

STATE OF NEW YORK

3023--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing the administration of vaccines for hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella and polio by a licensed pharmacist

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 ~~sa~~] administering immunizing agents to prevent seasonal influenza to
9 patients two years of age or older, for patients eighteen years of age
10 or older to administer immunizing agents to prevent pneumococcal, acute
11 herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles,
12 mumps, rubella, varicella, polio, meningococcal, tetanus, diphtheria or
13 pertussis disease and medications required for emergency treatment of
14 anaphylaxis if the commissioner of health in consultation with the
15 commissioner of education determines that an immunization: (i) may be
16 administered by pharmacists; (ii) is needed to prevent the transmission
17 of a reportable communicable disease that is prevalent in New York

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

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1 state; and (iii) the immunization is recommended by the advisory commit-
2 tee on immunization practices of the centers for disease control and
3 prevention. Nothing in this subdivision shall authorize unlicensed
4 persons to administer immunizations, vaccines or other drugs.

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

7 7. A licensed physician may prescribe and order a patient specific
8 order or non-patient specific regimen to a licensed pharmacist, pursuant
9 to regulations promulgated by the commissioner, and consistent with the
10 public health law, for [~~administering immunizations to prevent influen-~~
11 ~~za,~~] administering immunizing agents to prevent seasonal influenza to
12 patients two years of age or older, for patients eighteen years of age
13 or older to administer immunizing agents to prevent pneumococcal, acute
14 herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles,
15 mumps, rubella, varicella, polio, meningococcal, tetanus, diphtheria,
16 COVID-19, or pertussis disease and medications required for emergency
17 treatment of anaphylaxis if the commissioner of health in consultation
18 with the commissioner of education determines that an immunization: (i)
19 may be administered by pharmacists; (ii) is needed to prevent the tran-
20 smission of a reportable communicable disease that is prevalent in New
21 York state; and (iii) the immunization is recommended by the advisory
22 committee on immunization practices of the centers for disease control
23 and prevention. Nothing in this subdivision shall authorize unlicensed
24 persons to administer immunizations, vaccines or other drugs.

25 § 3. Paragraph a of subdivision 22 of section 6802 of the education
26 law, as amended by section 2 of part DD of chapter 57 of the laws of
27 2018, is amended to read as follows:

28 a. the direct application of an immunizing agent to adults, whether by
29 injection, ingestion, inhalation or any other means, pursuant to a
30 patient specific order or non-patient specific regimen prescribed or
31 ordered by a physician or certified nurse practitioner, who has a prac-
32 tice site in the county or adjoining county in which the immunization is
33 administered, [~~for immunizations to prevent influenza,~~] for immuniza-
34 tions to prevent seasonal influenza to patients two years of age or
35 older, for patients eighteen years of age or older to administer immun-
36 izing agents to prevent pneumococcal, acute herpes zoster, hepatitis A,
37 hepatitis B, human papillomavirus, measles, mumps, rubella, varicella,
38 polio, meningococcal, tetanus, diphtheria or pertussis disease and medi-
39 cations required for emergency treatment of anaphylaxis if the commis-
40 sioner of health in consultation with the commissioner of education
41 determines that an immunization: (i) may be administered by pharma-
42 cists; (ii) is needed to prevent the transmission of a reportable commu-
43 nicable disease that is prevalent in New York state; and (iii) the
44 immunization is recommended by the advisory committee on immunization
45 practices of the centers for disease control and prevention. If the
46 commissioner of health determines that there is an outbreak of disease,
47 or that there is the imminent threat of an outbreak of disease, then the
48 commissioner of health may issue a non-patient specific regimen applica-
49 ble statewide.

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

53 a. the direct application of an immunizing agent to adults, whether by
54 injection, ingestion, inhalation or any other means, pursuant to a
55 patient specific order or non-patient specific regimen prescribed or
56 ordered by a physician or certified nurse practitioner, who has a prac-

1 tice site in the county or adjoining county in which the immunization is
2 administered, [~~for immunizations to prevent influenza,~~ for immuniza-
3 tions to prevent seasonal influenza to patients two years of age or
4 older, for patients eighteen years of age or older to administer immun-
5 izing agents to prevent pneumococcal, acute herpes zoster, hepatitis A,
6 hepatitis B, human papillomavirus, measles, mumps, rubella, varicella,
7 polio, meningococcal, tetanus, diphtheria, COVID-19, or pertussis
8 disease and medications required for emergency treatment of anaphylaxis
9 if the commissioner of health in consultation with the commissioner of
10 education determines that an immunization: (i) may be administered by
11 pharmacists; (ii) is needed to prevent the transmission of a reportable
12 communicable disease that is prevalent in New York state; and (iii)
13 the immunization is recommended by the advisory committee on immuniza-
14 tion practices of the centers for disease control and prevention. If
15 the commissioner of health determines that there is an outbreak of
16 disease, or that there is the imminent threat of an outbreak of disease,
17 then the commissioner of health may issue a non-patient specific regimen
18 applicable statewide.

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

21 7. A certified nurse practitioner may prescribe and order a patient
22 specific order or non-patient specific regimen to a licensed pharmacist,
23 pursuant to regulations promulgated by the commissioner, and consistent
24 with the public health law, for [~~administering immunizations to prevent~~
25 ~~influenza,~~ administering immunizing agents to prevent seasonal influen-
26 za to patients two years of age or older, for patients eighteen years of
27 age or older to administer immunizing agents to prevent pneumococcal,
28 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
29 measles, mumps, rubella, varicella, polio, meningococcal, tetanus,
30 diphtheria or pertussis disease and medications required for emergency
31 treatment of anaphylaxis if the commissioner of health in consultation
32 with the commissioner of education determines that an immunization: (i)
33 may be administered by pharmacists; (ii) is needed to prevent the tran-
34 smission of a reportable communicable disease that is prevalent in New
35 York state; and (iii) the immunization is recommended by the advisory
36 committee on immunization practices of the centers for disease control
37 and prevention. Nothing in this subdivision shall authorize unlicensed
38 persons to administer immunizations, vaccines or other drugs.

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

41 7. A certified nurse practitioner may prescribe and order a patient
42 specific order or non-patient specific regimen to a licensed pharmacist,
43 pursuant to regulations promulgated by the commissioner, and consistent
44 with the public health law, for [~~administering immunizations to prevent~~
45 ~~influenza,~~ administering immunizing agents to prevent seasonal influen-
46 za to patients two years of age or older, for patients eighteen years of
47 age or older to administer immunizing agents to prevent pneumococcal,
48 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
49 measles, mumps, rubella, varicella, polio, meningococcal, tetanus,
50 diphtheria, COVID-19, or pertussis disease and medications required for
51 emergency treatment of anaphylaxis if the commissioner of health in
52 consultation with the commissioner of education determines that an
53 immunization: (i) may be administered by pharmacists; (ii) is needed
54 to prevent the transmission of a reportable communicable disease that is
55 prevalent in New York state; and (iii) the immunization is recom-
56 ended by the advisory committee on immunization practices of the

1 centers for disease control and prevention. Nothing in this subdivi-
2 sion shall authorize unlicensed persons to administer immunizations,
3 vaccines or other drugs.

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

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

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

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

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

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

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