



State of New York

Executive Chamber

No. 21.1

EXECUTIVE ORDER

CONTINUING THE DECLARATION OF A STATEWIDE DISASTER EMERGENCY DUE TO THE ONGOING SPREAD OF POLIO IN THE STATE OF NEW YORK

WHEREAS, a case of paralytic polio was identified on July 21, 2022, in an unvaccinated resident of Rockland County who had no international travel during the incubation period for polio;

WHEREAS, the poliovirus that infected the Rockland County individual has been identified as a case of vaccine-derived poliovirus, the last of which was identified in New York in 1990;

WHEREAS, genetically related poliovirus have been detected in wastewater samples collected from Kings, Nassau, Orange, Queens, Rockland, and Sullivan counties in April, May, June, July, August, and September 2022;

WHEREAS, polio was declared eliminated in the United States in 1979, primarily due to high vaccination rates against polio;

WHEREAS, routine vaccination rates against polio across all ages have decreased throughout the COVID-19 pandemic and vaccine hesitancy has increased;

WHEREAS, vaccination rates against polio among 2-year old children in New York is 79%, and is significantly less than that in several counties and zip codes;

WHEREAS, local health departments are actively responding to the poliovirus outbreak through investigation support, contact identification and monitoring, vaccine administration for exposed contacts and focused current high-risk populations, and education and outreach;

WHEREAS, the State government must support the municipalities, localities, and counties in their efforts to facilitate and administer vaccinations and tests for poliovirus, and to prevent the disease from continuing to spread;

NOW, THEREFORE, I, Kathy Hochul, 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 extend the state disaster emergency as set forth in Executive Order 21, and do hereby continue the terms, conditions, and suspensions contained therein, until November 8, 2022; and

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 any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify for the period from the date of this Executive Order through November 8, 2022 the following:

- The temporary modification of Subdivision 6 and 7 of section 3001 of the Public Health Law, subdivisions (o) and (p) of section 800.3, and section 800.15 of Title 10 of the NYCRR, contained in Executive Order 21, insofar as such modification authorized certified emergency medical technicians-paramedics and advanced EMS providers, providing community paramedicine services with prior approval of the Department of Health to administer vaccinations against poliovirus, is further modified to the extent necessary to allow certified emergency medical technicians-paramedics and advanced EMS providers to also administer vaccinations against poliovirus which contain tetanus, pertussis, hepatitis B, and Hib vaccines;

- The temporary modification of Section 6951 of the Education Law, and section 79-5.5 of Title 8 of the NYCRR, contained in Executive Order 21, insofar as such modification authorized midwives to administer vaccinations against poliovirus to any patient pursuant to a non-patient specific order under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, is further modified to the extent necessary to allow midwives to also administer vaccinations against poliovirus which contain diphtheria, tetanus, pertussis, hepatitis B, and Hib vaccines;
- The temporary modification of Subdivision 2 of section 6801 of the Education Law and 63.9 of Title 8 of the NYCRR, contained in Executive Order 21, insofar as such modification authorized pharmacists to administer vaccinations against poliovirus pursuant to a non-patient specific order, is modified to the extent necessary to allow pharmacists to also administer vaccinations against poliovirus pursuant to a patient specific order and also to the extent necessary to allow pharmacists to also administer vaccinations against poliovirus which contain tetanus, pertussis, hepatitis B, and Hib vaccines pursuant to a non-patient specific and a patient specific order; and
- The temporary modification of Subdivision 6 of section 6527 of the Education Law, subdivision 4 of section 6909 of the Public Health Law, and section 64.7 of Title 8 of the NYCRR, contained in Executive Order 21, insofar as such modification authorized physicians and certified nurse practitioners to issue a non-patient specific regimen to persons authorized by law or by this executive order to administer vaccinations against poliovirus, is modified to the extent necessary to allow physicians and certified nurse practitioners to also issue non-patient specific regimen to administer vaccinations against poliovirus which contain diphtheria, tetanus, pertussis, hepatitis B, and Hib vaccine, and also to issue patient specific orders to licensed pharmacists for administration of immunizations to prevent poliovirus including vaccinations which contain diphtheria, tetanus, pertussis, hepatitis B, and Hib vaccine.



G I V E N under my hand and the Privy Seal of
the State in the City of Albany on this ninth day
of October in the year two thousand twenty-two.

Ruth Hochul

BY THE GOVERNOR

[Signature]

Secretary to the Governor