S T A T E O F N E W Y O R K

2070

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

Section 1. Section 2167 of the public health law, as added by chapter 165 of the laws of 2003, is amended to read as follows:

S 2167. Immunization against meningococcal meningitis. 1. As used in this section, unless the context requires otherwise:

a. The term "student" means [a] ANY person WHO IS IN SEVENTH GRADE OR A COMPARABLE AGE LEVEL SPECIAL EDUCATION PROGRAM WITH AN UNASSIGNED GRADE AT A SCHOOL, OR attending an institution and, in the case of a student attending college, "student" means a person who is registered to attend or who attends classes at an institution, who is enrolled for at least six semester hours or the equivalent per semester, or at least four semester hours per quarter.

b. The term "institution" means an academy or college, as defined in section two of the education law, or a children's overnight camp as defined in section one thousand three hundred ninety-two of this chapter, where the person attending such camp remains overnight for a period of not fewer than seven days.

c. The term "immunization" means an adequate dose or doses of an immunizing agent against meningococcal meningitis which meets the standards approved by the United States public health service for such biological products and which is approved by the department under such conditions as may be specified by the public health AND HEALTH PLANNING council.

D. THE TERM "SCHOOL" MEANS ANY PUBLIC, PRIVATE OR PAROCHIAL INTERMEDIATE OR SECONDARY SCHOOL.

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

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

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

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

c. the availability and cost of immunization, including an indication of whether or not the institution OR SCHOOL offers meningococcal meningitis immunization services.

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

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

b. The student, or if under the age of eighteen years the parent or guardian of such student, has received and reviewed the information provided by the institution OR SCHOOL, understands the risks of meningococcal meningitis and the benefits of immunization, and has decided that the student shall not obtain immunization against meningococcal meningitis.

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

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

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

6. Nothing in this section shall be construed to prohibit institutions AND SCHOOLS from adopting or maintaining more stringent policies regarding immunization against meningococcal meningitis.

S 2. This act shall take effect July 1, 2014; provided, that, effective immediately, any actions necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.