

ADOPTIONS SECTION

HEALTH

PUBLIC HEALTH SERVICES BRANCH

Notice of Readoption

Communicable Diseases

Readoption: N.J.A.C. 8:57-1 through 6

Authority: N.J.S.A. 17:23A-13; 18A:61D-1 et seq., particularly 18A:61D-6; 18A:62-15, 15.1, and 15.2; 26:1A-7 and 15; 26:2-137.1; 26:4-1 et seq., particularly 26:4-2 and 26:4-70; 26:5C-1 et seq., particularly 26:5C-6 and 20; and 30:9-57; and Reorganization Plan No. 003-2005 (Governor Codey, June 27, 2005).

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Acting Commissioner, Department of Health, and in consultation with the Public Health Council.

Effective Date: January 3, 2024.

New Expiration Date: January 3, 2031.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner, in consultation with the Public Health Council, hereby readopts the rules at N.J.A.C. 8:57-1 through 6, Communicable Disease, which were scheduled to expire on February 8, 2024. Governor Murphy extended the expiration date of the chapter from February 8, 2023 to February 8, 2024, pursuant to N.J.S.A. 52:14B-5.1.d. See 55 N.J.R. 390(a).

N.J.A.C. 8:57-1, Reportable Communicable Diseases, establishes standards for reporting, investigation, and other activities attendant to the identification of cases of certain communicable diseases. N.J.A.C. 8:57-2 is reserved. N.J.A.C. 8:57-3, the New Jersey Immunization Information System (NJIS), establishes standards for an

automated and electronic immunization registry, known as the “New Jersey Immunization Information System.” N.J.A.C. 8:57-4, Immunization of Pupils in School, establishes standards for immunization of children. N.J.A.C. 8:57-5, Management of Tuberculosis, establishes standards for reporting, investigation, and other activities attendant to the identification of cases of tuberculosis. N.J.A.C. 8:57-6, Higher Education Immunization, establishes standards for immunization of students of institutions of higher education. N.J.A.C. 8:57-7, Student Health Insurance Coverage, and 8, Childhood Immunization Insurance Coverage, are not proposed for readoption through this rulemaking. N.J.A.C. 8:57-7 is proposed for readoption and recodification with amendments and a new rule elsewhere in this edition of the New Jersey Register. N.J.A.C. 8:57-8 is not proposed for readoption, as the Department of Health (Department) has determined the recommendations in this subchapter are redundant of N.J.A.C. 8:57-4 and 6, potentially exceeds the Department’s rulemaking authority at N.J.S.A. 26:2-137.1 and may infringe on the authority of the Commissioner of the Department of Banking and Insurance. Further, the Affordable Care Act (ACA) preempts other provisions at N.J.A.C. 8:57-8, particularly to the extent the Department’s recommendations for routine immunizations are less inclusive than the Advisory Committee on Immunization Practices of the United States Public Health Service (ACIP) recommendations, and to the extent they impermissibly authorize insurers to impose cost-sharing on their insureds.

The Department is developing rulemaking to revise, update, and reorganize the readopted subchapters at existing N.J.A.C. 8:57, and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However,

this rulemaking will not be finalized prior to the expiration of existing N.J.A.C. 8:57-1 through 6. The Commissioner, in consultation with the Public Health Council, has reviewed N.J.A.C. 8:57-1 through 6 and has determined that, pending the finalization of the anticipated rulemaking described above, the existing subchapters should be readopted.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:57-1 through 6 are readopted and shall continue in effect for seven years.