

Emergency Justification

On June 13, 2019, Governor Andrew M. Cuomo signed legislation removing non-medical exemptions from school vaccination requirements for children. As of that date, there is no longer a religious exemption to the requirement that children be vaccinated against measles and other diseases to attend public, private or parochial schools (in grades pre-kindergarten through 12), or child day care settings.

The Office of Children and Family Services (the Office) must change New York State Child Care Regulations to achieve compliance and consistency with the changes in Section 2164 of the New York State Public Health Law. In order to comply, and in order to protect the health, safety and general welfare of children in care, the Office adopted emergency regulations for licensed, registered and enrolled legally-exempt child care programs on August 16, 2019 removing from regulation the existing religious exemption from immunization requirements. Subsequently, on September 25, the Office adopted a new emergency regulation removing medical exemptions for enrolled legally-exempt providers. The Office must now adopt emergency regulations removing from regulation the existing religious exemption from immunization requirements as currently provided for children in licensed and registered childcare programs. OCFS is revising current regulation regarding medical exemptions to vaccination in order to be consistent with Public Health Law.

OCFS is also simultaneously proceeding with a notice of proposed rulemaking to Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) sections 416.11, 417.11, 418-1.11 and 418-2.11.