

3911--A

Cal. No. 254

2009-2010 Regular Sessions

I N S E N A T E

April 3, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to requiring a neonatal intensive care unit to offer vaccination against influenza virus for certain persons

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

1 Section 1. The subdivision heading of subdivision 2 of section 2805-h
2 of the public health law, as added by chapter 266 of the laws of 2006,
3 is amended and a new subdivision 3 is added to read as follows:
4 Immunizations against influenza and pneumococcal FOR CERTAIN PERSONS
5 SIXTY-FIVE OR OLDER.
6 3. IMMUNIZATIONS AGAINST INFLUENZA; NEONATAL INTENSIVE CARE UNITS. (A)
7 ANNUALLY BETWEEN SEPTEMBER FIRST AND APRIL FIRST, IT SHALL BE THE DUTY
8 OF EACH GENERAL HOSPITAL WITH A NEONATAL INTENSIVE CARE UNIT TO OFFER TO
9 EVERY PARENT OR PERSON IN PARENTAL RELATION WHO IS REASONABLY ANTICIPATED TO BE A CAREGIVER IN THE HOUSEHOLD OF A NEWBORN BEING TREATED IN
10 THE NEONATAL INTENSIVE CARE UNIT VACCINATION AGAINST INFLUENZA VIRUS.
11 IF THE PARENT OR PERSON IN PARENTAL RELATION WISHES TO BE VACCINATED,
12 THE HOSPITAL SHALL PROVIDE THE PERSON WITH THE VACCINATION. IF THE
13 PARENT OR PERSON IN PARENTAL RELATION DECLINES THE HOSPITAL OFFER OR
14 WISHES TO DEFER VACCINATION, THE HOSPITAL SHALL PROVIDE INFORMATION ON
15 WHERE SUCH PERSON MAY BE VACCINATED. SUCH GENERAL HOSPITAL NEED NOT
16 OFFER THE VACCINATION TO PARENTS AND PERSONS IN PARENTAL RELATION WHO
17 HAVE ALREADY RECEIVED SUCH VACCINE OR FOR WHOM IT IS MEDICALLY INAPPROPRIATE.
18
19

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

LBD00371-03-9

1 (B) EACH GENERAL HOSPITAL SHALL ADOPT A POLICY FOR IMPLEMENTING THIS
2 SUBDIVISION, DOCUMENTING THE OFFER OF VACCINE ADMINISTRATION.

3 (C) THE COMMISSIONER MAY WAIVE THE REQUIREMENTS OF THIS SUBDIVISION
4 DUE TO A SHORTAGE OF INFLUENZA VACCINE.

5 S 2. This act shall take effect on the one hundred twentieth day after
6 it shall have become a law.