



# State of New York

## Executive Chamber

No. 176

### EXECUTIVE ORDER

#### **DECLARING A DISASTER EMERGENCY IN THE STATE OF NEW YORK AND EXPANDING ACCESS 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 25,000 confirmed cases;

**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 individuals, including children, throughout the United States and in New York State during the current influenza season;

**WHEREAS**, seasonal influenza is a threat to public health and safety, and, if left unchecked, will result in death, hospital overcrowding, shortages of health care workers, and disruptions to businesses and critical infrastructure because of illness-related absenteeism;

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

**WHEREAS**, allowing licensed pharmacists to vaccinate children between two years and 18 years of age will increase access and convenience to the seasonal influenza vaccine.

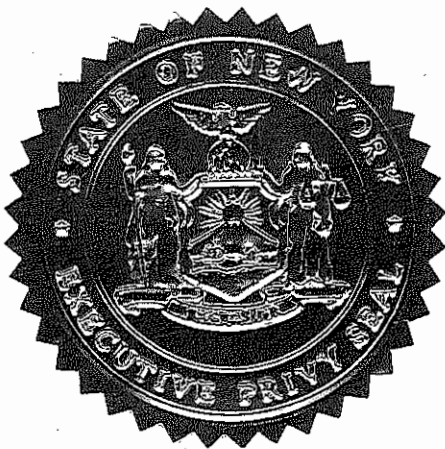
**NOW, THEREFORE, I, ANDREW M. CUOMO**, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find, pursuant to Section 28 of Article 2-B of the Executive Law, that a disaster has occurred throughout New York State, for which the affected local governments are unable to adequately respond, 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, order, rule, or regulation, 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, including, but not limited to, Title 8 of the New York State Codes, Rules, and Regulations Section 63.9, 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 two years 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, including, but not limited to, Title 8 of the New York State Code, Rules, and Regulations Section 63.9, 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 two years and 18 years of age.

**FURTHER**, this Order does not authorize: (i) 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; (ii) vaccination of children under two years of age; and (iii) vaccination of any individual for whom the vaccination is contraindicated.



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

BY THE GOVERNOR

*M. C.*  
Secretary to the Governor

*Ad. Adams*