State of New York

Executive Chamber

No. 90

EXECUTIVE ORDER

DECLARING A DISASTER EMERGENCY IN THE STATE OF NEW YORK AND TEMPORARILY AUTHORIZING PHARMACISTS TO IMMUNIZE CHILDREN AGAINST SEASONAL INFLUENZA

WHEREAS, seasonal influenza has reached epidemic proportions in New York State in the first months of the current influenza season, with more than 19,000 confirmed cases – an increase of approximately 400 percent over the number of cases reported during the entire 2011-12 influenza season; and

WHEREAS, seasonal influenza poses a serious risk for children and people with weakened immune systems or chronic medical conditions, and has caused the deaths of several individuals, including children, throughout the United States and in New York State during the current influenza season; and

WHEREAS, seasonal influenza is a threat to public health and safety and, if left unchecked, will cause personal hardship among the general public throughout the State, including death, hospital overcrowding, shortages of health care workers, and disruptions to businesses and critical infrastructure because of illness-related absenteeism; and

WHEREAS, to combat the further spread of seasonal influenza, it is necessary to facilitate the voluntary vaccination of as many individuals as possible as quickly as possible; and

WHEREAS, the New York State Department of Health has received reports that many primary care providers are unable to obtain sufficient quantities of vaccine to meet current demand, particularly for children; and

WHEREAS, this Order does not authorize any person to be vaccinated without his or her consent or the consent of another person legally authorized to consent on his or her behalf, and does not authorize any minor to be vaccinated without the consent of a person in parental relation to the minor; and

WHEREAS, this Order does not authorize vaccination of children under six months of age, for whom vaccines against influenza are not appropriate, or of any individual for whom vaccination is contraindicated; and

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find, pursuant to Section 28 of Article 2-B of the Executive Law, that a disaster has occurred throughout New York State, for which the affected local governments are unable to respond adequately, and I do hereby declare a State disaster emergency for the entire State of New York.

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend or modify, as the case may be, during the period that such disaster emergency remains in effect, the following:

Subdivision 22 of Section 6802 of the Education Law, and any associated regulations, to the extent necessary to permit pharmacists who are already authorized to administer vaccinations against seasonal influenza to individuals 18 years of age and older also to administer vaccinations against seasonal influenza to individuals between six months and 18 years of age; and

Subdivision (7) of Section 6527 and Subdivision (7) of Section 6909 of the Education Law, and any associated regulations, to the extent necessary to permit non-patient specific regimens to be prescribed and ordered to pharmacists already authorized to administer vaccinations against seasonal influenza to individuals 18 years of age and older, so that such pharmacists also may administer vaccinations against seasonal influenza to individuals between six months and 18 years of age.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twelfth day of January in the year two thousand thirteen.

BY THE GOVERNOR

Secretary to the Governor