

STATE OF NEW YORK

7189

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to pharmacist immunizations

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

1 Section 1. Subdivision 7 of section 6527 of the education law, as
2 amended by chapter 46 of the laws of 2015, is amended to read as
3 follows:

4 7. A licensed physician may prescribe and order a patient specific
5 order or non-patient specific regimen to a licensed pharmacist, pursuant
6 to regulations promulgated by the commissioner, and consistent with the
7 public health law, for administering immunizations to prevent influenza,
8 pneumococcal, acute herpes zoster, hepatitis A, meningococcal, tetanus,
9 diphtheria or pertussis disease and medications required for emergency
10 treatment of anaphylaxis. Nothing in this subdivision shall authorize
11 unlicensed persons to administer immunizations, vaccines or other drugs.

12 § 2. Subdivision 22 of section 6802 of the education law, as amended
13 by chapter 46 of the laws of 2015, is amended to read as follows:

14 22. "Administer", for the purpose of section sixty-eight hundred one
15 of this article, means the direct application of an immunizing agent to
16 adults, whether by injection, ingestion or any other means, pursuant to
17 a patient specific order or non-patient specific regimen prescribed or
18 ordered by a physician or certified nurse practitioner, who has a prac-
19 tice site in the county or adjoining county in which the immunization is
20 administered, for immunizations to prevent influenza, pneumococcal,
21 acute herpes zoster, hepatitis A, meningococcal, tetanus, diphtheria or
22 pertussis disease and medications required for emergency treatment of
23 anaphylaxis. If the commissioner of health determines that there is an
24 outbreak of disease, or that there is the imminent threat of an outbreak
25 of disease, then the commissioner of health may issue a non-patient
26 specific regimen applicable statewide.

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

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1 § 3. Subdivision 22 of section 6802 of the education law, as added by
2 chapter 563 of the laws of 2008, is amended to read as follows:

3 22. "Administer", for the purpose of section sixty-eight hundred one
4 of this article, means the direct application of an immunizing agent to
5 adults, whether by injection, ingestion or any other means, pursuant to
6 a patient specific order or non-patient specific regimen prescribed or
7 ordered issued by a physician or certified nurse practitioner who has a
8 practice site in the county in which the immunization is administered.
9 However if the county where the immunization is to be administered has a
10 population of seventy-five thousand or less, then the licensed physician
11 or certified nurse practitioner may be in an adjoining county. Such
12 administration shall be limited to immunizing agents to prevent influen-
13 za, hepatitis A or pneumococcal disease and medications required for
14 emergency treatment of anaphylaxis.

15 § 4. Subdivision 7 of section 6909 of the education law, as amended by
16 chapter 46 of the laws of 2015, is amended to read as follows:

17 7. A certified nurse practitioner may prescribe and order a patient
18 specific order or non-patient specific regimen to a licensed pharmacist,
19 pursuant to regulations promulgated by the commissioner, and consistent
20 with the public health law, for administering immunizations to prevent
21 influenza, pneumococcal, acute herpes zoster, hepatitis A, meningococ-
22 cal, tetanus, diphtheria or pertussis disease and medications required
23 for emergency treatment of anaphylaxis. Nothing in this subdivision
24 shall authorize unlicensed persons to administer immunizations, vaccines
25 or other drugs.

26 § 5. This act shall take effect immediately; provided, however, that:

27 (a) the amendments to subdivision 7 of section 6527 of the education
28 law made by section three of this act shall not affect the expiration of
29 such subdivision and shall be deemed to expire therewith;

30 (b) the amendments to subdivision 22 of section 6802 of the education
31 law made by section two of this act shall be subject to the expiration
32 and reversion of such subdivision pursuant to section 5 of chapter 116
33 of the laws of 2012, as amended, when upon such date the provisions of
34 section three of this act shall take effect;

35 (c) the amendments to subdivision 22 of section 6802 of the education
36 law made by section three of this act shall not affect the expiration of
37 such subdivision and shall be deemed to expire therewith; and

38 (d) the amendments to subdivision 7 of section 6909 of the education
39 law, made by section four of this act shall not affect the expiration of
40 such subdivision and shall be deemed to expire therewith.