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

6008

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. ESPAILLAT, COOK, GREENE, PHEFFER, J. RIVERA -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, DIAZ, EDDINGTON, V. LOPEZ, ORTIZ, PEOPLES, SWEENEY, TOWNS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring immunization of certain children against hepatitis A

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

Section 1. The section heading, paragraph a of subdivision 2 and subdivisions 3, 5 and 6 of section 2164 of the public health law, the section heading, subdivisions 3, 5 and 6 as amended by chapter 189 of the laws of 2006 and paragraph a of subdivision 2 as separately amended by chapters 189 and 506 of the laws of 2006, are amended to read as follows:

Definitions; immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, HEPATITIS A and hepatitis B.

a. Every person in parental relation to a child in this state shall have administered to such child an adequate dose or doses of an immunizing agent against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, HEPATITIS A and hepatitis B, which meets the standards approved by the United States public health service for such biological products, and which is approved by the department under such conditions as may be specified by the public health council.

3. The person in parental relation to any such child who has not previously received such immunization shall present the child to a health practitioner and request such health practitioner to administer the necessary immunization against poliomyelitis, mumps, measles, diphtheria, Haemophilus influenzae type b (Hib), rubella, varicella,

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

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pertussis, tetanus, pneumococcal disease, HEPATITIS A and hepatitis B as provided in subdivision two of this section.

5. The health practitioner who administers such immunizing agent against poliomyelitis, mumps, measles, diphtheria, Haemophilus influenzae type b (Hib), rubella, varicella, pertussis, tetanus, pneumococcal disease, HEPATITIS A and hepatitis B to any such child shall give a certificate of such immunization to the person in parental relation to such child.

6. In the event that a person in parental relation to a child makes application for admission of such child to a school or has a child attending school and there exists no certificate or other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, HEPATITIS A, hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus influenzae type b (Hib) and pneumococcal disease, the principal, teacher, owner or person in charge of the school shall inform such person of the necessity to have the child immunized, that such immunization may be administered by any health practitioner, or that the child may be immunized without charge by the health officer in the county where the child resides, if such person executes a consent therefor. In the event that such person does not wish to select a health practitioner to administer the immunization, he or she shall be provided with a form which shall give notice that as a prerequisite to processing the application for admission to, or for continued attendance at, the school such person shall state a valid reason for withholding consent or consent shall be given for immunization to be administered by a health officer in the public employ, or by a school physician or nurse. The form shall provide for the execution of a consent by such person and it shall also state that such person need not execute such consent if subdivision eight or nine of this section apply to such child.

S 2. Paragraph (a) of subdivision 7 of section 2164 of the public health law, as amended by chapter 189 of the laws of 2006, is amended to read as follows:

(a) No principal, teacher, owner or person in charge of a school shall permit any child to be admitted to such school, or to attend such school, in excess of fourteen days, without the certificate provided for in subdivision five of this section or some other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, HEPATITIS A, hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus influenzae type b (Hib) and pneumococcal disease; provided, however, such fourteen day period may be extended to not more than thirty days for an individual student by the appropriate principal, teacher, owner or other person in charge where such student is transferring from out-of-state or from another country and can show a good faith effort to get the necessary certification or other evidence of immunization.

S 3. The opening paragraph of subdivision 8-a of section 2164 of the public health law, as amended by chapter 189 of the laws of 2006, is amended to read as follows:

Whenever a child has been refused admission to, or continued attendance at, a school as provided for in subdivision seven of this section because there exists no certificate provided for in subdivision five of this section or other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, HEPATITIS A, hepatitis B, pertussis, tetanus, and, where applicable,

Haemophilus influenzae type b (Hib) and pneumococcal disease, the principal, teacher, owner or person in charge of the school shall:

S 4. This act shall take effect immediately and shall only apply to children born on or after:

a. January 1, 2008, beginning with their enrollment in any public, private or parochial kindergarten, elementary, intermediate or secondary school; and

b. January 1, 2010, beginning with their enrollment in any school, as defined in paragraph a of subdivision 1 of section 2164 of the public health law.