

S T A T E   O F   N E W   Y O R K

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S. 7156

A. 10313

S E N A T E - A S S E M B L Y

March 17, 2010

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IN SENATE -- Introduced by Sens. DUANE, MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

IN ASSEMBLY -- Introduced by M. of A. PEOPLES-STOKES, PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring vaccinations against meningococcal disease for seventh graders and students entering college; and repealing certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "communicable disease control and prevention act".  
3     S 2. Subdivision 2 of section 2164 of the public health law is amended  
4     by adding a new paragraph c to read as follows:  
5     C. EVERY PERSON IN PARENTAL RELATION TO A CHILD IN THIS STATE BORN ON  
6     OR AFTER JANUARY FIRST, NINETEEN HUNDRED NINETY-FIVE, AND ENTERING OR  
7     HAVING ENTERED SEVENTH GRADE OR A COMPARABLE AGE LEVEL SPECIAL EDUCATION  
8     PROGRAM WITH AN UNASSIGNED GRADE ON OR AFTER SEPTEMBER FIRST, TWO THOU-  
9     SAND TEN, SHALL HAVE ADMINISTERED TO SUCH CHILD AN ADEQUATE DOSE OR  
10    DOSES OF AN IMMUNIZING AGENT AGAINST MENINGOCOCCAL DISEASE, WHICH MEETS  
11    THE STANDARDS APPROVED BY THE UNITED STATES PUBLIC HEALTH SERVICE FOR  
12    SUCH BIOLOGICAL PRODUCTS, AND WHICH IS APPROVED BY THE DEPARTMENT UNDER  
13    SUCH CONDITIONS AS MAY BE SPECIFIED BY THE PUBLIC HEALTH COUNCIL.  
14    S 3. Subdivisions 3, 5, 6, paragraph (a) of subdivision 7, and the  
15    opening paragraph of subdivision 8-a of section 2164 of the public  
16    health law, as amended by chapter 189 of the laws of 2006, are amended  
17    to read as follows:  
18    3. The person in parental relation to any such child who has not  
19    previously received such immunization shall present the child to a  
20    health practitioner and request such health practitioner to administer  
21    the necessary immunization against poliomyelitis, mumps, measles,  
22    diphtheria, Haemophilus influenzae type b (Hib), rubella, varicella,

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 pertussis, tetanus, pneumococcal disease, MENINGOCOCCAL DISEASE, and  
2 hepatitis B as provided in subdivision two of this section.

3 5. The health practitioner who administers such immunizing agent  
4 against poliomyelitis, mumps, measles, diphtheria, Haemophilus influen-  
5 zae type b (Hib), rubella, varicella, pertussis, tetanus, pneumococcal  
6 disease, MENINGOCOCCAL DISEASE, and hepatitis B to any such child shall  
7 give a certificate of such immunization to the person in parental  
8 relation to such child.

9 6. In the event that a person in parental relation to a child makes  
10 application for admission of such child to a school or has a child  
11 attending school and there exists no certificate or other acceptable  
12 evidence of the child's immunization against poliomyelitis, mumps,  
13 measles, diphtheria, rubella, varicella, hepatitis B, pertussis, teta-  
14 nus, and, where applicable, Haemophilus influenzae type b (Hib), MENIN-  
15 GOCOCCAL DISEASE, and pneumococcal disease, the principal, teacher,  
16 owner or person in charge of the school shall inform such person of the  
17 necessity to have the child immunized, that such immunization may be  
18 administered by any health practitioner, or that the child may be immun-  
19 ized without charge by the health officer in the county where the child  
20 resides, if such person executes a consent therefor. In the event that  
21 such person does not wish to select a health practitioner to administer  
22 the immunization, he or she shall be provided with a form which shall  
23 give notice that as a prerequisite to processing the application for  
24 admission to, or for continued attendance at, the school such person  
25 shall state a valid reason for withholding consent or consent shall be  
26 given for immunization to be administered by a health officer in the  
27 public employ, or by a school physician or nurse. The form shall provide  
28 for the execution of a consent by such person and it shall also state  
29 that such person need not execute such consent if subdivision eight or  
30 nine of this section [apply] APPLIES to such child.

31 (a) No principal, teacher, owner or person in charge of a school shall  
32 permit any child to be admitted to such school, or to attend such  
33 school, in excess of fourteen days, without the certificate provided for  
34 in subdivision five of this section or some other acceptable evidence of  
35 the child's immunization against poliomyelitis, mumps, measles, diphthe-  
36 ria, rubella, varicella, hepatitis B, pertussis, tetanus, and, where  
37 applicable, Haemophilus influenzae type b (Hib), MENINGOCOCCAL DISEASE,  
38 and pneumococcal disease; provided, however, such fourteen day period  
39 may be extended to not more than thirty days for an individual student  
40 by the appropriate principal, teacher, owner or other person in charge  
41 where such student is transferring from out-of-state or from another  
42 country and can show a good faith effort to get the necessary certif-  
43 ication or other evidence of immunization.

44 Whenever a child has been refused admission to, or continued attend-  
45 ance at, a school as provided for in subdivision seven of this section  
46 because there exists no certificate provided for in subdivision five of  
47 this section or other acceptable evidence of the child's immunization  
48 against poliomyelitis, mumps, measles, diphtheria, rubella, varicella,  
49 hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus  
50 influenzae type b (Hib), MENINGOCOCCAL DISEASE, and pneumococcal  
51 disease, the principal, teacher, owner or person in charge of the school  
52 shall:

53 S 4. Paragraph d of subdivision 1 of section 2165 of the public health  
54 law, as added by chapter 405 of the laws of 1989, is amended to read as  
55 follows:

1     d. The term "immunization" means an adequate dose or doses of an  
2 immunizing agent against measles, mumps [and], rubella, AND MENINGOCOC-  
3 CAL DISEASE, which meets the standards approved by the United States  
4 public health service for such biological products, and which is  
5 approved by the state department of health under such conditions as may  
6 be specified by the public health council.

7     S 5. Section 2167 of the public health law is REPEALED.

8     S 6. This act shall take effect August 1, 2011.