measles, rubella and mumps beginning in August 1990. The enclosed Fact Sheet provides measles, rubella and mumps immunization recommendations and specifies what will be required for school attendance. Briefly, proof of two doses of measles vaccine and one dose each of mumps and rubella vaccine, or proof that the student has had a case of these diseases, will be required for attendance.

The college immunization requirements are scheduled to be phased in over a two-year period according to the new law. Full-time first and second year students must comply beginning in August 1990. All other students including third and fourth year, graduate and part-time must comply beginning in August 1991. The New York State Department of Health (NYSDOH) urges all colleges and universities to notify students of the new requirements beginning with distribution of enrollment and registration materials for the Spring 1990 semester.

It must be emphasized that immunizations should be completed before arrival at school by the student's own primary health care provider who is filling out the student's college physical examination form. Students who cannot afford required immunizations may be referred to the local public health department. Colleges and universities should begin to develop procedures to review students' immunization status and enforce compliance. Many colleges and universities may wish to offer immunizations to students who arrive at school lacking required immunizations.

Beginning this school year (Fall 1989) a new measles outbreak protocol will be instituted by NYSDOH which will follow the requirements outlined above. Most importantly, two doses of measles vaccine will be required of all students in an outbreak situation. (Receipt of vaccine since 1980, the requirement during the 1988-89 academic year, will not be used.)

Please direct questions to the NYSDOH Immunization Program, telephone numbers are listed on the second enclosure. The enclosed fact sheet is for your duplication and distribution to students and staff.

Sincerely,

Lloyd F. Novick, M.D.
Director
Center for Community Health

Enclosures

ATTACHMENT III

FACT SHEET

COLLEGE IMMUNIZATION REQUIREMENTS IMMUNIZATION PROGRAM NEW YORK STATE DEPARTMENT OF HEALTH

New York State Public Health Law 2165 requires post-secondary students attending colleges and universities to demonstrate proof of immunity against measles, and mumps and rubella.

A. Who the new law applies to:

The law applies to persons born on or after January 1, 1957. Full-time first and second year students must comply beginning August 1990, all other students including third and fourth year, graduate level and part-time students must comply beginning August 1991. Full-time students are those enrolled for at least twelve semester hours per semester or the equivalent per quarter. Part-time students are those enrolled for at least six semester hours per semester or equivalent per quarter.

B. Requirements:

Proof of immunity consists of a certificate of immunization signed by a physician or health care provider which documents measles, mumps and rubella immunity. The certificate must specify the type of vaccine and the dates (months, day, year) of administration, or the date of disease diagnosis, if any, or the date of serologic testing and results, if any. A student health record from a previously attended school which properly documents the immunization history previously described is acceptable as proof of immunity.

Measles requirement:

- a) two doses of live measles vaccine (administered after 1967). The first dose must have been received on or after the first birthday and the second dose received at or after 15 months of age and at least thirty days after the first dose. Combined measles, mumps and rubella vaccine (MMR) is recommended for both doses.

or

- b) physician diagnosis of disease

or

- c) serologic evidence of immunity.

Rubella requirement:

- a) one dose of live rubella vaccine received on or after the first birthday
- or
- b) serologic evidence of immunity.
Note: Clinical diagnosis of rubella disease is not acceptable as proof of immunity.

Mumps requirement:

- a) one dose of live mumps vaccine received on or after the first birthday,
- or
- b) physician diagnosis of disease,
- or
- c) serologic evidence of immunity.

C. Exemptions

1. Persons may be exempt if a physician certifies in writing that the immunizations may be detrimental to their health.
2. Persons who hold genuine and sincere religious beliefs which are contrary to immunization may be exempt after submitting a statement to that effect.

D. Enforcement

Documentation of immunity against measles, mumps and rubella is required for students for continued college or university attendance beyond 30 days (45 days for out-of state students) in New York State. For the 1990-91 school year, these deadlines are extended to 60 and 90 days, respectively. Students should obtain completed immunization records and needed immunizations from their primary health care provider prior to arrival at school beginning in the fall semester 1990. Students who cannot afford immunizations may request them from their local public health department.

NEW YORK STATE DEPARTMENT OF HEALTH
BUREAU OF COMMUNICABLE DISEASE CONTROL
IMMUNIZATION PROGRAM

IMPORTANT CHANGES IN NEW YORK STATE IMMUNIZATION REQUIREMENTS

Several important changes have taken place recently in the immunization requirements for protection against measles, mumps, rubella and Haemophilus influenzae type b (Hib). These changes primarily affect three age groups - preschoolers, kindergartners and college bound students.

PRESCHOOLERS - As of January 1, 1990, children enrolled in day care centers, nursery schools and pre-k programs between the ages of 18 months and 5 years (up to the fifth birthday) will be required to show proof of immunization against Haemophilus influenzae type b (Hib).

KINDERGARTNERS (and, later, primary and secondary school students)-Beginning September 1, 1990, kindergarten enterers will be required to show proof of having received two vaccinations against measles. The first dose must have been received on or after the first birthday. The second dose should be given after the age of 15 months and preferably between four and six years of age. The interval between doses should be at least three months (see GENERAL RECOMMENDATIONS). After September 1990, any kindergartner AND any school enterer (grade 1-12) who was born on or after January 1, 1985, will be required to have two doses of measles vaccine. Measles, Mumps and Rubella (MMR) vaccine is the preferred vaccine for both doses of measles immunization.

COLLEGE BOUND STUDENTS - Beginning August 1, 1990, students attending New York State colleges and universities will be required to show proof of immunity against measles, mumps and rubella. Persons born before January 1, 1957 will be exempt from this requirement. Proof of immunity to measles will be defined as two doses of measles vaccine on or after the first birthday and at least 30 days apart (preferably three months), physician documented history of disease, or serologic evidence of immunity. Proof of rubella immunity will mean one dose of rubella vaccine on or after the first birthday or serologic evidence of immunity. Proof of mumps immunity will mean one dose of mumps vaccine on or after the first birthday, a physician documented history of disease, or serologic evidence of immunity. The new requirements will be phased in over two years: all freshmen and sophomores will be covered in August 1990; all undergraduate and graduate students will be covered in August 1991. Thereafter, all entering college students at any level will be covered by this legislation.

GENERAL RECOMMENDATIONS for measles immunization - Anyone born on or after January 1, 1957, who does not have a history of physician-diagnosed measles or serologic confirmation of measles immunity, should receive two doses of MMR vaccine for maximum protection. The first dose should be given at 15 months of age (at 12 months in New York City). The second dose should be given at 4-6 years of age (school entry) at the same time as the DTP and polio booster doses. MMR vaccine is recommended for all measles vaccine doses to provide increased protection against all three vaccine-preventable diseases: measles, mumps and rubella.

Questions regarding these new immunization requirements may be directed to your local health department or to the New York State or New York City Immunization Program listed below:

Buffalo (716) 847-4502
Rochester (716) 423-8094
Albany (518) 473-4437

New Rochelle (914) 632-4133
Syracuse (315) 475-7514, Ext. 333
New York City Hotline (212) 349-2664

August 1989