

STATE OF NEW YORK

4698

2021-2022 Regular Sessions

IN SENATE

February 9, 2021

Introduced by Sens. BRESLIN, JACKSON, PARKER -- 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 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:

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, hepatitis B, human
9 papillomavirus, meningococcal, tetanus, diphtheria or pertussis disease
10 and medications required for emergency treatment of anaphylaxis. Nothing
11 in this subdivision shall authorize unlicensed persons to administer
12 immunizations, vaccines or other drugs.

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

15 7. A licensed physician may prescribe and order a patient specific
16 order or non-patient specific regimen to a licensed pharmacist, pursuant
17 to regulations promulgated by the commissioner, and consistent with the
18 public health law, for administering immunizations to prevent influenza,
19 pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human
20 papillomavirus, meningococcal, tetanus, diphtheria, COVID-19, or pertus-
21 sis disease and medications required for emergency treatment of anaphy-
22 laxis. Nothing in this subdivision shall authorize unlicensed persons to
23 administer immunizations, vaccines or other drugs.

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

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

a. the direct application of an immunizing agent to adults, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, who has a practice site in the county or adjoining county in which the immunization is administered, for 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. If the commissioner of health determines that there is an outbreak of disease, or that there is the imminent threat of an outbreak of disease, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

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

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

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

7. A certified nurse practitioner 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.

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

7. A certified nurse practitioner 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 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.

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

(a) the amendments to subdivision 7 of section 6527 of the education law made by section two of this act shall take effect on the same date

1 and in the same manner as section 1 of chapter 110 of the laws of 2020,
2 takes effect;

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

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

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

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

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