

3. A certificate signed by 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 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.

(c) Laboratory evidence of protective immunity, as enumerated by the Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service, shall be accepted as evidence of immunization if a parent or guardian cannot produce a documented history of immunization.

Amended by R.1990 d.243, effective June 4, 1990 (operative September 1, 1991).

See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Preschool added at (a)1; (a)4 deleted; (b) added.

Amended by R.1995 d.201, effective April 3, 1995.

See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

Amended by R.2003 d.412, 413, effective October 20, 2003.

See: 34 N.J.R. 3945(a), 35 N.J.R. 4883(b), 35 N.J.R. 4390(a).

In (a), substituted "an advanced practice nurse" for "a" following "Osteopathy or", inserted "or clinical nurse specialist" following "certified registered nurse practitioner in 3, added 4.

Amended by R.2009 d.107, effective April 6, 2009.

See: 40 N.J.R. 1962(a), 41 N.J.R. 1419(a).

Added (c).

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 educational record and 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.

Amended by R.1990 d.243, effective June 4, 1990 (operative September 1, 1991).

See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Preschool added; text at (b) deleted; record to go to new school within 24 hours; new (c), (d) and (e) added.

Amended by R.1995 d.201, effective April 3, 1995.

See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

Amended by R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).

See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).

In (a), inserted "educational record and".

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 made using the "Annual Immunization Status Report (IMM-7)," set forth in the chapter Appendix, incorporated herein by reference and shall be sent through the mail or submitted electronically, through the addresses set forth in (b) 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 Department of Health and Senior Services shall provide:

1. The annual immunization status report for electronic submission at <http://www.nj.gov/health/cd/imm7/annualstatusrpt.shtml>;

2. The instructions for completion at http://nj.gov/health/cd/documents/imm-7_instructions.pdf; and

3. A paper copy of the annual immunization status report along with the instructions for completion upon:

i. Verbal request to the Department at (609) 588-7512; or

ii. Written request mailed to the New Jersey Vaccine Preventable Disease Program, Department of Health and Senior Services, PO Box 369, Trenton, NJ 08625-0369.

(c) This report shall be submitted by January 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 January 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 Children and Families, 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.

As amended, R.1978 d.244, effective July 24, 1978.

See: 10 N.J.R. 246(b), 10 N.J.R. 334(a).

Amended by R.1990 d.243, effective June 4, 1990 (operative September 1, 1991).

See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Preschool added; new (e) added.

Amended by R.1995 d.201, effective April 3, 1995.

See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

Amended by R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).

See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).

Rewrote (a) and (b); in (c) and (e), substituted "January" for "December"; and in (e), substituted "child-care" for "child care" and "Children and Families" for "Human Services".

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.

Amended by R.1990 d.243, effective June 4, 1990 (operative September 1, 1991).

See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Preschool and 24 hour requirement added.

Amended by R.1995 d.201, effective April 3, 1995.

See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

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 through nine years of age who have not completed this requirement shall receive tetanus and diphtheria toxoids (adult Td) instead of DTP. Any combination of three doses of DTP, DTaP, DT, or Td in a child seven through nine years of age 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.

(h) Every child born on or after January 1, 1997, and entering or attending Grade Six, or a comparable age level special education program with an unassigned grade on or after September 1, 2008, shall have received one dose of Tdap (Tetanus, diphtheria, acellular pertussis) given no earlier than the 10th birthday.

(i) Children entering or attending Grade Six on or after September 1, 2008, who received a Td booster dose less than five years prior to entry or attendance shall not be required to receive a Tdap dose until five years have elapsed from the last DTP/DTaP or Td dose.

(j) Children born on or after January 1, 1997, and transferring into a New Jersey school from another state or country after September 1, 2008, shall have received one dose of Tdap, provided at least five years have elapsed from the last documented Td dose.

As amended, R.1981 d.503, effective January 4, 1982.

See: 13 N.J.R. 738(a), 14 N.J.R. 45(c).

"Seventh" birthday was "sixth".

Amended by R.1990 d.243, effective June 4, 1990 (operative September 1, 1991).

See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

DTP schedule updated; new (b), (c) and (d) added.

Amended by R.1995 d.201, effective April 3, 1995.

See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

Amended by R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).

See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).

Rewrote (e); and added (h) through (j).

Case Notes

Risk-modified market-share liability not adopted in DPT action. *Shackil v. Lederle Laboratories*, a div. of American Cyanamid Co., 116 N.J. 155, 561 A.2d 511 (1989).

Adequacy of warning left to jury. *Niemiera by Niemiera v. Schneider*, 114 N.J. 550, 555 A.2d 1112 (1989).

Learned intermediary doctrine relieved manufacturer of vaccine of duty to warn parents of child who suffered disabling convulsive episode which left him brain damaged. *Niemiera by Niemiera v. Schneider*, 114 N.J. 550, 555 A.2d 1112 (1989).

(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.

Repeal and New Rule, R.2003 d.413, effective October 20, 2003.
See: 34 N.J.R. 584(a), 35 N.J.R. 4890(a).
Section was "Providing immunization".

8:57-4.18 Pneumococcal conjugate vaccine

(a) Every child from two months through 11 months of age enrolling in or attending any child-care center on or after September 1, 2008, shall have received a minimum of two age-appropriate doses of pneumococcal conjugate vaccine (PCV), or fewer as medically-appropriate for the child's age according to the ACIP recommendations, incorporated herein by reference, as amended and supplemented.

1. The 2000 ACIP Recommendations for Preventing Pneumococcal Disease Among Infants and Young Children, is published in the October 6, 2000 issue of the Morbidity and Mortality Weekly Report (MMWR), which is available at www.cdc.gov/mmwr/PDF/rr/rr4909.pdf.

(b) Every child 12 months through 59 months of age enrolling in or attending a child-care center or preschool facility on or after September 1, 2008, shall have received at least one dose of PCV on or after their first birthday.

New Rule, R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).
See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).
Former N.J.A.C. 8:57-4.18, Providing immunization, recodified to N.J.A.C. 8:57-4.21.
Amended by R.2009 d.107, effective April 6, 2009.
See: 40 N.J.R. 1962(a), 41 N.J.R. 1419(a).
In the introductory paragraph of (a), deleted "or preschool facility" following "child-care center"; and in (b), inserted "or preschool facility".

8:57-4.19 Influenza vaccine

Children six months through 59 months of age attending any child-care center or preschool facility on or after September 1, 2008, shall annually receive at least one dose of influenza vaccine between September 1 and December 31 of each year.

New Rule, R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).
See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).
Former N.J.A.C. 8:57-4.19, Emergency powers of the Commissioner, Department of Health and Senior Services, recodified to N.J.A.C. 8:57-4.22.

8:57-4.20 Meningococcal vaccine

(a) Every child born on or after January 1, 1997, and entering or attending Grade Six or a comparable age level special

education program with an unassigned grade on or after September 1, 2008, shall have received one dose of a meningococcal-containing vaccine, such as the medically-preferred meningococcal conjugate vaccine.

(b) Every child born on or after January 1, 1997, and transferring into a New Jersey school from another state or country on or after September 1, 2008, shall have received one dose of meningococcal vaccine.

New Rule, R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).
See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).
Former N.J.A.C. 8:57-4.20, Optimal immunization recommendations, recodified to N.J.A.C. 8:57-4.23.

8:57-4.21 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. Pneumococcal conjugate vaccine;
12. Influenza vaccine;
13. Meningococcal vaccine; or

14. Other immunizing agents when specifically authorized to do so by the Department of Health and Senior Services.

Recodified from N.J.A.C. 8:57-4.17 and amended by R.2003 d. 413, effective October 20, 2003.
See: 34 N.J.R. 584(a), 35 N.J.R. 4890(a).
In (a), added a new 10, and recodified former 10 as 11. Former N.J.A.C. 8:57-1.18, Emergency powers of the Commissioner, Department of Health and Senior Services, recodified to N.J.A.C. 8:57-1.19. Recodified from N.J.A.C. 8:57-4.18 and amended by R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).
See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).
Added new (a)11 through (a)13; and recodified former (a)11 as (a)14.

8:57-4.22 Emergency powers of the Commissioner, Department 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.

(d) In the event of a national or State vaccine supply shortage, as determined by the Centers for Disease Control and Prevention and Commissioner, respectively, the Commissioner or his or her designee may temporarily suspend the immunization requirement for the particular immunization affected by the supply shortage, after provision of notice to the public, such as through any of the methods below:

1. Electronic posting on the Department's website;
2. Print and electronic news media;
3. The Department's Local Information Network and Communications System (LINCS);
4. The Department's Vaccine Preventable Disease Program; or
5. Any other method reasonably calculated to inform those persons most likely to be affected by or interested in the temporary immunization suspension.

Recodified from N.J.A.C. 8:57-1.18 by R.2003 d. 413, effective October 20, 2003.

See: 35 N.J.R. 584(a), 35 N.J.R. 4890(a).

Former N.J.A.C. 8:57-1.19, Optimal immunization recommendations, recodified to N.J.A.C. 8:57-1.20.

Recodified from N.J.A.C. 8:57-4.19 and amended by R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).

See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).

Added (d).

8:57-4.23 Optimal immunization recommendations

(a) 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 Advisory Committee on Immunization Practices

(ACIP), as periodically revised, 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.

(b) All vaccine doses included within, and mandated by, this subchapter that are administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require re-vaccination in order to enter or remain in a school, preschool, or child-care facility.

Recodified from N.J.A.C. 8:57-1.19 by R.2003 d. 413, and amended by R.2003 d.412, effective October 20, 2003.

See: 35 N.J.R. 584(a), 35 N.J.R. 4883(b), 35 N.J.R. 4890(a).

Recodified from N.J.A.C. 8:57-4.20 and amended by R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).

See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).

Effective January 7, 2008, inserted designation (a); and added (b).

In (a) inserted "as periodically revised," (operative September 1, 2008).

8:57-4.24 Penalties

Each violation of this subchapter shall be subject to the penalty set forth at N.J.S.A. 26:1A-10.

New Rule, R.2008 d.9, effective January 7, 2008 (operative September 1, 2008).

See: 38 N.J.R. 5284(a), 40 N.J.R. 151(a).

APPENDIX

INSTRUCTIONS FOR COMPLETING THE ANNUAL IMMUNIZATION STATUS REPORT ON-LINE

The instructions below have been developed to assist New Jersey Schools in completing the Annual Immunization Status Report (IMM-7) on-line. N.J.A.C. 8:57-4.8(c) requires schools to submit this report by January 1 of the respective academic year after a review of all appropriate students immunization records.

The IMM-7 is available on the New Jersey Department of Health and Senior Services (NJDHSS), Vaccine Preventable Disease Program website at <http://nj.gov/health/cd/imm7/annualstatusrpt.shtml>. Once you complete this report and click on "submit" it will automatically be sent to NJDHSS. A printed copy must be sent to your Local Health Department and one copy must be retained in your files. Please read the following instructions carefully.

STEP-BY-STEP INSTRUCTIONS:

Before you start to fill out the report, please make sure that you have all the correct and final information available. The top half of the report is required demographic information for your school. The bottom portion is a table in which you are required to input the immunization status of all pupils in the designated grades, to report compliance with N.J.A.C. 8:57-4, Immunization of Pupils in School.

- 1) Fill out the report by typing text into the appropriate areas and checking boxes where needed.