

New York Court Upholds Law Eliminating Religious Exemption From Mandatory Vaccinations for Schoolchildren

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On December 3, 2019, a New York court upheld a recently-amended New York law that eliminated the availability of a religious exemption from compulsory vaccination of schoolchildren.

Background

The New York State Public Health Law provides that a child may not be admitted to or attend a school or day care—whether public or private—in New York State without a certificate from a healthcare provider or other proof that the child has received required vaccinations. Previously, the law provided for two types of exemptions from that requirement: (i) a medical exemption, where a physician certifies that immunization “may be detrimental to a child’s health,” and (ii) a nonmedical, religious exemption, where parents or guardians “hold genuine and sincere religious beliefs which are contrary” to the requirement that the child receive vaccinations. On June 13, 2019, in response to the widespread measles outbreaks in New York and other parts of the United States, the New York State Legislature repealed the provision of the law authorizing nonmedical, religious exemptions.

In July 2019, more than 50 families brought a lawsuit to challenge the legislation, claiming that the repeal of the religious exemption under the law violates their constitutional guarantees to equal protection and free exercise. In a written decision, Albany County Acting Supreme Court Justice Denise Hartman rejected the plaintiffs’ claims and found that the overall history and context of New York’s vaccination law, including public health concerns in the wake of the measles outbreaks in New York, “all lead to the inexorable conclusion that the repeal was driven by public health concerns, not religious animus.” Justice Hartman held that the law, as amended, is not unconstitutional and dismissed the action.

Key Takeaways

The New York State Public Health Law does not require that every child in New York State be vaccinated. However, it does require that any child who attends a school or day care in New York State must receive the mandated vaccinations unless the child has been granted a medical exemption under the law.

Public schools, private schools, and day cares in New York will want to take note of this decision.

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