

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

775--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, DINOWITZ, GALEF, GUNTHER, BENJAMIN, CAHILL, JAFFEE, MAISEL, MILLMAN, CLARK, PHEFFER -- Multi-Sponsored by -- M. of A. COLTON, DeLMONTE, HYER-SPENCER, V. LOPEZ, MAYERSOHN, McENENY, PEOPLES-STOKES, PERRY, TITONE, WEISENBERG -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to providing parents of children ages six months to eighteen years of age who attend licensed and registered day care programs, nursery schools, pre-kindergarten, kindergarten, school age child care programs, public schools or non-public schools with educational materials on influenza disease and influenza immunizations

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

1 Section 1. Subdivision 1 of section 613 of the public health law, as
2 amended by chapter 189 of the laws of 2006, is amended to read as
3 follows:
4 1. (A) The commissioner shall develop and supervise the execution of a
5 program of immunization, surveillance and testing, to raise to the high-
6 est reasonable level the immunity of the children of the state against
7 communicable diseases including, but not limited to, INFLUENZA, poliomy-
8 elitis, measles, mumps, rubella, haemophilus influenzae type b (Hib),
9 diphtheria, pertussis, tetanus, varicella, hepatitis B, pneumococcal
10 disease, and the immunity of adults of the state against diseases iden-
11 tified by the commissioner, including but not limited to influenza,
12 smallpox, and hepatitis. The commissioner shall encourage the munici-
13 palities in the state to develop and shall assist them in the develop-
14 ment and the execution of local programs of inoculation to raise the
15 immunity of the children and adults of each municipality to the highest

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

1 reasonable level. Such programs shall include provision of vaccine,
2 surveillance of vaccine effectiveness by means of laboratory tests,
3 serological testing of individuals and educational efforts to inform
4 health care providers and target populations or their parents, if they
5 are minors, of the facts relative to these diseases and inoculation to
6 prevent their occurrence.

7 (B) IN CONNECTION WITH EFFORTS TO RAISE THE IMMUNITY OF CHILDREN
8 AGAINST INFLUENZA, THE COMMISSIONER SHALL ADMINISTER A PROGRAM OF INFLU-
9 ENZA EDUCATION TO THE FAMILIES OF CHILDREN AGES SIX MONTHS TO EIGHTEEN
10 YEARS OF AGE WHO ATTEND LICENSED AND REGISTERED DAY CARE PROGRAMS, NURS-
11 ERY SCHOOLS, PRE-KINDERGARTEN, KINDERGARTEN, SCHOOL AGE CHILD CARE
12 PROGRAMS, PUBLIC SCHOOLS OR NON-PUBLIC SCHOOLS. SUCH PROGRAM SHALL
13 INCLUDE EDUCATIONAL MATERIALS ON INFLUENZA AND THE BENEFITS OF INFLUENZA
14 IMMUNIZATIONS TO BE MADE AVAILABLE ON THE DEPARTMENT'S WEBSITE IN ANTIC-
15 IPATION OF TIMES OF HIGHEST RISK FOR CONTRACTION OF INFLUENZA AS DETER-
16 MINED BY THE COMMISSIONER. THE OFFICE OF CHILDREN AND FAMILY SERVICES,
17 THE DEPARTMENT OF EDUCATION, AND THE NEW YORK CITY DEPARTMENT OF HEALTH
18 AND MENTAL HYGIENE SHALL, AS PART OF THEIR ROUTINE NOTIFICATION PROC-
19 ESSES, NOTIFY LICENSED AND REGISTERED DAY CARE PROGRAMS, NURSERY
20 SCHOOLS, PRE-KINDERGARTEN PROGRAMS, KINDERGARTEN PROGRAMS, SCHOOL AGE
21 CHILD CARE PROGRAMS, PUBLIC SCHOOLS AND NON-PUBLIC SCHOOLS THAT THE
22 INFORMATION REGARDING IMMUNIZATIONS FOR INFLUENZA IS FREE AND ACCESSIBLE
23 ON THE DEPARTMENT'S WEBSITE AND SUCH INFORMATION SHALL BE POSTED IN SUCH
24 LICENSED AND REGISTERED DAY CARE PROGRAMS, NURSERY SCHOOLS, PRE-KINDER-
25 GARTENS, KINDERGARTENS, SCHOOL AGE CHILD CARE PROGRAMS, PUBLIC SCHOOLS
26 AND NON-PUBLIC SCHOOLS IN PLAIN VIEW IN ANTICIPATION OF SUCH TIMES OF
27 HIGHEST RISK FOR CONTRACTION OF INFLUENZA AS DETERMINED BY THE COMMIS-
28 SIONER.

29 (C) The commissioner shall invite and encourage the active assistance
30 and cooperation in such education activities of: the medical societies,
31 organizations of other licensed health personnel, hospitals, corpo-
32 rations subject to article forty-three of the insurance law, trade
33 unions, trade associations, parents and teachers and their associations,
34 ORGANIZATIONS OF CHILD CARE RESOURCE AND REFERRAL AGENCIES, the media of
35 mass communication, and such other voluntary groups and organizations of
36 citizens as he or she shall deem appropriate. The public health council,
37 the department of education, the department of family assistance, and
38 the department of mental hygiene shall provide the commissioner with
39 such assistance in carrying out the program as he or she shall request.
40 All other state agencies shall also render such assistance as the
41 commissioner may reasonably require for this program. Nothing in this
42 subdivision shall authorize mandatory immunization of adults or chil-
43 dren, except as provided in sections twenty-one hundred sixty-four and
44 twenty-one hundred sixty-five of this chapter.

45 S 2. This act shall take effect April 20, 2010. Effective immediate-
46 ly, the addition, amendment and/or repeal of any rule or regulation
47 necessary for the implementation of this act on its effective date are
48 authorized and directed to be made and completed on or before such
49 effective date.