

STATE OF NEW YORK

4698--A

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 -- 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 ~~za,~~] 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
18 state; and (iii) the immunization is recommended by the advisory commit-
19 tee on immunization practices of the centers for disease control and
20 prevention. Nothing in this subdivision shall authorize unlicensed
21 persons to 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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§ 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-~~
~~za,]~~ administering immunizing agents to prevent seasonal influenza to patients two years of age or older, for patients eighteen years of age or older to administer immunizing agents to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, polio, meningococcal, tetanus, diphtheria, COVID-19, or pertussis disease and medications required for emergency treatment of anaphylaxis if the commissioner of health in consultation with the commissioner of education determines that an immunization: (i) may be administered by pharmacists; (ii) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; and (iii) the immunization is recommended by the advisory committee on immunization practices of the centers for disease control and prevention. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 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,]~~ for immunizations to prevent seasonal influenza to patients two years of age or older, for patients eighteen years of age or older to administer immunizing agents to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, rubella, varicella, polio, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis if the commissioner of health in consultation with the commissioner of education determines that an immunization: (i) may be administered by pharmacists; (ii) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; and (iii) the immunization is recommended by the advisory committee on immunization practices of the centers for disease control and prevention. 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,]~~ for immunizations to prevent seasonal influenza to patients two years of age or older, for patients eighteen years of age or older to administer immun-

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

15 § 5. 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,~~] administering immunizing agents to prevent seasonal influen-
22 za to patients two years of age or older, for patients eighteen years of
23 age or older to administer immunizing agents to prevent pneumococcal,
24 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
25 measles, mumps, rubella, varicella, polio, meningococcal, tetanus,
26 diphtheria or pertussis disease and medications required for emergency
27 treatment of anaphylaxis if the commissioner of health in consultation
28 with the commissioner of education determines that an immunization: (i)
29 may be administered by pharmacists; (ii) is needed to prevent the tran-
30 smission of a reportable communicable disease that is prevalent in New
31 York state; and (iii) the immunization is recommended by the advisory
32 committee on immunization practices of the centers for disease control
33 and prevention. Nothing in this subdivision shall authorize unlicensed
34 persons to administer immunizations, vaccines or other drugs.

35 § 6. Subdivision 7 of section 6909 of the education law, as amended by
36 chapter 110 of the laws of 2020, 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,~~] administering immunizing agents to prevent seasonal influen-
42 za to patients two years of age or older, for patients eighteen years of
43 age or older to administer immunizing agents to prevent pneumococcal,
44 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
45 measles, mumps, rubella, varicella, polio, meningococcal, tetanus,
46 diphtheria, COVID-19, or pertussis disease and medications required for
47 emergency treatment of anaphylaxis if the commissioner of health in
48 consultation with the commissioner of education determines that an
49 immunization: (i) may be administered by pharmacists; (ii) is needed
50 to prevent the transmission of a reportable communicable disease that is
51 prevalent in New York state; and (iii) the immunization is recom-
52 mended by the advisory committee on immunization practices of the
53 centers for disease control and prevention. Nothing in this subdivi-
54 sion shall authorize unlicensed persons to administer immunizations,
55 vaccines or other drugs.

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

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

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

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

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

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

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