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

9244--A

2009-2010 Regular Sessions

I N A S S E M B L Y

November 9, 2009

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the promulgation of rules and regulations by the commissioners of education and health regarding written protocols by each school district relating to the H1N1 virus

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

Section 1. The education law is amended by adding a new section 101-b to read as follows:

S 101-B. PROMULGATION OF RULES AND REGULATIONS BY THE COMMISSIONER RELATING TO THE DEVELOPMENT OF WRITTEN PROTOCOL BY SCHOOL DISTRICTS IN RELATION TO THE H1N1 VIRUS EPIDEMIC. 1. THE COMMISSIONER, IN CONJUNCTION WITH THE COMMISSIONER OF HEALTH, SHALL PROMULGATE RULES AND REGULATIONS FOR THE DEVELOPMENT OF WRITTEN PROTOCOL BY SCHOOL DISTRICTS RELATING TO THE H1N1 VIRUS EPIDEMIC AND PROCEDURES OF THE SCHOOL DISTRICT IN THE CASE OF A POSSIBLE OUTBREAK OF SUCH VIRUS. SUCH RULES AND REGULATIONS, SHALL INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS (A) REGARDING THE CONTACT OF PARENTS AND STAFF ABOUT THE DANGERS OF THE H1N1 VIRUS AND THE DEVELOPMENT OF A LETTER ADVISING PARENTS AND STAFF OF A CONFIRMED CASE OF H1N1; (B) REGARDING INFORMATION OF WHEN AND WHERE VACCINATIONS ARE OFFERED; (C) DETAILING STEPS TO BE TAKEN IN EACH SCHOOL FOR THE PREVENTION OF THE SPREAD OF THE H1N1 VIRUS; (D) REGARDING PLANS AND PROTOCOLS IN THE CASE OF A POSSIBLE H1N1 VIRUS OUTBREAK; AND (E) THE DEPARTMENT OF HEALTH SHALL CONDUCT A STUDY OF THE FEASIBILITY OF ESTABLISHING A SCHOOL-BASED INFLUENZA VACCINATION PILOT PROGRAM.

2. THE FEASIBILITY STUDY SHALL INCLUDE BUT NOT BE LIMITED TO:

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

LBD14722-04-0

(A) EXAMINING THE COSTS AND BENEFITS OF ESTABLISHING A SCHOOL-BASED INFLUENZA VACCINATION PILOT PROGRAM;

(B) IDENTIFYING ANY BARRIERS TO IMPLEMENTING THE SCHOOL-BASED INFLUENZA VACCINATION PILOT PROGRAM AND RECOMMEND STRATEGIES FOR REMOVING THE BARRIERS;

(C) DETERMINING THE FISCAL IMPACT TO THE STATE OF THE PROPOSED PILOT PROGRAM; AND

(D) USING A VACCINE THAT WILL MINIMIZE DISCOMFORT TO THOSE VACCINATED, CONSUME THE FEWEST MEDICAL SUPPLIES, SPEED ADMINISTRATION BY HEALTH OFFICIALS AND HAS THE LEAST POTENTIAL ADVERSE EVENTS.

3. NOT LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT, THE DEPARTMENT OF HEALTH SHALL SUBMIT TO THE GOVERNOR, LIEUTENANT GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, AND PRESIDING OFFICERS OF EACH STANDING COMMITTEE OF THE LEGISLATURE WITH JURISDICTION OVER THE DEPARTMENT, A WRITTEN REPORT CONTAINING THE FINDINGS OF THE FEASIBILITY STUDY AND SUCH DEPARTMENT'S RECOMMENDATIONS.

4. PENDING THE STUDY AND REPORT OF THE FEASIBILITY OF A SCHOOL-BASED INFLUENZA VACCINATION PILOT PROGRAM, THE DEPARTMENT OF HEALTH MAY SEEK, RECEIVE, AND SPEND MONEY RECEIVED THROUGH ANY APPROPRIATION, GRANT, DONATION, OR REIMBURSEMENT FROM ANY PUBLIC OR PRIVATE SOURCE NECESSARY TO IMPLEMENT THE PILOT PROGRAM.

S 2. This act shall take effect immediately.