

Legislative Bill Drafting Commission  
12024-01-6

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*PUBHEALA\***  
(Relates to immunization vaccines  
for children)

Pub Heal. vaccines for children

AN ACT

to amend the public health law, the  
education law and the social  
services law, in relation to immuni-  
zation vaccines for children

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s56 Cooney	s24 Lanza	s19 Persaud	s45 Stec
s43 Ashby	s46 Fahy	s16 Liu	s13 Ramos	s35 Stewart-
s36 Bailey	s34 Fernandez	s04 Martinez	s05 Rhoads	Cousins
s63 Baskin	s60 Gallivan	s07 Martins	s33 Rivera	s22 Sutton
s57 Borrello	s12 Gianaris	s02 Mattera	s39 Rolison	s44 Tedisco
s47 Botcher	s59 Gonzalez	s48 May	s50 Ryan, C.	s49 Walczyk
s25 Brisport	s26 Gounardes	s37 Mayer	s18 Salazar	s52 Webb
s55 Brouk	s53 Griffo	s03 Murray	s10 Sanders	s38 Weber
s06 Bynoe	s40 Harckham	s20 Myrie	s23 Scarcella-	s08 Weik
s09 Canzoneri-	s54 Helming	s51 Oberacker	Spanton	s61 Zellner
Fitzpatrick	s41 Hinchey	s58 O'Mara	s32 Sepulveda	
s17 Chan	s31 Jackson	s62 Ortt	s29 Serrano	
s30 Cleare	s27 Kavanagh	s01 Palumbo	s42 Skoufis	
s14 Comrie	s28 Krueger	s21 Parker	s11 Stavisky	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a078 Alvarez	a143 Chludzinski	a083 Heastie	a145 Morinello	a052 Simon
a031 Anderson	a136 Clark	a028 Hevesi	a016 Norber	a075 Simone
a121 Angelino	a047 Colton	a035 Hooks	a045 Novakhov	a114 Simpson
a133 Bailey	a140 Conrad	a128 Hunter	a011 O'Pharrow	a094 Slater
a120 Barclay	a032 Cook	a029 Hyndman	a091 Otis	a005 Smith
a106 Barrett	a039 Cruz	a079 Jackson	a132 Palmesano	a118 Smullen
a105 Beephan	a043 Cunningham	a104 Jacobson	a088 Paulin	a022 Solages
a107 Bendett	a077 Dais	a134 Jensen	a141 Peoples-	a110 Steck
a082 Benedetto	a053 Davila	a004 Kassay	Stokes	a010 Stern
a027 Berger	a072 De Los Santos	a100 Kay	a023 Pheffer	a127 Stirpe
a042 Bichotte	a003 DeStefano	a125 Kelles	Amato	a102 Tague
Hermelyn	a054 Dilan	a040 Kim	a063 Pirozolo	a064 Tannousis
a117 Blankenbush	a081 Dinowitz	a069 Lasher	a074 Powers	a086 Tapia
a015 Blumencranz	a147 DiPietro	a013 Lavine	a089 Pretlow	a071 Taylor
a144 Bologna	a009 Durso	a065 Lee	a019 Ra	a085 Torres
a073 Bores	a099 Eachus	a126 Lemondes	a030 Raga	a037 Valdez
a098 Brabenc	a048 Eichenstein	a095 Levenberg	a038 Rajkumar	a033 Vanel
a026 Braunstein	a061 Fall	a060 Lucas	a006 Ramos	a055 Walker
a138 Bronson	a008 Fitzpatrick	a135 Lunsford	a062 Reilly	a112 Walsh
a046 Brook-Krasny	a057 Forrest	a123 Lupardo	a087 Reyes	a024 Weprin
a020 Brown, E.	a124 Friend	a129 Magnarelli	a149 Rivera	a097 Wieder
a012 Brown, K.	a050 Gallagher	a101 Maher	a109 Romero	a059 Williams
a093 Burdick	a131 Gallahan	a130 Manktelow	a067 Rosenthal	a113 Woerner
a142 Burke	a007 Gandolfo	a108 McDonald	a025 Rozic	a070 Wright
a018 Burroughs	a068 Gibbs	a014 McDonough	a111 Santabarbara	a041 Yeger
a119 Buttenschon	a002 Giglio	a146 McMahan	a090 Sayegh	a080 Zaccaro
a096 Carroll, P.	a066 Glick	a137 Meeks	a001 Schiavoni	a056 Zinerman
a044 Carroll, R.	a034 Gonzalez-	a017 Mikulin	a076 Seawright	
a115 Cashman	Rojas	a122 Miller	a148 Sempolinski	
a058 Chandler-	a116 Gray	a051 Mitaynes	a084 Septimo	
Waterman	a021 Griffin	a150 Molitor	a092 Shimsky	
a049 Chang	a139 Hawley	a036 Moreno	a103 Shrestha	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 1  
signed copy of bill and 1 copy of memorandum in support (single house);  
or 2 signed copies of bill and 2 copies of memorandum in support (uni-bill).

1 Section 1. Subdivision 2 of section 2164 of the public health law, as  
2 amended by chapter 401 of the laws of 2015, is amended to read as  
3 follows:

4 2. a. Every person in parental relation to a child in this state shall  
5 have administered to such child an adequate dose or doses of an immuniz-  
6 ing agent against poliomyelitis, mumps, measles, diphtheria, rubella,  
7 varicella, Haemophilus influenzae type b (Hib), pertussis, tetanus,  
8 pneumococcal disease, and hepatitis B, [which meets the standards  
9 approved by the United States public health service for such biological  
10 products, and which is approved by the department under such conditions  
11 as may be specified by the public health council] in accordance with  
12 regulations issued by the commissioner, utilizing generally accepted  
13 medical standards and taking into consideration recommendations of the  
14 American Academy of Pediatrics, the American Academy of Family Physi-  
15 cians, the American College of Obstetricians and Gynecologists, the  
16 American College of Physicians, the Advisory Committee on Immunization  
17 Practices, and/or other similar nationally or internationally recognized  
18 scientific organizations.

19 b. Every person in parental relation to a child in this state born on  
20 or after January first, nineteen hundred ninety-four and entering sixth  
21 grade or a comparable age level special education program with an unas-  
22 signed grade on or after September first, two thousand seven, shall have  
23 administered to such child a booster immunization containing diphtheria  
24 and tetanus toxoids, and an acellular pertussis vaccine, [which meets  
25 the standards approved by the United States public health service for  
26 such biological products, and which is approved by the department under  
27 such conditions as may be specified by the public health council] in  
28 accordance with regulations issued by the commissioner, utilizing gener-

1 ally accepted medical standards and taking into consideration recommen-  
2 ations of the American Academy of Pediatrics, the American Academy of  
3 Family Physicians, the American College of Obstetricians and Gynecolo-  
4 gists, the American College of Physicians, the Advisory Committee on  
5 Immunization Practices, and/or other similar nationally or interna-  
6 tionally recognized scientific organizations.

7 c. Every person in parental relation to a child in this state entering  
8 or having entered seventh grade and twelfth grade or a comparable age  
9 level special education program with an unassigned grade on or after  
10 September first, two thousand sixteen, shall have administered to such  
11 child an adequate dose or doses of immunizing agents against meningococ-  
12 cal disease [as recommended by the advisory committee on immunization  
13 practices of the centers for disease control and prevention, which meets  
14 the standards approved by the United States public health service for  
15 such biological products, and which is approved by the department under  
16 such conditions as may be specified by the public health and planning  
17 council] in accordance with regulations issued by the commissioner,  
18 utilizing generally accepted medical standards and taking into consider-  
19 ation recommendations of the American Academy of Pediatrics, the Ameri-  
20 can Academy of Family Physicians, the American College of Obstetricians  
21 and Gynecologists, the American College of Physicians, the Advisory  
22 Committee on Immunization Practices, and/or other similar nationally or  
23 internationally recognized scientific organizations.

24 § 2. Paragraph d of subdivision 1 of section 2165 of the public health  
25 law, as added by chapter 405 of the laws of 1989, is amended to read as  
26 follows:

27 d. The term "immunization" means an adequate dose or doses of an  
28 immunizing agent against measles, mumps and rubella [which meets the

1 standards approved by the United States public health service for such  
2 biological products, and which is approved by the state department of  
3 health under such conditions as may be specified by the public health  
4 council] in accordance with regulations issued by the commissioner,  
5 utilizing generally accepted medical standards and taking into consider-  
6 ation recommendations of the American Academy of Pediatrics, the Ameri-  
7 can Academy of Family Physicians, the American College of Obstetricians  
8 and Gynecologists, the American College of Physicians, the Advisory  
9 Committee on Immunization Practices, and/or other similar nationally or  
10 internationally recognized scientific organizations.

11 § 3. Paragraph c of subdivision 1 of section 2167 of the public health  
12 law, as added by chapter 165 of the laws of 2003, is amended to read as  
13 follows:

14 c. The term "immunization" means an adequate dose or doses of an  
15 immunizing agent against meningococcal meningitis [which meets the stan-  
16 dards approved by the United States public health service for such  
17 biological products and which is approved by the department under such  
18 conditions as may be specified by the public health council] in accord-  
19 ance with regulations issued by the commissioner, utilizing generally  
20 accepted medical standards and taking into consideration recommendations  
21 of the American Academy of Pediatrics, the American Academy of Family  
22 Physicians, the American College of Obstetricians and Gynecologists, the  
23 American College of Physicians, the Advisory Committee on Immunization  
24 Practices, and/or other similar nationally or internationally recognized  
25 scientific organizations.

26 § 4. Subdivision 7 of section 6527 of the education law, as amended by  
27 chapter 555 of the laws of 2021, is amended to read as follows:

1 7. A licensed physician may prescribe and order a patient specific  
2 order or non-patient specific regimen to a licensed pharmacist, pursuant  
3 to regulations promulgated by the commissioner, and consistent with the  
4 public health law, for: (a) administering immunizations to prevent  
5 influenza and COVID-19 to patients two years of age or older; and (b)  
6 administering immunizations to prevent pneumococcal, acute herpes zost-  
7 er, hepatitis A, hepatitis B, human papillomavirus, measles, mumps,  
8 rubella, varicella, [COVID-19,] meningococcal, tetanus, diphtheria or  
9 pertussis disease and medications required for emergency treatment of  
10 anaphylaxis to patients eighteen years of age or older; and (c) adminis-  
11 tering other immunizations [recommended by the advisory committee on  
12 immunization practices of the centers for disease control and  
13 prevention] for patients eighteen years of age or older if the commis-  
14 sioner of health in consultation with the commissioner determines that  
15 an immunization: (i) (A) may be safely administered by a licensed phar-  
16 macist within their lawful scope of practice; and (B) is needed to  
17 prevent the transmission of a reportable communicable disease that is  
18 prevalent in New York state; or (ii) is a recommended immunization for  
19 such patients who: (A) meet age requirements, (B) lack documentation of  
20 such immunization, (C) lack evidence of past infection, or (D) have an  
21 additional risk factor or another indication [as recommended by the  
22 advisory committee on immunization practices of the centers for disease  
23 control and prevention]. Nothing in this subdivision shall authorize  
24 unlicensed persons to administer immunizations, vaccines or other drugs.

25 § 5. Paragraph a of subdivision 22 of section 6802 of the education  
26 law, as amended by chapter 802 of the laws of 2022, is amended to read  
27 as follows:

1 a. (1) the direct application of an immunizing agent to adults, wheth-  
2 er by injection, ingestion, inhalation or any other means, pursuant to a  
3 patient specific order or non-patient specific regimen prescribed or  
4 ordered by a physician or certified nurse practitioner, for: immuniza-  
5 tions to prevent influenza, pneumococcal, acute herpes zoster, hepatitis  
6 A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicel-  
7 la, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease  
8 and medications required for emergency treatment of anaphylaxis; and  
9 other immunizations [recommended by the advisory committee on immuniza-  
10 tion practices of the centers for disease control and prevention] for  
11 patients eighteen years of age or older if the commissioner of health in  
12 consultation with the commissioner determines that an immunization:  
13 (i) (A) may be safely administered by a licensed pharmacist within their  
14 lawful scope of practice; and (B) is needed to prevent the transmission  
15 of a reportable communicable disease that is prevalent in New York  
16 state; or (ii) is a recommended immunization for such patients who: (A)  
17 meet age requirements, (B) lack documentation of such immunization, (C)  
18 lack evidence of past infection, or (D) have an additional risk factor  
19 or another indication [as recommended by the advisory committee on  
20 immunization practices of the centers for disease control and  
21 prevention]. If the commissioner of health determines that there is an  
22 outbreak of disease, or that there is the imminent threat of an outbreak  
23 of disease, then the commissioner of health may issue a non-patient  
24 specific regimen applicable statewide.

25 (2) the direct application of an immunizing agent to children between  
26 the ages of two and eighteen years of age, whether by injection, inges-  
27 tion, inhalation or any other means, pursuant to a patient specific  
28 order or non-patient specific regimen prescribed or ordered by a physi-

1 cian or certified nurse practitioner, for immunization to prevent influ-  
2 enza, COVID-19, and medications required for emergency treatment of  
3 anaphylaxis resulting from such immunization. If the commissioner of  
4 health determines that there is an outbreak of influenza or COVID-19, or  
5 that there is the imminent threat of an outbreak of influenza or COVID-  
6 19, then the commissioner of health may issue a non-patient specific  
7 regimen applicable statewide.

8 § 6. Subdivision 7 of section 6909 of the education law, as amended by  
9 chapter 555 of the laws of 2021, is amended to read as follows:

10 7. A certified nurse practitioner may prescribe and order a patient  
11 specific order or non-patient specific regimen to a licensed pharmacist,  
12 pursuant to regulations promulgated by the commissioner, and consistent  
13 with the public health law, for: (a) administering immunizations to  
14 prevent influenza and COVID-19 to patients two years of age or older;  
15 and (b) administering immunizations to prevent pneumococcal, acute  
16 herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles,  
17 mumps, rubella, varicella, [COVID-19,] meningococcal, tetanus, dipthe-  
18 ria or pertussis disease and medications required for emergency treat-  
19 ment of anaphylaxis to patients eighteen years of age or older; and (c)  
20 administering other immunizations [recommended by the advisory committee  
21 on immunization practices of the centers for disease control and  
22 prevention] for patients eighteen years of age or older if the commis-  
23 sioner of health in consultation with the commissioner determines that  
24 an immunization: (i) (A) may be safely administered by a licensed phar-  
25 macist within their lawful scope of practice; and (B) is needed to  
26 prevent the transmission of a reportable communicable disease that is  
27 prevalent in New York state; or (ii) is a recommended immunization for  
28 such patients who: (A) meet age requirements, (B) lack documentation of

1 such immunization, (C) lack evidence of past infection, or (D) have an  
2 additional risk factor or another indication [as recommended by the  
3 advisory committee on immunization practices of the centers for disease  
4 control and prevention]. Nothing in this subdivision shall authorize  
5 unlicensed persons to administer immunizations, vaccines or other drugs.

6 § 7. Paragraph (e) of subdivision 2 and paragraph a of subdivision 4  
7 of section 6801 of the education law, as amended by section 1 of part DD  
8 of chapter 57 of the laws of 2018, are amended to read as follows:

9 (e) administer the immunization or immunizations according to [the  
10 most current recommendations by the advisory committee for immunization  
11 practices (ACIP), provided however, that a pharmacist may administer any  
12 immunization authorized under this section when specified by] a patient  
13 specific order or non-patient specific regimen.

14 [a.] (a) a clearly visible posting of the most current "Recommended  
15 Adult Immunization Schedule" published [by the advisory committee for  
16 immunization practices (ACIP)] on the department of health's website;  
17 and

18 § 8. Paragraph (a) of subdivision 5 of section 2803-j of the public  
19 health law, as added by chapter 62 of the laws of 1996, is amended to  
20 read as follows:

21 (a) The commissioner shall establish an immunization schedule for  
22 newborn children. The immunization schedule shall chart out recommended  
23 immunizations against certain diseases and illnesses and age-appropriate  
24 times for the administration of each immunization. The immunization  
25 schedule shall also include information on the importance of getting  
26 children immunized at the recommended ages. The immunization schedule  
27 shall also include the toll-free telephone number operated by the  
28 department as part of its immunization education efforts. The immuniza-

1 tion schedule shall be in accordance with recommendations established by  
2 the New York state department of health [and the immunization practices  
3 advisory committee of the United States department of health and human  
4 services].

5 § 9. Subdivision 13 of section 131 of the social services law, as  
6 added by chapter 61 of the laws of 1996, is amended to read as follows:

7 13. Social services districts shall provide all applicants and recipi-  
8 ents of public assistance with children five years of age or less with  
9 information and a schedule regarding age-appropriate immunizations for  
10 children in accordance with the recommendations of the department of  
11 health [and the immunization practices advisory committee of the United  
12 States department of health and human services]. The telephone number of  
13 the local county health department shall be included on the immunization  
14 schedule.

15 § 10. This act shall take effect immediately.