

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

S. 7156

A. 10313

S E N A T E - A S S E M B L Y

March 17, 2010

IN SENATE -- Introduced by Sens. DUANE, MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

IN ASSEMBLY -- Introduced by M. of A. PEOPLES-STOKES, PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring vaccinations against meningococcal disease for seventh graders and students entering college; and repealing certain provisions of such law relating thereto

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "communicable disease control and prevention act".

3 S 2. Subdivision 2 of section 2164 of the public health law is amended
4 by adding a new paragraph c to read as follows:

5 C. EVERY PERSON IN PARENTAL RELATION TO A CHILD IN THIS STATE BORN ON
6 OR AFTER JANUARY FIRST, NINETEEN HUNDRED NINETY-FIVE, AND ENTERING OR
7 HAVING ENTERED SEVENTH GRADE OR A COMPARABLE AGE LEVEL SPECIAL EDUCATION
8 PROGRAM WITH AN UNASSIGNED GRADE ON OR AFTER SEPTEMBER FIRST, TWO THOU-
9 SAND TEN, SHALL HAVE ADMINISTERED TO SUCH CHILD AN ADEQUATE DOSE OR
10 DOSES OF AN IMMUNIZING AGENT AGAINST MENINGOCOCCAL DISEASE, WHICH MEETS
11 THE STANDARDS APPROVED BY THE UNITED STATES PUBLIC HEALTH SERVICE FOR
12 SUCH BIOLOGICAL PRODUCTS, AND WHICH IS APPROVED BY THE DEPARTMENT UNDER
13 SUCH CONDITIONS AS MAY BE SPECIFIED BY THE PUBLIC HEALTH COUNCIL.

14 S 3. Subdivisions 3, 5, 6, paragraph (a) of subdivision 7, and the
15 opening paragraph of subdivision 8-a of section 2164 of the public
16 health law, as amended by chapter 189 of the laws of 2006, are amended
17 to read as follows:

18 3. The person in parental relation to any such child who has not
19 previously received such immunization shall present the child to a
20 health practitioner and request such health practitioner to administer
21 the necessary immunization against poliomyelitis, mumps, measles,
22 diphtheria, Haemophilus influenzae type b (Hib), rubella, varicella,

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

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1 pertussis, tetanus, pneumococcal disease, MENINGOCOCCAL DISEASE, and
2 hepatitis B as provided in subdivision two of this section.

3 5. The health practitioner who administers such immunizing agent
4 against poliomyelitis, mumps, measles, diphtheria, Haemophilus influen-
5 zae type b (Hib), rubella, varicella, pertussis, tetanus, pneumococcal
6 disease, MENINGOCOCCAL DISEASE, and hepatitis B to any such child shall
7 give a certificate of such immunization to the person in parental
8 relation to such child.

9 6. In the event that a person in parental relation to a child makes
10 application for admission of such child to a school or has a child
11 attending school and there exists no certificate or other acceptable
12 evidence of the child's immunization against poliomyelitis, mumps,
13 measles, diphtheria, rubella, varicella, hepatitis B, pertussis, teta-
14 nus, and, where applicable, Haemophilus influenzae type b (Hib), MENIN-
15 GOCOCCAL DISEASE, and pneumococcal disease, the principal, teacher,
16 owner or person in charge of the school shall inform such person of the
17 necessity to have the child immunized, that such immunization may be
18 administered by any health practitioner, or that the child may be immun-
19 ized without charge by the health officer in the county where the child
20 resides, if such person executes a consent therefor. In the event that
21 such person does not wish to select a health practitioner to administer
22 the immunization, he or she shall be provided with a form which shall
23 give notice that as a prerequisite to processing the application for
24 admission to, or for continued attendance at, the school such person
25 shall state a valid reason for withholding consent or consent shall be
26 given for immunization to be administered by a health officer in the
27 public employ, or by a school physician or nurse. The form shall provide
28 for the execution of a consent by such person and it shall also state
29 that such person need not execute such consent if subdivision eight or
30 nine of this section [apply] APPLIES to such child.

31 (a) No principal, teacher, owner or person in charge of a school shall
32 permit any child to be admitted to such school, or to attend such
33 school, in excess of fourteen days, without the certificate provided for
34 in subdivision five of this section or some other acceptable evidence of
35 the child's immunization against poliomyelitis, mumps, measles, diphthe-
36 ria, rubella, varicella, hepatitis B, pertussis, tetanus, and, where
37 applicable, Haemophilus influenzae type b (Hib), MENINGOCOCCAL DISEASE,
38 and pneumococcal disease; provided, however, such fourteen day period
39 may be extended to not more than thirty days for an individual student
40 by the appropriate principal, teacher, owner or other person in charge
41 where such student is transferring from out-of-state or from another
42 country and can show a good faith effort to get the necessary certif-
43 ication or other evidence of immunization.

44 Whenever a child has been refused admission to, or continued attend-
45 ance at, a school as provided for in subdivision seven of this section
46 because there exists no certificate provided for in subdivision five of
47 this section or other acceptable evidence of the child's immunization
48 against poliomyelitis, mumps, measles, diphtheria, rubella, varicella,
49 hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus
50 influenzae type b (Hib), MENINGOCOCCAL DISEASE, and pneumococcal
51 disease, the principal, teacher, owner or person in charge of the school
52 shall:

53 S 4. Paragraph d of subdivision 1 of section 2165 of the public health
54 law, as added by chapter 405 of the laws of 1989, is amended to read as
55 follows:

1 d. The term "immunization" means an adequate dose or doses of an
2 immunizing agent against measles, mumps [and], rubella, AND MENINGOCOC-
3 CAL DISEASE, which meets the standards approved by the United States
4 public health service for such biological products, and which is
5 approved by the state department of health under such conditions as may
6 be specified by the public health council.

7 S 5. Section 2167 of the public health law is REPEALED.

8 S 6. This act shall take effect August 1, 2011.