S T A T E O F N E W Y O R K

1311

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SCHIMEL, GOTTFRIED, HOYT, KOON, PAULIN, JACOBS -- Multi-Sponsored by -- M. of A. GIGLIO, JAFFEE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to administering the hepatitis B immunization to minors housed in a state or local correctional facility

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2504-a to read as follows:

S 2504-A. HEPATITIS B IMMUNIZATION OF A MINOR. 1. A HEALTH CARE PRACTITIONER MAY ADMINISTER IMMUNIZATION AGAINST HEPATITIS B TO A PERSON UNDER THE AGE OF EIGHTEEN YEARS WITHOUT THE CONSENT OR KNOWLEDGE OF THE PARENTS OR GUARDIAN OF SAID PERSON, IF SAID PERSON HAS CAPACITY TO CONSENT AND CONSENTS TO THE IMMUNIZATION, AND SAID PERSON IS HOUSED IN A STATE OR LOCAL CORRECTIONAL FACILITY.

2. FOR THE PURPOSES OF THIS SECTION:

(A) THE TERM "HEALTH CARE PRACTITIONER" SHALL MEAN A PERSON LICENSED, CERTIFIED OR OTHERWISE AUTHORIZED TO PRACTICE UNDER TITLE EIGHT OF THE EDUCATION LAW, ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE; AND

(B) THE TERM "CAPACITY TO CONSENT" SHALL MEAN AN INDIVIDUAL'S ABILITY, DETERMINED WITHOUT REGARD TO THE INDIVIDUAL'S AGE, TO UNDERSTAND AND APPRECIATE THE NATURE AND CONSEQUENCES OF THE PROPOSED IMMUNIZATION, AND TO MAKE AN INFORMED DECISION CONCERNING THE IMMUNIZATION.

S 2. This act shall take effect immediately.

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

LBD04346-01-9