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

880

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GOTTFRIED, CAHILL, CYMBROWITZ, TITUS, FIELDS, PAULIN -- Multi-Sponsored by -- M. of A. ALFANO, COOK, GALEF, JOHN, KELLNER, LAVINE, McENENY, PERRY, PHEFFER, ROBINSON, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the medical exemption from mandatory immunizations for students

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

Section 1. This legislation is not intended to detract from the public health purpose of school immunization legislation. This legislation is intended to ensure deference to the professional assessments of physicians, nurse practitioners and physician assistants in the care of their individual patients.

S 2. Subdivision 8 of section 2164 of the public health law, as added by chapter 994 of the laws of 1966 and as renumbered by chapter 633 of the laws of 1975, is amended to read as follows:

8. [If] UPON SUBMISSION OF A WRITTEN OPINION BY any physician, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT licensed to practice [medicine] in this state [certifies] STATING that THE PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT BELIEVES such immunization OR IMMUNIZATIONS may be detrimental to a child's health, OR IS OTHERWISE CONTRAINDICATED FOR HEALTH REASONS, THE PHYSICIAN'S, NURSE PRACTITIONER'S OR PHYSICIAN ASSISTANT'S DETERMINATION SHALL PREVAIL AND the requirements of this section shall be inapplicable until THE CHILD'S PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT FINDS such immunization OR IMMUNIZATIONS is [found] OR ARE no longer [to be] detrimental to the child's health OR IS OR ARE NO LONGER CONTRAINDICATED FOR HEALTH REASONS.

S 3. Subdivision 8 of section 2165 of the public health law, as added by chapter 405 of the laws of 1989, is amended to read as follows:

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

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8. [If] UPON SUBMISSION OF A WRITTEN OPINION BY any licensed physician [or], nurse practitioner [certifies] OR PHYSICIAN ASSISTANT STATING that THE PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT BELIEVES such immunization OR IMMUNIZATIONS may be detrimental to the person's health or is otherwise [medically] contraindicated FOR HEALTH REASONS, THE PHYSICIAN'S, NURSE PRACTITIONER'S OR PHYSICIAN ASSISTANT'S DETERMINATION SHALL PREVAIL AND the requirements of this section shall be inapplicable until THE PERSON'S PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT FINDS such immunization OR IMMUNIZATIONS is [found] OR ARE no longer [to be] detrimental to such person's health or is OR ARE no longer [medically] contraindicated FOR HEALTH REASONS.

S 4. This act shall take effect immediately.