

CHAPTER 57

COMMUNICABLE DISEASES

Authority

N.J.S.A. 26:1A-7, 26:4-1, 26:5C-5 et seq.

Source and Effective Date

R.1995 d.240, effective April 12, 1995.
See: 27 N.J.R. 420(a), 27 N.J.R. 1987(a).

Executive Order 66(1978) Expiration Date

Chapter 57, Communicable Diseases, expires April 12, 2000.

Chapter Historical Note

All provisions of this chapter became effective prior to September 1, 1969. Revisions became effective May 20, 1984 as R.1984 d.121. See: 6 N.J.R. 140(a), 6 N.J.R. 241(c). Subchapter 4 became effective May 16, 1975 as R.1975 d.121. See: 7 N.J.R. 154(a), 7 N.J.R. 264(a). Subchapter 5 became effective October 8, 1976 as R.1976 d.315. See: 8 N.J.R. 513(a). Further revisions became effective December 13, 1977 as R.1977 d.467. See: 10 N.J.R. 12(a). Further amendments became effective July 24, 1978 as R.1978 d.244. See: 10 N.J.R. 246(b), 10 N.J.R. 334(a). Further amendments became effective September 1, 1979 as R.1979 d.244. See: 10 N.J.R. 246(b), 10 N.J.R. 334(a). Further amendments became effective October 1, 1978 as R.1978 d.293. See: 10 N.J.R. 146(a), 10 N.J.R. 358(b). Subchapter 1 was readopted effective November 12, 1980 as R.1980 d.498. See: 12 N.J.R. 577(e), 13 N.J.R. 13(b). Further amendments became effective January 4, 1982 as R.1981 d.502. See: 13 N.J.R. 738(a), 14 N.J.R. 45(c). Subchapter 4 was readopted pursuant to Executive Order No. 66(1978) effective July 18, 1983 as R.1983 d.311. See: 15 N.J.R. 781(a), 15 N.J.R. 1253(a). Emergency amendments became effective January 22, 1985 as R.1985 d.40. See: 17 N.J.R. 483(a) to 4.16. N.J.A.C. 8:57-4.16 was readopted effective March 25, 1985 as R.1985 d.195. See: 17 N.J.R. 483(a), 17 N.J.R. 955(a). Further amendments became effective June 3, 1985 as R.1985 d.264. See: 17 N.J.R. 483(a), 17 N.J.R. 1414(a). Subchapter 1 was readopted pursuant to Executive Order No. 66(1978) as R.1985 d.363, effective June 18, 1985 (amendments effective July 15, 1985). See: 17 N.J.R. 784(a), 17 N.J.R. 1764(a).

Subchapter 6, Cancer Registry, was adopted as R.1986 d.277, effective June 16, 1986. See: 17 N.J.R. 2836(b), 18 N.J.R. 1283(a). Subchapter 6 was recodified as Chapter 57A, Cancer Registry, by R.1990 d.242, effective May 21, 1990. See: 21 N.J.R. 3909(a), 22 N.J.R. 1596(a).

Pursuant to Executive Order No. 66(1978), Chapter 57 was readopted as R.1990 d.243, effective April 20, 1990. As a part of R.1990 d.243, Subchapter 2, Isolation of Persons Ill or Infected with a Communicable Disease, and Subchapter 3, Poliomyelitis Vaccine Records, were repealed, effective June 4, 1990. See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a). Subchapter 2, Reporting of Acquired Immunodeficiency Syndrome and Infection with Human Immunodeficiency Virus, was adopted as R.1990 d.244, and Subchapter 3, Reportable Occupational and Environmental Diseases and Poisons, was adopted as R.1990 d.245, effective May 21, 1990 (operative June 4, 1990). See: 21 N.J.R. 3905(a), 22 N.J.R. 1592(a); 21 N.J.R. 3907(a), 22 N.J.R. 1595(a).

Pursuant to Executive Order No. 66(1978), Chapter 57 was readopted as R.1995 d.240. See: Source and Effective Date.

Cross References

Blind and visually impaired services case management of clients with communicable diseases, see N.J.A.C. 10:91-5.9.

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SUBCHAPTERS 5 THROUGH 6. (RESERVED)

SUBCHAPTER 1. REPORTABLE
COMMUNICABLE DISEASES

Source and Effective Date

R.1995 d.277, effective June 5, 1995.
See: 27 N.J.R. 420(a), 27 N.J.R. 2216(a).

8:57-1.1 Purpose and scope

(a) The purpose of this subchapter is to expedite the reporting of certain diseases or outbreaks of disease so that appropriate action can be taken to protect the public health. The latest edition of the American Public Health Association's publication, "Control of Communicable Disease in Man," should be used as a reference, providing guidelines for the characteristics and control of communicable diseases, unless other guidelines are issued by the Department.

(b) For purposes of research, surveillance, and/or in response to technological developments in disease detection or control, the Commissioner, or his or her designee, is empowered to amend the diseases specified in this subchapter for such periods of time as may be necessary to control disease, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Amended by R.1990 d.243, effective June 4, 1990.
See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Purpose and scope text separated from Foreword; balance of Foreword deleted.

8:57-1.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Child care center" means any home or facility required to be licensed by the Department of Human Services which is maintained for the care, development, or supervision of six or more children under six years of age who attend for less than 24 hours a day.

"Commissioner" means the New Jersey State Commissioner of Health.

"Communicable disease" means an illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from an infected person, animal, or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector, or the inanimate environment.

"Department" means the New Jersey State Department of Health.

"Health officer" means a holder of a license as health officer issued by the State Department of Health, pursuant to N.J.S.A. 26:1A-38 et seq., who is employed by a local board of health to function during all working hours of the regularly scheduled work week of the governmental unit to which the local health agency is attached and not regularly employed during the working hours of that scheduled work week in other activities for which he or she receives remuneration.

"Health care provider" means a person who is directly involved in the provision of health care services, such as the clinical diagnosis and prescribing of medications, and when required by State law, the individual has received professional training in the provision of such services and is licensed or certified for such provision. This includes physicians, physician assistants, and nurse practitioners.

"Hospital" means an institution, whether operated for profit or not, which maintains and operates facilities for the diagnosis, treatment, or care of two or more non-related individuals suffering from illness, injury or deformity and where emergency, out-patient, surgical, obstetrical, convalescent, or other medical and nursing care is rendered for periods exceeding 24 hours.

"Local health department" means the board of health of a region or municipality or the boards, bodies, or officers in such region or municipality lawfully exercising any of the powers of a local board of health under the laws governing such region or municipality.

"May" means that the action referred to is discretionary.

"N.J.A.C." means the New Jersey Administrative Code.

"N.J.S.A." means the New Jersey Statutes Annotated.

"Nosocomial infection" means an infection occurring in a patient in a hospital or other health care facility and in whom it was not present or incubating at the time of admission, or the residual of an infection acquired during a previous admission. This term includes infections acquired in the hospital but appearing after discharge, and also such infections among the staff of the facility.

"Outbreak" means any unusual occurrence of disease or any disease above background or endemic levels. Endemic level refers to the usual prevalence of a given disease within a geographic area.

1. "Suspected outbreak" means an outbreak which appears to meet the definition of an outbreak, but has not yet been confirmed.

"Outpatient-based setting" means a setting in which preventive, diagnostic, and treatment services are provided to persons who come to the facility to receive services and depart from that facility the same day. This term includes, but is not limited to, private physicians offices, health maintenance organizations, clinics, public health centers, diagnostic centers, and treatment centers.

“Pediatric surveillance system” means a group of primary care pediatricians and family practice physicians who report weekly or monthly to the Department the number of patient diagnoses made in their practice by disease code.

“School” means any building, structure, or part thereof used for purposes of the education of children between grades kindergarten through 12 whether publicly or privately owned.

“Shall” means that the action referred to is mandatory.

“Venereal disease” means syphilis, gonorrhea, chancroid, lymphogranuloma venereum, and granuloma inguinale.

Amended by R.1990 d.243, effective June 4, 1990.

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

Text of 1.2, reportable diseases, recodified to 1.3; text of 1.1, Definitions, recodified to 1.2 with reporting officer deleted; exception deleted at “State Department of Health.”

8:57-1.3 Diseases which are immediately reportable

(a) The following diseases shall be reported immediately to the health officer:

1. Botulism (*Clostridium botulinum*);
2. Diphtheria (*Corynebacterium diphtheriae*);
3. *Haemophilus influenzae*, invasive disease;
4. Hepatitis A, institutional settings;
5. Measles;
6. Meningococcal disease (*Neisseria meningitidis*);
7. Pertussis (whooping cough, *Bordetella pertussis*);
8. Plague (*Yersinia pestis*);
9. Poliomyelitis;
10. Rabies (human illness);
11. Rubella;
12. Viral hemorrhagic fevers, including, but not limited to, Ebola, Lassa, and Marburg viruses;
13. Foodborne intoxications, including, but not limited to, ciguatera, paralytic shellfish poisoning, scombroid, or mushroom poisoning; and
14. Any foodborne, waterborne, nosocomial, outbreak or suspected outbreak or any outbreak or suspected outbreak of unknown origin.

(b) A health care provider, a chief executive officer or other person having control or supervision over a hospital, a laboratory director, an institutional superintendent, a child care center or preschool director, or a principal having knowledge of any person who is ill or infected with any disease listed in (a) above, or any communicable disease, whether confirmed or presumed, shall immediately report the facts by telephone to the health officer of the jurisdiction wherein the diagnosis is made. Such telephone report shall be followed up by a written or electronic report within 24 hours of the initial report. If the health officer is unavailable, the report shall be made to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431).

As amended, R.1983 d.67, effective March 7, 1983.

See: 14 N.J.R. 1277(a), 15 N.J.R. 338(b).

Added *Pneumocystis carinii* Pneumonia and Toxic Shock Syndrome. Also amended Lyme Arthritis to Lyme Disease.

Amended by R.1985 d.363, effective July 15, 1985.

See: 17 N.J.R. 784(a), 17 N.J.R. 1764(a).

Added “Meningitis” to the list of reportable diseases.

Amended by R.1990 d.243, effective June 4, 1990.

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

Text of 1.3, reporting of diseases by physicians, recodified to 1.4; text on reportable diseases recodified from 1.2 to 1.3; with specified diseases to be reported in writing to the Department by expanded list of professionals; exceptions for specified diseases noted; many revisions to lists in (a) and (b); and new (c) and (e) added.

Cross References

Personal care homes, records documenting contagious diseases contracted by employees as under this section, see N.J.A.C. 8:36-16.4.

Statutory References

N.J.S.A. 26:4-15.

Case Notes

Hospital must take reasonable steps to insure confidentiality of HIV test results and diagnosis of AIDS when physicians are treated at their own hospitals. *Estate of Behringer v. Medical Center at Princeton*, 249 N.J.Super. 597, 592 A.2d 1251 (L.1991).

8:57-1.4 Reporting of diseases in an outpatient-based setting

(a) In addition to the reporting requirements of N.J.A.C. 8:57-1.3, any single case, either confirmed or presumed, of the following diseases diagnosed in an outpatient-based setting shall be reported by a health care provider to the local health department:

1. An enteric disease, either in a child who attends a day care center or in a foodhandler;
2. Hemorrhagic colitis;
3. Kawasaki disease (mucocutaneous lymph node syndrome);
4. Lyme disease;
5. Measles;
6. Mumps;
7. Pertussis;
8. Rabies, animal bites treated for rabies;
9. Rubella;
10. Syphilis, primary; and
11. Tuberculosis.

(b) A health care provider attending any person who is ill or infected with any disease listed in (a) above shall, within 24 hours of diagnosis, make a report as set forth in (c) below to the health officer of the jurisdiction wherein the diagnosis is made. If the health officer is unavailable, the report shall be made to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431). In cases of venereal diseases and tuberculosis, the reports shall be submitted directly to the Department.

(c) The report shall include the name, municipality and telephone number of the reporting health care provider; the name of the disease; the name, age, date of birth, gender, home address and telephone number of the person ill or infected with such disease; the date of onset of illness; and such other information as may be requested by the Department.

(d) A health care provider may delegate this reporting activity to a staff member, but this delegation does not relieve the health care provider of the ultimate reporting responsibility.

(e) A health care provider who fails to report pursuant to the requirements of this section may receive written notification of this failure and a warning. A health care provider who, despite warning, continues to fail to comply with the reporting requirements, shall be subject to a fine pursuant to the provisions of N.J.S.A. 26:4-129. A health care provider whose failure to report is determined by the Department to have significantly hindered public health control measures, shall be subject to other actions, including, but not limited to, notification of the violation to the State Board of Medical Examiners or State Board of Nursing, as the case may be, and/or appropriate hospital medical directors or administrators.

(f) A health care provider who participates in the Department's Pediatric Surveillance System shall submit data as outlined by the Pediatric Surveillance System. Reports made, maintained, or kept on file pursuant to this section shall not be disclosed with any identifying information.

Amended by R.1990 d.243, effective June 4, 1990.
See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Text of 1.4, reporting of diseases occurring in institutions, recodified to 1.5, text on reporting of diseases by physicians recodified from 1.3 with reporting requirements changed and (c), (e) and (f) added.

8:57-1.5 Reporting of diseases from hospitals

(a) In addition to the reporting requirements of N.J.A.C. 8:57-1.3, any single case, either confirmed or presumptive, of the following diseases, diagnosed in or admitted to, a hospital shall be reported by the chief executive officer or other person having control or supervision over the hospital to the health officer having jurisdiction over the locality in which the hospital is located:

1. Anthrax;
2. Arboviral diseases;
3. Creutzfeld-Jakob disease;
4. Guillain-Barre syndrome;
5. Hemolytic uremic syndrome;
6. Kawasaki disease (mucocutaneous lymph node syndrome);
7. Legionnaires' disease, nosocomial;
8. Rabies, animal bites treated for rabies;
9. Rheumatic fever, acute;
10. Rubella, congenital;
11. Tetanus;
12. Toxic shock syndrome, streptococcal;
13. Trichinosis;
14. Tuberculosis; and
15. Yellow fever.

(b) The chief executive officer or any other person having control or supervision over a hospital with a person who is ill or infected with any of the diseases listed in (a) above shall, within 24 hours of diagnosis, make a written report as set forth in (c), below, to the health officer of the jurisdiction in which the hospital is located. If the health officer is unavailable, the report shall be made to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431). In cases of tuberculosis, the report shall be submitted directly to the Department.

(c) The report shall include the name, municipality, and telephone number of the hospital; the name of the disease; the name, age, date of birth, gender, home address and telephone number of the person who is ill or infected with such disease; the date of onset of illness; and such other information as may be requested by the Department.

(d) A chief executive officer or other person having control or supervision over the hospital may delegate these reporting activities to a staff member, but this delegation does not relieve a chief executive officer or other person having control over the hospital of the ultimate reporting responsibility.

(e) A chief executive officer or other person having control or supervision over a hospital who fails to report pursuant to the provisions of this section may receive written notification of this failure and a warning. Responsible parties who, despite warning, continue to fail to comply with these reporting requirements, shall be subject to a fine, pursuant to the provisions of N.J.S.A. 26:4-129. A chief executive officer or other person having control or supervision over a hospital whose failure to report is determined by the Department to have significantly hindered public health control measures shall be subject to other actions, including, but not limited to, notification of the violation to the Department's Division of Health Facilities Evaluation and any other licensing review organizations.

(f) Notwithstanding the provisions of this rule, a chief executive officer or any other person having control or supervision over a hospital in which an outbreak or suspected outbreak occurs shall make a report as set forth in (c) above to the health officer of the jurisdiction in which the hospital is located. If the health officer is unavailable, the report shall be made to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431).

(g) A chief executive officer or any other person having control or supervision over a hospital shall, within 31 calendar days of the end of each month, submit data regarding specific microorganisms occurring during that month within the hospital to the Department, utilizing the Epidemiology Surveillance Form. Reports made, maintained, or kept on file pursuant to this section shall not be public records.

(h) Effective July 1, 1995, pediatric intensive care units shall, on a weekly basis, report cases of organ failure of presumed communicable or undetermined etiology to the Department. The report may be made to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431). Reports made, maintained, or kept on file pursuant to this subsection shall not be disclosed with any identifying information.

(i) Effective July 1, 1996, medical intensive care units shall, on a weekly basis, report cases of organ failure of presumed communicable or undetermined etiology to the Department. The reports may be made to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431). Reports made, maintained, or kept on file pursuant to this subsection shall not be disclosed with any identifying information.

Amended by R.1990 d.243, effective June 4, 1990.
See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Text of 1.5, reporting of diseases occurring in schools, recodified to 1.6, text on reporting of diseases occurring in institutions recodified from 1.4 with the addition of homeless shelter, STD and tuberculosis requirements; and new text at (d) through (g). Provisions of (e) operative January 1, 1991.

8:57-1.6 Reporting of diseases from laboratories

(a) In addition to the reporting requirements of N.J.A.C. 8:57-1.3, any positive culture, test, or assay result specific for one of the following organisms shall be reported by a laboratory director to the health officer:

1. Acid fast bacilli;
2. Antibiotic-resistant organisms (hospital-based laboratories only);
3. Arboviruses;
4. *Babesia spp.*;
5. *Bacillus anthracis*;
6. *Bordetella pertussis*;
7. *Borrelia burgdorferi*;
8. *Brucella spp.*;
9. *Campylobacter jejuni*;
10. *Chlamydia pneumoniae*;
11. *Chlamydia psittaci*;
12. *Chlamydia trachomatis*;
13. *Clostridium botulinum*;
14. *Clostridium tetani*;
15. *Corynebacterium diphtheriae*;
16. *Cryptosporidium spp.*;
17. Ebola virus;
18. *Entamoeba histolytica*;
19. *Ehrlichia canis*;
20. *Escherichia coli* 0157: H7;
21. Foodborne intoxications, including, but not limited to, ciguatera, paralytic shellfish poisoning, scombroid, or mushroom poisoning;
22. *Francisella tularensis*;

23. *Giardia lamblia*;
24. Hanta virus;
25. *Haemophilus ducreyi*;
26. *Haemophilus influenzae* isolated from cerebrospinal fluid, blood, needle aspirate, or sputum;
27. Hepatitis A;
28. Hepatitis B;
29. Hepatitis C;
30. Human papillomavirus;
31. Lassa virus;
32. *Legionella pneumophila*;
33. *Leptospira interrogans*;
34. *Listeria monocytogenes*;
35. Marburg virus;
36. Mumps virus;
37. *Mycobacterium, atypical*;
38. *Mycobacterium leprae*;
39. *Mycobacterium tuberculosis*;
40. *Neisseria gonorrhoeae*;
41. *Neisseria meningitidis* isolated from cerebrospinal fluid, blood, needle aspirate, or any other normally sterile site;
42. *Plasmodium* spp.;
43. Polio virus;
44. Rabies virus;
45. *Rickettsia* spp. including *Coxiella burnetii* and *Rickettsia rickettsii*;
46. Rubella virus;
47. Rubeola virus;
48. *Salmonella* spp.;
49. *Shigella* spp.;
50. *Streptococcus pyogenes*, Group A, isolated from cerebrospinal fluid or blood;
51. *Streptococcus agalactiae*, Group B, perinatal isolated from cerebrospinal fluid or blood;
52. *Treponema pallidum* (syphilis);
53. *Trichinella spiralis*;
54. *Vibrio* spp.;
55. *Yersinia enterocolitica*;
56. *Yersinia pestis*; and

57. Antibiotic sensitivity for *M. tuberculosis*.

(b) A laboratory director shall report positive cultures or positive laboratory test results for the microorganisms listed in (a) above within five business days after obtaining a positive result. The reports shall be submitted in writing to the health officer having jurisdiction over the locality in which the health care provider requesting the laboratory examination is located.

1. Specific testing procedures for the organisms in (a) above shall be made available periodically from the Department.

2. In cases of venereal diseases, tuberculosis, and *Chlamydia trachomatis*, the reports shall be submitted directly to the Department, no later than 72 hours after the close of business on the day on which the positive cultures or positive test results were obtained.

(c) The report shall contain, at a minimum, the reporting laboratory's name, address, and telephone number; the name, age, sex, and address of the person tested; the test performed; the date of testing; the test results; and the health care provider's name and address.

(d) A laboratory director may delegate reporting and specimen submission activities, as delineated in (g) below, to a staff member, but this delegation does not relieve a laboratory director of the ultimate reporting responsibility.

(e) A laboratory director who fails to fulfill the reporting requirements and the specimen submission requirements of this section may receive written notification of this failure and a warning to comply. A laboratory director who, despite warning, continues to fail to comply with these reporting requirements, shall be subject to a fine pursuant to the provisions of N.J.S.A. 26:4-129. A laboratory director whose failure to report is determined by the Department to have significantly hindered public health control measures shall be subject to other actions, including, but not limited to, reporting such failure to the Department's Clinical Laboratory Improvement Services.

(f) Notwithstanding the provisions of this section, laboratory results indicative or suggestive of the existence of an outbreak of disease, or of any single case of a disease listed in N.J.A.C. 8:57-1.3(a), shall be immediately reported by telephone to the health officer in whose jurisdiction the case is located. A follow-up written report shall be submitted within five business days after the initial report. If the health officer is unavailable, the report shall be made to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431).

(g) A laboratory director shall submit, to the State Department of Health, Division of Public Health and Environmental Laboratories, John Fitch Plaza, Market and Warren Streets, Trenton, NJ 08625-0361, for further testing, all microbiologic cultures obtained from human or food specimens of the following organisms:

1. *Escherichia coli* 0157: H7;
2. *Haemophilus influenzae* isolated from cerebrospinal fluid or blood;
3. *Legionella pneumophila*;
4. *Neisseria meningitidis*;
5. *Salmonella* spp.;
6. *Shigella* spp.;
7. *Streptococcus pyogenes* isolated from cerebrospinal fluid or blood;
8. Penicillin-resistant *Streptococcus pneumoniae* isolated from cerebrospinal fluid or blood; and
9. Vancomycin-resistant *Enterococcus* spp. isolated from cerebrospinal fluid or blood.

Amended by R.1990 d.243, effective June 4, 1990.
See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Text on reporting of diseases by health officers recodified to 1.8; text on reporting of diseases occurring in schools recodified from 1.5 with notification requirements changed at (a) and new (c) and (d) added.
Administrative Correction in (a): delete "in writing".
See: 22 N.J.R. 2709(a).

8:57-1.7 Reporting of disease outbreaks occurring in institutions and schools

(a) A chief executive officer, superintendent, or other person having control or supervision over any institution such as a sanitarium, nursing home, shelter for the homeless, penal institution, child care center, preschool, school, or college in which an outbreak or suspected outbreak occurs shall immediately report this event by telephone to the health officer having jurisdiction over the locality in which the institution or school is located.

1. If the outbreak occurs in a State institution, the outbreak shall be immediately reported to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431).

(b) The reports shall include the name, municipality and telephone number of the institution or school; the name of the disease or suspected disease; the number ill; dates of onset; symptomology; pertinent medical history and available diagnostic confirmation; and such other information as may be requested by the health officer or the Department.

(c) A chief executive officer, superintendent, or other person having control or supervision over the institution may delegate these reporting activities to a staff member, but this delegation does not relieve the superintendent of the ultimate responsibility.

(d) A chief executive officer, superintendent, or other person having control or supervision over an institution in which an outbreak or suspected outbreak occurs who fails to report pursuant to the requirements of this section may

receive written notification of this failure and a warning to comply. A responsible party who, despite warning, continues to fail to comply with these reporting requirements, shall be subject to a fine pursuant to the provisions of N.J.S.A. 26:4-129. A responsible party whose failure to report is determined by the Department to have significantly hindered public health control measures shall be subject to other actions, including, but not limited to, notification to the Department's Division of Health Facilities Evaluation, the Department of Human Services, or the Department of Education, as the case may be, and other licensing review organizations as appropriate.

New Rule, R.1990 d.243, effective June 4, 1990, operative September 1, 1990 (provisions of (a), (c), (d), (f) and (g) only).
See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

8:57-1.8 Reporting of diseases by health officers

(a) A health officer who is notified of any disease outbreak, or of any single case of a disease listed in N.J.A.C. 8:57-1.3(a), shall immediately notify the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends and holidays) or by fax (609-588-7431).

(b) A health officer who is notified of the existence of diseases pursuant to the provisions of N.J.A.C. 8:57-1.4, 1.5, 1.6, and 1.7 shall, within 24 hours of receipt of the report, forward a copy thereof to the Department. If the initial report is incomplete, a health officer shall seek complete information and shall provide all available information to the Department within five working days of receiving the initial report.

(c) A health officer who is notified of any outbreak of disease, or of any single case of a disease listed in N.J.A.C. 8:57-1.3(a), which is not within that health officer's jurisdiction shall immediately notify the health officer where the disease was believed to have been contracted and the health officer of the local health agency wherein the home address of the ill or affected person is located, as the case may be. If either of the said health agencies are not located in New Jersey, the health officer shall forward this information to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends, and holidays) or by fax (609-588-7431).

(d) A health officer may delegate reporting activities to a staff member, but this delegation shall not relieve the health officer of the ultimate reporting responsibility.

(e) A health officer who fails to report pursuant to the provisions of this section shall receive written notification of this failure and a warning. A health officer who, despite warning, fails to comply with these reporting requirements, shall be subject to a fine pursuant to the provisions of N.J.S.A. 26:4-129. A health officer whose failure to report is determined by the Department to have significantly hindered public health control measures shall be subject to

other actions, including notification to the Department's Public Health Licensing and Examination Board and the Public Health Council.

Amended by R.1990 d.243, effective June 4, 1990.
See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Text on isolation and restriction for communicable diseases recodified to 1.10; text on reporting of diseases by health officers recodified from 1.6 with reporting requirements added at (a) and new (d) and (e) added.

8:57-1.9 Health officer investigations

(a) A health officer shall, upon receiving a report of an outbreak or suspected outbreak of any communicable disease, or of a case or suspected case of any communicable disease, investigate the facts contained in the report. A health officer shall follow such direction regarding the investigation as may be given by the Department.

(b) The health officer performing investigation set forth in (a) above shall, at a minimum:

1. Determine whether a single case or an outbreak of a reportable disease exists;
2. Ascertain the source and spread of the infection; and
3. Determine and implement appropriate control measures.

(c) The health officer shall immediately relay all available information pertaining to the investigation to the Department by telephone (609-588-7500, during business hours; 609-392-2020, after business hours, on weekends, and holidays) or by fax (609-588-7431).

(d) The Department may require more than one health officer to participate in the investigation. The health officers may include those having jurisdiction over:

1. The location of suspected transmission of disease;
2. Areas of residence or occupation of person(s) believed to be ill or infected;
3. Sites of institutions where such persons may be located or receive care; and
4. Other jurisdictions which are determined to be appropriate and necessary by the Department.

8:57-1.10 Isolation and restriction for communicable disease

(a) A health officer or the Department, upon receiving a report of a communicable disease, shall, by written order, establish such isolation or other restrictive measures required by statute or rule to prevent or control disease. If, in the judgment of the health officer or the Department, it is necessary to provide adequate isolation, a health officer or the Department shall promptly remove, or cause to be removed, a person who is ill with a communicable disease to a hospital. Such order shall remain in force until terminated by the health officer or the Department.

(b) A health officer or the Department may restrict access of the individuals permitted to come in contact with or visit a person who is hospitalized or isolated under authority of this section.

(c) The Department or health officer, if authorized by local ordinance or by the Department, may, by written order, restrict any person who has been exposed to a communicable disease, under conditions he or she may specify; providing such period of restriction shall not exceed the period of incubation of the disease.

(d) A person who is responsible for the care, custody, or control of a person who is ill or infected with a communicable disease shall take all measures necessary to prevent transmission of the disease to other persons.

Amended by R.1990 d.243, effective June 4, 1990.
See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Text on medical examination and submission of specimens recodified to 1.11; text on health officer investigations recodified to 1.9 with further specification of investigation requirements.

8:57-1.11 Medical examination and specimen submission

(a) The Department or a health officer may order a person who is suspected of being ill or infected with a reportable or communicable disease, or who has been exposed to a reportable or communicable disease, to submit to physical examination, X-ray studies, laboratory studies, and such other diagnostic procedures as deemed necessary to determine whether or not such person is communicable to others or is a carrier of disease.

(b) Any person who is ordered to submit to examination and/or to submit specimens under (a) above shall comply with the order.

(c) Specimens obtained under the authority of this chapter and under provisions of this rule shall be submitted to a laboratory which is approved by the Department for examination of such specimens.

Amended by R.1990 d.243, effective June 4, 1990.
See: 21 N.J.R. 3897(a), 22 N.J.R. 1766(a).

Text on ill or infected foodhandlers recodified to 1.12; on medical examination and submission of specimens recodified from 1.9.

8:57-1.12 Foodhandlers ill or infected with communicable diseases

(a) A person who is ill or infected with a communicable disease which may be transmitted through food may, based on the type of organism, job function of the person, and the virulence of the disease, be prohibited by a health officer or the Department from working in any occupation that manufactures, processes, stores, prepares, or serves food for public consumption. A person who resides in, boards at, lodges in, or visits a household where that person may come in contact with any person who is ill or infected with a communicable disease which may be transmitted through food may be prohibited by the health officer or the Department from working in any occupation that manufactures, processes, stores, prepares, or serves food for public consumption.

(b) A person who is employed in any establishment where food is manufactured, processed, stored, prepared, or served for public consumption may be required by a health officer or the Department, if a communicable disease is suspected, to submit to a physical examination and/or submit specimens of blood, bodily discharges, or other specimens for the purpose of ascertaining whether or not they are ill or infected with a communicable disease.

(c) A health officer or the Department may prohibit the sale or distribution of food which:

1. Has been prepared by a person who is ill or infected with a communicable disease which may be transmitted through food; or
2. Is considered to be a possible vehicle for spread of disease.

Amended by R.1990 d.243, effective June 4, 1990.

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

Text on ill or infected foodhandlers recodified from 1.11.

SUBCHAPTER 2. REPORTING OF ACQUIRED IMMUNODEFICIENCY SYNDROME AND INFECTION WITH HUMAN IMMUNODEFICIENCY VIRUS

8:57-2.1 Applicability; definition of AIDS, HIV infection and CD4 count

(a) The provisions of this subchapter are applicable to cases of Acquired Immunodeficiency Syndrome (AIDS) and infection with human immunodeficiency virus (HIV). The provisions of N.J.A.C. 8:57-1 shall not apply to any case of AIDS or infection with HIV.

(b) Laboratory results indicative of infection with HIV shall mean laboratory results showing the presence of HIV or components of HIV, or of laboratory results showing the presence of antibodies to HIV. The State Commissioner of Health shall determine the laboratory test results which indicate infection with HIV for the purpose of these rules.

(c) Acquired immunodeficiency syndrome (AIDS) means a condition affecting a person who has a reliably diagnosed disease that meets the criteria for AIDS specified by the Centers for Disease Control of the United States Public Health Services.

(d) A CD4 count means a count of lymphocytes containing the CD4 epitope as determined by the results of lymphocyte phenotyping. An absolute CD4 count means the number of lymphocytes containing the CD4 epitope per cubic millimeter. A relative CD4 count means the number of such cells expressed as a percentage of total lymphocytes.

Amended by R.1992 d.215, effective May 18, 1992.

See: 23 N.J.R. 3735(a), 24 N.J.R. 1891(b).

AIDS definition based on CD4 count designated by CDC.

8:57-2.2 Reporting HIV infection

(a) Every physician attending a person found to be infected with HIV shall, within 24 hours of receipt of a laboratory report indicating such a condition, report in writing such condition directly to the State Department of Health on forms supplied by the State Department of Health. The report shall include the name and address of the reporting physician, the name, address, gender, race and birth date of the person found to be infected with HIV, the date the specimen tested for HIV was obtained, and such other information as may be required by the State Department of Health. A physician shall not report a person infected with HIV if the physician is aware that the person having control or supervision of an institution named in (b) below is reporting that person as being infected with HIV, or if the physician is aware that the person has previously been reported to the State Department of Health as being infected with HIV.

(b) The person having control or supervision over any institution, such as a hospital, sanitarium, nursing home, penal institution, clinic, blood bank, or facility for HIV counseling and testing in which any person is determined to be infected with HIV shall, within 24 hours of receipt of a laboratory report indicating such a condition, report in writing such condition directly to the State Department of Health on forms supplied by the State Department of Health. The report shall state the name, address, gender, race, and birth date of the person found to be infected with HIV, the date the specimen tested for HIV was obtained, the name of the attending physician, the name and address of the institution, and such other information as may be required by the State Department of Health. The person having control or supervision of the institution shall not report a person infected with HIV if it is known that a physician is reporting the person or that the person has previously been reported to the State Department of Health as being infected with HIV. The person having control or supervision of the institution may delegate this reporting activity to a member of the staff, but this delegation does not relieve the controlling or supervising person of the ultimate report responsibility.

(c) Every clinical laboratory shall, within five working days of completion of a laboratory test which has results indicative of infection with HIV, report in writing such results to the State Department of Health. The report shall include the name and address of the clinical laboratory, the name and address of the submitter of the laboratory specimen, any identifying information the laboratory may have on the person from whom the laboratory specimen was obtained, including the unique code if a code is the only information identifying the person from whom the laboratory specimen was obtained, and other epidemiological information as may be required by the State Department of Health on a general or a case-by-case basis. Only specimens sent to the laboratory from physicians' offices in New Jersey or from institutions in New Jersey should be reported.

Amended by R.1991 d.516, effective October 21, 1991.
See: 23 N.J.R. 2089(a), 23 N.J.R. 3138(b).

Reporting of HIV results with identifiers required.
Amended by R.1992 d.215, effective May 18, 1992.
See: 23 N.J.R. 3735(a), 24 N.J.R. 1891(b).

Clinical labs to report results indicative of HIV within five working days.

8:57-2.3 Reporting AIDS

(a) Every physician attending any person ill with AIDS shall, within 24 hours of the time AIDS is diagnosed, report in writing such condition directly to the State Department of Health on forms supplied by the State Department of Health. The report shall include the name and address of the reporting physician, the name, address, gender, race, and birth date of the person ill with AIDS, the date of onset of the illness meeting the criteria for the diagnosis of AIDS, and such other information as may be required by the State Department of Health. Such report should be made whether or not the patient previously had been reported as having HIV infection. The report of AIDS will be deemed to also be a report of HIV infection.

(b) The person having control or supervision over any institution, such as a hospital, sanitarium, nursing home, penal institution, or clinic, in which a person is ill with AIDS shall, within 24 hours of the time AIDS is diagnosed, report such condition in writing directly to the State Department of Health on forms provided by the State Department of Health. The report shall state the name, address, gender, race and birth date of the person ill with AIDS, the date of onset of the illness meeting the criteria for the diagnosis of AIDS, the name of the attending physician, the name and address of the institution, and such other information as may be required by the State Department of Health. Such report should be made whether or not the patient previously had been reported as having HIV infection. The report of AIDS will be deemed to also be a report of HIV infection. The person having control or supervision of the institution may delegate this reporting responsibility to a member of the staff, but this delegation does not relieve the controlling or supervising person of the ultimate reporting responsibility.

(c) Every clinical laboratory shall, within five working days of completion of a CD4 count which has absolute or relative results below a level specified by the Centers for Disease Control as criteria for defining AIDS, report in writing such results to the State Department of Health. The report shall include the name and address of the clinical laboratory, the name and address of the submitter of the laboratory specimen, identifying information the laboratory may have on the person from whom the laboratory specimen was obtained, including the unique code if a code is the only information identifying the person from whom the laboratory specimen was obtained, and other epidemiological information as may be required by the State Department of Health on a general or a case-by-case basis. Only specimens sent to the laboratory from physicians' offices in New Jersey or from institutions in New Jersey should be reported.

Amended by R.1992 d.215, effective May 18, 1992.

See: 23 N.J.R. 3735(a), 24 N.J.R. 1891(b).

Clinical labs to report results below a CDC-specified CD4 level within five working days.

8:57-2.4 Testing procedures

No physician or institution may direct a person be tested for HIV, a component of HIV, or antibodies to HIV, unless the name and address of the person whose specimen is being tested is known and recorded by the physician or institution, except that the State Commissioner of Health may designate facilities which are permitted to test for antibodies to HIV without obtaining the name and address of the person being tested. The name and address of a person requesting testing without giving his or her name and address at such a designated facility are not required to be reported to the State Department of Health.

Amended by R.1991 d.516, effective October 21, 1991.

See: 23 N.J.R. 2089(a), 23 N.J.R. 3138(b).

Exception to reporting of HIV results with identifiers provided for State-designated testing facilities.

8:57-2.5 Exceptions to communicable disease classification of AIDS and HIV

(a) AIDS or HIV infection shall not be considered a communicable disease for purposes of admission to, attendance in, or transportation in any of the following:

1. Nursing homes and other health care facilities;
2. Rooming and boarding homes, and shelters for the homeless;
3. Ambulances and other public conveyances; and
4. Educational facilities.

8:57-2.6 Access to information

As provided by N.J.S.A. 26:4-2 and 26:5C-5 through 14, the information reported to the Department shall not be subject to public inspection, but shall be subject to access only by the State Department of Health for public health purposes.

Amended by R.1991 d.516, effective October 21, 1991.

See: 23 N.J.R. 2089(a), 23 N.J.R. 3138(b).

Stylistic changes.

8:57-2.7 Failure to comply with reporting requirements

(a) Physicians failing to fulfill the reporting requirements of this subchapter may receive written notification of this failure. Physicians failing to meet these reporting requirements, despite warning, shall be subject to a fine, as allowed by N.J.S.A. 26:4-129. In addition, those whose failure to report is determined by the State Department of Health to have significantly hindered public health control measures shall be subject to other actions, including notification of the Board of Medical Examiners of the State Department of Law and Public Safety, and appropriate hospital medical directors or administrators.

(b) The person having control or supervision over any institution, who fails to fulfill the aforementioned reporting obligations, may receive written notification of this failure. Superintendents failing to meet these reporting requirements, despite warning, shall be subject to a fine, as allowed by N.J.S.A. 26:4-129. In addition, those whose failure to report is determined by the State Department of Health to have significantly hindered public health control measures, shall be subject to other actions, including notification of the State Department of Health, Division of Health Facilities Evaluation, other appropriate licensing review organizations, and other appropriate agencies.

(c) Laboratory supervisors failing to fulfill the aforementioned reporting obligations may receive written notification of this failure. Supervisors failing to meet these requirements, despite warning, shall be subject to fines as allowed by N.J.S.A. 26:4-129. In addition, those whose failure to report is determined by the State Department of Health to have significantly hindered public health control measures, shall be subject to other actions, including notification to the State Clinical Laboratory Improvement Services.

Amended by R.1991 d.516, effective October 21, 1991.
See: 23 N.J.R. 2089(a), 23 N.J.R. 3138(b).
Requirement to submit specimens corrected.

**SUBCHAPTER 3. REPORTABLE
OCCUPATIONAL AND ENVIRONMENTAL
DISEASES AND POISONS**

**8:57-3.1 Reporting of occupational and environmental
diseases and poisonings by hospitals**

(a) The chief administrator or other persons having control or supervision over any hospital in which any person has been diagnosed with any of the diseases or poisonings listed in (b) and (c) below shall, within 30 days after discharge, report such disease or poisoning to the State Department of Health and to the health officer having jurisdiction over the territory in which such hospital is located. Health officers who receive reports of diseases or poisonings required under (b) and (c) below shall send a copy thereof to the health officer having jurisdiction over the territory in which such person resides within seven days of receipt of the report. The disease or poisoning shall be considered diagnosed if it is listed as a primary or secondary diagnosis on the discharge summary.

(b) The following diseases are declared to be reportable to the parties specified in (a) above for purposes of this section. All diseases listed herein coded according to the 9th ICD revision are to be reported in the manner prescribed by (d) below:

1. Extrinsic allergic alveolites, ICD code 495, 495.0, 495.1, 495.2, 495.3, 495.4, 495.5, 495.6, 495.7, 495.8, 495.9;

2. Coal workers pneumoconiosis, ICD code 500;
3. Asbestosis, ICD code 501;
4. Silicosis, ICD code 502;
5. Pneumoconiosis, other dust inorganic, ICD code 503;
6. Pneumonopathy due to organic dust, ICD code 504;
7. Pneumoconiosis, unspecified, ICD code 505;
8. Bronchitis, Pneumonitis, inflammation both acute and chronic and acute pulmonary edema due to fumes and vapors, ICD code 506.0, 506.1, 506.2, 506.3, 506.4, and 506.9; and
9. Respiratory conditions due to unspecified external agents, ICD codes 508.8 and 508.9.

(c) Poisoning due to the following and not the result of a suicidal attempt shall also be reported to the parties specified in (a) above in the manner prescribed by (d) below.

petroleum products	ICD 981
benzene	ICD 982.0
carbon tetrachloride	ICD 982.1
carbon disulfide	ICD 982.2
chlorinated hydrocarbons	ICD 982.3
nitroglycol	ICD 982.4
non-petroleum-based solvents	ICD 982.8
corrosive aromatics	ICD 983.0
acids	ICD 983.1
alkalies	ICD 983.2
caustic unspecified	ICD 983.9
inorganic lead	ICD 984.0
organic lead	ICD 984.1
mercury	ICD 985.0
arsenic	ICD 985.1
manganese	ICD 985.2
beryllium	ICD 985.3
antimony	ICD 985.4
cadmium	ICD 985.5
chromium	ICD 985.6
other specified metals	ICD 985.8
unspecified metals	ICD 985.9
petroleum gases	ICD 987.0
other hydrocarbon gas	ICD 987.1
nitrogen oxides	ICD 987.2
sulfur dioxide	ICD 987.3
freon	ICD 987.4
chlorine	ICD 987.6
hydrogen cyanide	ICD 987.7
other gases	ICD 987.8
unspecified gas, fume, vapor	ICD 987.9
hydrogen cyanide	ICD 989.0
pesticides	ICD 989.2, 989.3 and 989.4

(d) The report required by (a) above shall state on forms supplied by the State Department of Health the name and current ICD code of the disease or poisoning and shall indicate whether this condition was a primary or secondary diagnosis. The following information on the person diagnosed with such disease or poisoning shall also be furnished:

name, home address, medical record number, year of birth, sex, race, name and address of employer. The report shall also include the name of the attending physician, the reporting hospital, the date of discharge and such other information as may be required by the State Department of Health.

8:57-3.2 Reporting of occupational and environmental diseases and injuries by physicians

(a) The physician attending any person who is ill or diagnosed with any of the diseases or injuries listed in (b) below shall, within 30 days after such condition has been diagnosed or treated, report such condition to the State Department of Health.

(b) The following diseases and injuries are declared to be reportable to the State Department of Health for purposes of this section. All conditions listed herein are to be reported in the manner prescribed by (c) below:

1. Asbestosis;
2. Silicosis;
3. Pneumoconiosis, other and unspecified;
4. Occupational asthma;
5. Extrinsic Allergic Alveolitis;
6. Lead toxicity, adult (defined as blood lead \geq 25 micrograms per deciliter; urine lead \geq 80 micrograms per liter);
7. Arsenic toxicity, adult (defined as blood arsenic \geq .07 micrograms per milliliter; urine arsenic \geq 100 micrograms per liter);
8. Mercury toxicity, adult (defined as blood mercury \geq 2.8 micrograms per deciliter; urine mercury \geq 20 micrograms per liter);
9. Cadmium toxicity, adult (defined as blood cadmium \geq five micrograms per liter of whole blood; urine cadmium \geq three micrograms per gram creatinine);
10. Pesticide toxicity;
11. Work-related injuries in children (under age 18); and
12. Work-related fatal injuries.

(c) The report required by (a) above shall state the name of the disease or injury and the name of the reporting physician. The following information on the person ill or diagnosed with such condition shall also be furnished: name, year of birth, sex, home address, telephone number, name and address of employer at the time of exposure or injury, and the date of onset of illness or injury. Additional information may be required by the Department after receipt of a specific report.

Amended by R.1993 d.569, effective November 15, 1993.

See: 25 N.J.R. 2186(a), 25 N.J.R. 5164(b).

SUBCHAPTER 4. IMMUNIZATION OF PUPILS IN SCHOOL

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.

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.

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

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

8:57-4.2 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 N.J.A.C. 8:57-4.3 and 4.4.

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.

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

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

8:57-4.3 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 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.

1. 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 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 State Commissioner of Health 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 State Department of Health 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).

Amended by R.1995 d.201, effective April 3, 1995.
See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

8:57-4.4 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) This statement will be kept by the school, preschool, or child care center as part of the child's immunization record.

(c) 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 State Commissioner of Health or his or her designee.

(d) 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 State Department of Health 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).

(e) 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 N.J.A.C. 8:57-4.4(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).

Title changed; explanation required in (a); new (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).

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 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 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 vaccine/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 State Commissioner of Health or his or her designee.

As amended, R.1981 d.502, effective January 4, 1982.

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

(b): Reference to N.J.A.C. 8:57-4.15 added.

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).

Text at (a) revised; text at (b) deleted and new text added at (b) through (g).

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

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

8:57-4.6 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; or
2. A record from any public health department indicating compliance with the immunization requirements of this subchapter; or
3. A certificate signed by a physician licensed to practice medicine or osteopathy in any jurisdiction of the United States 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.

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).

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.

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).

8:57-4.8 Reports to be sent to State Department of Health

(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 State Department of Health 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 State Department of Health.

(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 will be considered delinquent. A delinquency involving schools, preschools, and child care centers may be referred to the New Jersey State Department of Education or the New Jersey State 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.

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).

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 State Department of Health 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 born on or after January 1, 1986 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, 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) 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.

(d) Diphtheria, tetanus, and acellular pertussis vaccine (DTaP) for children under age seven shall be accepted in lieu of DTP vaccine for the fourth or fifth dose in the DTP series, if given on or after 15 months of age.

(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 after the child's fourth birthday shall not apply to children while enrolled in child care centers.

(g) Those children born on or after January 1, 1986, who have received a total of five or more doses of DTP and DTaP shall have satisfied the DTP requirement.

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).

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).

8:57-4.11 Poliovirus vaccine

(a) Every child born on or after January 1, 1986 shall have received at least three doses of live, trivalent, oral poliovirus vaccine (OPV), or inactivated poliovirus vaccine (IPV) if medically appropriate, either separately or in combination, 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 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 child 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.

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).
 Vaccine requirements updated at (a) and (c); text deleted from (b) and new text added at (b), (d), (e) and (f).
 Amended by R.1995 d.201, effective April 3, 1995.
 See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

8:57-4.12 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) 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.

(c) 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.

(d) 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.

(e) Children who present documented laboratory evidence of measles immunity shall not be required to receive measles vaccine.

(f) 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.

As amended, R.1981 d.502, effective January 4, 1982 (except (c)). See: 13 N.J.R. 738(a), 14 N.J.R. 45(c).

(c): "as certified . . . immunity" added; (c)1 added. 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).

Text deleted rule and new text added. Amended by R.1995 d.201, effective April 3, 1995. See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

8:57-4.13 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.

As amended, R.1981 d.502, effective January 4, 1982 (except (b)). See: 13 N.J.R. 738(a), 14 N.J.R. 45(c).

(b): "who present . . . immunity" substituted for "after the twelfth birthday"; (b)1 added.

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).

Text added at (a); new (b) and old (b) moved to (c) with text added; (b)1 deleted.

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

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

Administrative Correction.

See: 27 N.J.R. 1801(a).

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.

New Rule 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).

Text on providing immunizations recodified to 4.15 and new rule added on mumps vaccine.

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

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

8:57-4.15 Haemophilus influenzae type b (Hib) conjugate vaccine

(a) Every child from 12 months to 59 months of age enrolling in any child care center or preschool facility after September 1, 1995, shall have received at least one age-appropriate dose of a separate or a combination Hib conjugate vaccine.

(b) Every child from two months to 11 months of age enrolling in a child care center after September 1, 1995 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.

New Rule, R.1995 d.201, effective April 3, 1995.
See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

8:57-4.16 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. Other immunizing agents when specifically authorized to do so by the State Department of Health.

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).

Text on mumps vaccine deleted; text on providing immunizations recodified from 4.14.

Annotations under old 4.15 Mumps vaccine are as follows:
R.1978 d.244, filed July 24, 1978, effective September 1, 1979.
See: 10 N.J.R. 246(b), 10 N.J.R. 334(a).
As amended, R.1981 d.502, effective January 4, 1982.
See: 13 N.J.R. 738(a), 14 N.J.R. 45(c).

Repealed rule concerning effective date of September 1, 1975 and recodified mumps vaccine from 8:57-4.16.
Amended by R.1985 d.264, effective June 3, 1985.
See: 17 N.J.R. 358(a), 17 N.J.R. 1414(a).

Text amended from "six years of age or younger" to "January 1, 1973".
Repealed 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).

Text was Mumps vaccine.
Amended by R.1995 d.201, effective April 3, 1995.
See: 27 N.J.R. 270(a), 27 N.J.R. 1417(a).

8:57-4.17 Emergency powers of the State Commissioner of Health

(a) In the event that the State Commissioner of Health 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 State Commissioner of Health 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 State Commissioner of Health or his or her designee may redeclare a state of emergency if the emergency has not ended.

R.1981 d.502, effective January 4, 1982.

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

New Rule. Old 4.16 recodified to 4.15.

Emergency amendments, R.1985 d.40 effective January 22, 1985 (expires March 22, 1985).

See: 17 N.J.R. 483(a).

Substantially amended.

Readopted, R.1985 d.195, effective March 25, 1985.

See: 17 N.J.R. 483(a), 17 N.J.R. 955(a).

Readoption of emergency amendment. Executive Order 66(1978) expiration date July 18, 1988.

Amended by R.1990 d.243, effective June 4, 1990.

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

Exclusion requirements clarified.

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

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

8:57-4.18 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 or vaccine doses are recommended by the State Department of Health, in accordance with the guidelines of the American Academy of Pediatrics (AAP) and the Advisory Committee on Immunization Practices (ACIP) for optimal immunization protection and may be administered, although they are not required for school attendance.

New Rule, R.1990 d.243, effective June 4, 1990.

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

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

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

SUBCHAPTERS 5 THROUGH 6. (RESERVED)