

2339

2009-2010 Regular Sessions

I N S E N A T E

February 18, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

22 8. [If] UPON SUBMISSION OF A WRITTEN OPINION BY any licensed physician
23 [or], nurse practitioner [certifies] OR PHYSICIAN ASSISTANT STATING that
24 THE PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT BELIEVES such
25 immunization OR IMMUNIZATIONS may be detrimental to the person's health

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

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1 or is otherwise [medically] contraindicated FOR HEALTH REASONS, THE
2 PHYSICIAN'S, NURSE PRACTITIONER'S OR PHYSICIAN ASSISTANT'S DETERMINATION
3 SHALL PREVAIL AND the requirements of this section shall be inapplicable
4 until THE PERSON'S PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT
5 FINDS such immunization OR IMMUNIZATIONS is [found] OR ARE no longer [to
6 be] detrimental to such person's health or is OR ARE no longer
7 [medically] contraindicated FOR HEALTH REASONS.

8 S 4. This act shall take effect immediately.