

STATE OF NEW YORK

8383--B

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. LASHER, PAULIN, McDONALD, MAGNARELLI, LUPARDO, SEAWRIGHT, ROSENTHAL, SCHIAVONI, ROMERO, R. CARROLL, LEE, GLICK, HEVE-SI -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing the administration of immunizations pursuant to recommendations made by the commissioner of health; to amend the insurance law, in relation to coverage for immunizations; and to amend the public health law, in relation to removing the requirement to follow the centers for disease control and prevention recommendation for immunization against meningococcal disease

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

1 Section 1. Subparagraph (e) of paragraph 2 of section 6801 of the
2 education law, as amended by section 1 of part DD of chapter 57 of the
3 laws of 2018, is amended to read as follows:

4 (e) administer the immunization or immunizations according to the most
5 current recommendations by the advisory committee [~~for~~] on immunization
6 practices (ACIP), or, in the alternative, recommendations made by the
7 commissioner of health pertaining to a vaccine that has been authorized
8 by the Food and Drug Administration, provided however, that a pharmacist
9 may administer any immunization authorized under this section when spec-
10 ified by a patient specific order.

11 § 2. Subparagraph a of paragraph 4 of section 6801 of the education
12 law, as amended by section 1 of part DD of chapter 57 of the laws of
13 2018, is amended to read as follows:

14 [~~a-~~] (a) a clearly visible posting of the most current "Recommended
15 Adult Immunization Schedule" published by the advisory committee [~~for~~]

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

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1 on immunization practices (ACIP) and any supplemental schedules
2 published by the commissioner of health; and

3 § 3. Subparagraph 1 of paragraph a of subdivision 22 of section 6802
4 of the education law, as amended by chapter 802 of the laws of 2022, is
5 amended to read as follows:

6 (1) the direct application of an immunizing agent to adults, whether
7 by injection, ingestion, inhalation or any other means, pursuant to a
8 patient specific order or non-patient specific regimen prescribed or
9 ordered by a physician or certified nurse practitioner, for: immuniza-
10 tions to prevent influenza, pneumococcal, acute herpes zoster, hepatitis
11 A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicel-
12 la, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease
13 and medications required for emergency treatment of anaphylaxis; and
14 other immunizations recommended by the advisory committee on immuniza-
15 tion practices of the centers for disease control and prevention for
16 patients eighteen years of age or older or, in the alternative, recom-
17 mendations made by the commissioner of health pertaining to a vaccine
18 that has been authorized by the Food and Drug Administration, if the
19 commissioner of health in consultation with the commissioner determines
20 that an immunization: (i)(A) may be safely administered by a licensed
21 pharmacist within their lawful scope of practice; and (B) is needed to
22 prevent the transmission of a reportable communicable disease that is
23 prevalent in New York state; or (ii) is a recommended immunization for
24 such patients who: (A) meet age requirements, (B) lack documentation of
25 such immunization, (C) lack evidence of past infection, or (D) have an
26 additional risk factor or another indication as recommended by the advi-
27 sory committee on immunization practices of the centers for disease
28 control and prevention or, in the alternative, recommendations made by
29 the commissioner of health pertaining to a vaccine that has been author-
30 ized by the Food and Drug Administration. If the commissioner of health
31 determines that there is an outbreak of disease, or that there is the
32 imminent threat of an outbreak of disease, then the commissioner of
33 health may issue a non-patient specific regimen applicable statewide.

34 § 4. Subdivision 7 of section 6527 of the education law, as amended by
35 chapter 555 of the laws of 2021, is amended to read as follows:

36 7. A licensed physician may prescribe and order a patient specific
37 order or non-patient specific regimen to a licensed pharmacist, pursuant
38 to regulations promulgated by the commissioner, and consistent with the
39 public health law, for: (a) administering immunizations to prevent
40 influenza to patients two years of age or older; and (b) administering
41 immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A,
42 hepatitis B, human papillomavirus, measles, mumps, rubella, varicella,
43 COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and
44 medications required for emergency treatment of anaphylaxis to patients
45 eighteen years of age or older; and (c) administering other immuniza-
46 tions recommended by the advisory committee on immunization practices of
47 the centers for disease control and prevention for patients eighteen
48 years of age or older or, in the alternative, recommendations made by
49 the commissioner of health pertaining to a vaccine that has been
50 authorized by the Food and Drug Administration, if the commissioner of
51 health in consultation with the commissioner determines that an immuni-
52 zation: (i) (A) may be safely administered by a licensed pharmacist
53 within their lawful scope of practice; and (B) is needed to prevent the
54 transmission of a reportable communicable disease that is prevalent in
55 New York state; or (ii) is a recommended immunization for such patients
56 who: (A) meet age requirements, (B) lack documentation of such immuniza-

tion, (C) lack evidence of past infection, or (D) have an additional risk factor or another indication as recommended by the advisory committee on immunization practices of the centers for disease control and prevention or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 5. Subdivision 7 of section 6909 of the education law, as amended by chapter 555 of the laws of 2021, 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: (a) administering immunizations to prevent influenza to patients two years of age or older; and (b) administering immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis to patients eighteen years of age or older; and (c) administering other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration, if the commissioner of health in consultation with the commissioner determines that an immunization: (i) (A) may be safely administered by a licensed pharmacist within their lawful scope of practice; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended immunization for such patients who: (A) meet age requirements, (B) lack documentation of such immunization, (C) lack evidence of past infection, or (D) have an additional risk factor or another indication as recommended by the advisory committee on immunization practices of the centers for disease control and prevention or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 6. Items (ii) and (v) of subparagraph (E) of paragraph 17 of subsection (i) of section 3216 of the insurance law, item (ii) as amended by chapter 219 of the laws of 2011 and item (v) as amended by section 3 of part M of chapter 57 of the laws of 2019, are amended to read as follows:

(ii) immunizations that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention or, in the alternative, a recommendation made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration, with respect to the individual involved;

(v) all FDA-approved contraceptive drugs, devices, and other products, including all over-the-counter contraceptive drugs, devices, and products as prescribed or as otherwise authorized under state or federal law; voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and identified in the comprehensive guidelines supported by the health resources and services administration and thereby incorporated in the

1 essential health benefits benchmark plan; patient education and coun-
2 seling on contraception; and follow-up services related to the drugs,
3 devices, products, and procedures covered under this ~~[clause]~~ item,
4 including, but not limited to, management of side effects, counseling
5 for continued adherence, and device insertion and removal. Except as
6 otherwise authorized under this ~~[clause]~~ item, a contract shall not
7 impose any restrictions or delays on the coverage required under this
8 ~~[clause]~~ item. However, where the FDA has approved one or more therapeu-
9 tic and pharmaceutical equivalent, as defined by the FDA, versions of a
10 contraceptive drug, device, or product, a contract is not required to
11 include all such therapeutic and pharmaceutical equivalent versions in
12 its formulary, so long as at least one is included and covered without
13 cost-sharing and in accordance with this ~~[clause]~~ item. If the covered
14 therapeutic and pharmaceutical equivalent versions of a drug, device, or
15 product are not available or are deemed medically inadvisable a contract
16 shall provide coverage for an alternate therapeutic and pharmaceutical
17 equivalent version of the contraceptive drug, device, or product without
18 cost-sharing. (a) This coverage shall include emergency contraception
19 without cost sharing when provided pursuant to a prescription, or order
20 under section sixty-eight hundred thirty-one of the education law or
21 when lawfully provided over-the-counter. (b) If the attending health
22 care provider, in ~~[his or her]~~ such provider's reasonable professional
23 judgment, determines that the use of a non-covered therapeutic or phar-
24 maceutical equivalent of a drug, device, or product is warranted, the
25 health care provider's determination shall be final. The superintendent
26 shall promulgate regulations establishing a process, including time-
27 frames, for an insured, an insured's designee or an insured's health
28 care provider to request coverage of a non-covered contraceptive drug,
29 device, or product. Such regulations shall include a requirement that
30 insurers use an exception form that shall meet criteria established by
31 the superintendent. (c) This coverage must allow for the dispensing of
32 up to twelve months worth of a contraceptive at one time. (d) For the
33 purposes of this ~~[clause]~~ item, "over-the-counter contraceptive
34 products" shall mean those products provided for in comprehensive guide-
35 lines supported by the health resources and services administration as
36 of January twenty-first, two thousand nineteen.

37 § 7. Item (ii) of subparagraph (E) of paragraph 8 of subsection (1) of
38 section 3221 of the insurance law, as amended by chapter 219 of the laws
39 of 2011, is amended to read as follows:

40 (ii) immunizations that have in effect a recommendation from the advi-
41 sory committee on immunization practices of the centers for disease
42 control and prevention or, in the alternative, a recommendation made by
43 the commissioner of health pertaining to a vaccine that has been author-
44 ized by the Food and Drug Administration, with respect to the individual
45 involved;

46 § 8. Subparagraph (B) of paragraph 3 of subsection (j) of section 4303
47 of the insurance law, as added by chapter 219 of the laws of 2011, is
48 amended to read as follows:

49 (B) immunizations that have in effect a recommendation from the advi-
50 sory committee on immunization practices of the centers for disease
51 control and prevention or, in the alternative, a recommendation made by
52 the commissioner of health pertaining to a vaccine that has been author-
53 ized by the Food and Drug Administration, with respect to the individual
54 involved;

1 § 9. Item (ii) of subparagraph (F) of paragraph 4 of subsection (b) of
2 section 4322 of the insurance law, as added by chapter 219 of the laws
3 of 2011, is amended to read as follows:

4 (ii) immunizations that have in effect a recommendation from the advi-
5 sory committee on immunization practices of the centers for disease
6 control and prevention or, in the alternative, a recommendation made by
7 the commissioner of health pertaining to a vaccine that has been author-
8 ized by the Food and Drug Administration, with respect to the individual
9 involved;

10 § 10. Paragraph c of subdivision 2 of section 2164 of the public
11 health law, as added by chapter 401 of the laws of 2015, is amended to
12 read as follows:

13 c. Every person in parental relation to a child in this state entering
14 or having entered seventh grade and twelfth grade or a comparable age
15 level special education program with an unassigned grade on or after
16 September first, two thousand sixteen, shall have administered to such
17 child an adequate dose or doses of immunizing agents against meningococ-
18 cal disease [~~as recommended by the advisory committee on immunization~~
19 ~~practices of the centers for disease control and prevention,~~] which
20 meets the standards approved by the United States public health service
21 for such biological products, and which is approved by the department
22 under such conditions as may be specified by the public health and plan-
23 ning council.

24 § 11. This act shall take effect immediately.