

STATE OF NEW YORK

3023

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. McDONALD, FAHY, DICKENS, LUPARDO, PICHARDO, DE LA ROSA, CRUZ, NORRIS, MORINELLO, DeSTEFANO, GOTTFRIED, SIMON, O'DONNELL, STIRPE, REYES, BLANKENBUSH, BUTTENSCHON, B. MILLER, NIOU, MIKULIN, JACOBSON, WALLACE, DINOWITZ, SEAWRIGHT, STECK, BRABENEC -- Multi-Sponsored by -- M. of A. McDONOUGH, TAGUE -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing the administration of vaccines for hepatitis A, hepatitis B, and human papillomavirus by a licensed pharmacist and by a certified nurse practitioner

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

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

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

§ 2. Subdivision 7 of section 6527 of the education law, as amended by chapter 110 of the laws of 2020, is amended to read as follows:

7. A licensed physician may prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for administering immunizations to prevent influenza, pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, meningococcal, tetanus, diphtheria, COVID-19, or pertus-

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

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1 sis disease and medications required for emergency treatment of anaphylaxis. Nothing in this subdivision shall authorize unlicensed persons to
2 administer immunizations, vaccines or other drugs.

3 § 3. Paragraph a of subdivision 22 of section 6802 of the education
4 law, as amended by section 2 of part DD of chapter 57 of the laws of
5 2018, is amended to read as follows:

6
7 a. the direct application of an immunizing agent to adults, whether by
8 injection, ingestion, inhalation or any other means, pursuant to a
9 patient specific order or non-patient specific regimen prescribed or
10 ordered by a physician or certified nurse practitioner, who has a prac-
11 tice site in the county or adjoining county in which the immunization is
12 administered, for immunizations to prevent influenza, pneumococcal,
13 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
14 meningococcal, tetanus, diphtheria or pertussis disease and medications
15 required for emergency treatment of anaphylaxis. If the commissioner of
16 health determines that there is an outbreak of disease, or that there is
17 the imminent threat of an outbreak of disease, then the commissioner of
18 health may issue a non-patient specific regimen applicable statewide.

19 § 4. Paragraph a of subdivision 22 of section 6802 of the education
20 law, as amended by chapter 110 of the laws of 2020, is amended to read
21 as follows:

22 a. the direct application of an immunizing agent to adults, whether by
23 injection, ingestion, inhalation or any other means, pursuant to a
24 patient specific order or non-patient specific regimen prescribed or
25 ordered by a physician or certified nurse practitioner, who has a prac-
26 tice site in the county or adjoining county in which the immunization is
27 administered, for immunizations to prevent influenza, pneumococcal,
28 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
29 meningococcal, tetanus, diphtheria, COVID-19, or pertussis disease and
30 medications required for emergency treatment of anaphylaxis. If the
31 commissioner of health determines that there is an outbreak of disease,
32 or that there is the imminent threat of an outbreak of disease, then the
33 commissioner of health may issue a non-patient specific regimen applica-
34 ble statewide.

35 § 5. Subdivision 7 of section 6909 of the education law, as amended by
36 chapter 46 of the laws of 2015, is amended to read as follows:

37 7. A certified nurse practitioner may prescribe and order a patient
38 specific order or non-patient specific regimen to a licensed pharmacist,
39 pursuant to regulations promulgated by the commissioner, and consistent
40 with the public health law, for administering immunizations to prevent
41 influenza, pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,
42 human papillomavirus, meningococcal, tetanus, diphtheria or pertussis
43 disease and medications required for emergency treatment of anaphylaxis.
44 Nothing in this subdivision shall authorize unlicensed persons to admin-
45 ister immunizations, vaccines or other drugs.

46 § 6. Subdivision 7 of section 6909 of the education law, as amended by
47 chapter 110 of the laws of 2020, is amended to read as follows:

48 7. A certified nurse practitioner may prescribe and order a patient
49 specific order or non-patient specific regimen to a licensed pharmacist,
50 pursuant to regulations promulgated by the commissioner, and consistent
51 with the public health law, for administering immunizations to prevent
52 influenza, pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,
53 human papillomavirus, meningococcal, tetanus, diphtheria, COVID-19, or
54 pertussis disease and medications required for emergency treatment of
55 anaphylaxis. Nothing in this subdivision shall authorize unlicensed
56 persons to administer immunizations, vaccines or other drugs.

1 § 7. This act shall take effect immediately; provided, however, that:

2 (a) the amendments to subdivision 7 of section 6527 of the education
3 law made by section two of this act shall take effect on the same date
4 and in the same manner as section 1 of chapter 110 of the laws of 2020,
5 takes effect;

6 (b) the amendments to subdivision 7 of section 6527 of the education
7 law made by this act shall not affect the expiration of such subdivision
8 and shall be deemed to expire therewith;

9 (c) the amendments to subdivision 22 of section 6802 of the education
10 law made by section four of this act shall take effect on the same date
11 and in the same manner as section 2 of chapter 110 of the laws of 2020,
12 takes effect;

13 (d) the amendments to subdivision 22 of section 6802 of the education
14 law made by this act shall not affect the expiration and repeal of such
15 subdivision and shall be deemed repealed therewith;

16 (e) the amendments to subdivision 7 of section 6909 of the education
17 law made by this act shall take effect on the same date and in the same
18 manner as section 3 of chapter 110 of the laws of 2020, takes effect;
19 and

20 (f) the amendments to subdivision 7 of section 6909 of the education
21 law made by section six of this act shall not affect the expiration of
22 such subdivision and shall be deemed to expire therewith.