

5069--B

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to raising the level of immunity of children against meningococcal disease

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

1 Section 1. Section 2167 of the public health law, as added by chapter  
2 165 of the laws of 2003, is amended to read as follows:  
3 S 2167. Immunization against meningococcal meningitis. 1. As used in  
4 this section, unless the context requires otherwise:  
5 a. The term "student" means [a] ANY person WHO IS IN SEVENTH GRADE OR  
6 A COMPARABLE AGE LEVEL SPECIAL EDUCATION PROGRAM WITH AN UNASSIGNED  
7 GRADE AT A SCHOOL, OR attending an institution and, in the case of a  
8 student attending college, "student" means a person who is registered to  
9 attend or who attends classes at an institution, who is enrolled for at  
10 least six semester hours or the equivalent per semester, or at least  
11 four semester hours per quarter.  
12 b. The term "institution" means an academy or college, as defined in  
13 section two of the education law, or a children's overnight camp as  
14 defined in section one thousand three hundred ninety-two of this chap-  
15 ter, where the person attending such camp remains overnight for a period  
16 of not fewer than seven days.  
17 c. The term "immunization" means an adequate dose or doses of an  
18 immunizing agent against meningococcal meningitis which meets the stand-  
19 ards approved by the United States public health service for such  
20 biological products and which is approved by the department under such

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

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1 conditions as may be specified by the public health AND HEALTH PLANNING  
2 council.

3 D. THE TERM "SCHOOL" MEANS ANY PUBLIC, PRIVATE OR PAROCHIAL INTERME-  
4 DIATE OR SECONDARY SCHOOL.

5 2. Each institution AND SCHOOL shall distribute, in a form provided or  
6 approved by the commissioner, written information about meningococcal  
7 meningitis and meningitis immunization to all students. The information  
8 provided by the institution OR SCHOOL shall include, but not be limited  
9 to, the following:

10 a. a description of the disease and means of transmission;

11 b. the benefits, risks, and effectiveness of immunization;

12 c. the availability and cost of immunization, including an indication  
13 of whether or not the institution OR SCHOOL offers meningococcal meningi-  
14 tis immunization services.

15 3. Each institution AND SCHOOL shall also distribute, in a form  
16 provided or approved by the commissioner [of health], a response form,  
17 to be completed by the student or, where the student is under the age of  
18 eighteen years, such student's parent or guardian, which shall include  
19 the following:

20 a. The student, or if under the age of eighteen years the parent or  
21 guardian of the student, certifies that the student has already received  
22 immunization against meningococcal meningitis within the ten years  
23 preceding the date of the response form;

24 b. The student, or if under the age of eighteen years the parent or  
25 guardian of such student, has received and reviewed the information  
26 provided by the institution OR SCHOOL, understands the risks of meningo-  
27 coccal meningitis and the benefits of immunization, and has decided that  
28 the student shall not obtain immunization against meningococcal meningi-  
29 tis.

30 The student, or if under the age of eighteen years the parent or guar-  
31 dian of such student, shall indicate his or her decision in a box or  
32 space placed appropriately on the form and shall return the completed  
33 form to the institution OR SCHOOL. Nothing in this subdivision shall be  
34 construed to prohibit an institution OR SCHOOL from incorporating the  
35 form required by this subdivision into another health certificate or  
36 form required by the institution OR SCHOOL.

37 4. Each institution AND SCHOOL shall maintain [completed] A RECORD OF  
38 THE response [forms].

39 5. No institution OR SCHOOL shall permit any student to attend the  
40 institution OR SCHOOL in excess of thirty days without complying with  
41 this section; provided, however, that such thirty day period may be  
42 extended to not more than sixty days if a student can show a good faith  
43 effort to comply with this section.

44 6. Nothing in this section shall be construed to prohibit institutions  
45 AND SCHOOLS from adopting or maintaining more stringent policies regard-  
46 ing immunization against meningococcal meningitis.

47 S 2. This act shall take effect July 1, 2012; provided, that, effec-  
48 tive immediately, any actions necessary to implement the provisions of  
49 this act on its effective date are authorized and directed to be  
50 completed on or before such date.