STATE OF NEW YORK

S. 7156 A. 10313

SENATE-ASSEMBLY

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:

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

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

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

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

3. The person in parental relation to any such child who has not previously received such immunization shall present the child to a health practitioner and request such health practitioner to administer the necessary immunization against poliomyelitis, mumps, measles, 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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pertussis, tetanus, pneumococcal disease, MENINGOCOCCAL DISEASE, and hepatitis B as provided in subdivision two of this section.

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

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

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

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

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

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

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

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