

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, DINOWITZ, GALEF, GUNTHER, BENJAMIN, BRADLEY, CAHILL, JAFFEE, MAISEL, MILLMAN, CLARK, PHEFFER -- Multi-Sponsored by -- M. of A. COLTON, DelMONTE, EDDINGTON, GREENE, HYER-SPENCER, V. LOPEZ, MAYERSOHN, McENENY, PEOPLES, PERRY, TITONE, WEISENBERG -- read once and referred to the Committee on Children and Families

AN ACT to amend the public health law, in relation to requiring parents of children in certain child care settings receive educational materials on influenza disease and influenza immunizations

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

1 Section 1. Subdivision 1 of section 613 of the public health law, as  
2 amended by chapter 189 of the laws of 2006, is amended to read as  
3 follows:  
4 1. The commissioner shall develop and supervise the execution of a  
5 program of immunization, surveillance and testing, to raise to the high-  
6 est reasonable level the immunity of the children of the state against  
7 communicable diseases including, but not limited to, poliomyelitis,  
8 measles, mumps, rubella, haemophilus influenzae type b (Hib), diphthe-  
9 ria, pertussis, tetanus, varicella, hepatitis B, pneumococcal disease,  
10 and the immunity of adults of the state against diseases identified by  
11 the commissioner, including but not limited to influenza, smallpox, and  
12 hepatitis. The commissioner shall encourage the municipalities in the  
13 state to develop and shall assist them in the development and the  
14 execution of local programs of inoculation to raise the immunity of the  
15 children and adults of each municipality to the highest reasonable  
16 level. Such programs shall include provision of vaccine, surveillance of  
17 vaccine effectiveness by means of laboratory tests, serological testing  
18 of individuals and educational efforts to inform health care providers  
19 and target populations or their parents, if they are minors, of the  
20 facts relative to these diseases and inoculation to prevent their occur-

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

1 rence. IN CONNECTION WITH EFFORTS TO RAISE THE IMMUNITY OF CHILDREN  
2 AGAINST INFLUENZA, THE COMMISSIONER SHALL ADMINISTER A PROGRAM OF INFLU-  
3 ENZA EDUCATION AND OUTREACH TO PARENTS AND GUARDIANS OF CHILDREN AGES  
4 SIX MONTHS TO FIFTY-NINE MONTHS WHO ATTEND A CHILD CARING CENTER, DAY  
5 NURSERY, CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME, FAMILY DAY  
6 CARE HOME, NURSERY SCHOOL, KINDERGARTEN OR SCHOOL AGE CHILD CARE  
7 PROGRAM. SUCH PROGRAM SHALL INCLUDE EDUCATIONAL MATERIALS ON INFLUENZA  
8 AND THE BENEFITS OF INFLUENZA IMMUNIZATIONS. THE COMMISSIONER, IN  
9 COLLABORATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE  
10 DEPARTMENT OF EDUCATION, SHALL CONSULT WITH CHILD CARE PROVIDERS TO  
11 DISTRIBUTE SUCH EDUCATIONAL MATERIALS ANNUALLY, WITH SPECIAL EMPHASIS ON  
12 THE MONTHS OF AUGUST AND SEPTEMBER. The commissioner shall invite and  
13 encourage the active assistance and cooperation in such education activ-  
14 ities of: the medical societies, organizations of other licensed health  
15 personnel, hospitals, corporations subject to article forty-three of the  
16 insurance law, trade unions, trade associations, parents and teachers  
17 and their associations, ORGANIZATIONS OF CHILD CARE RESOURCE AND REFER-  
18 RAL AGENCIES, the media of mass communication, and such other voluntary  
19 groups and organizations of citizens as he or she shall deem appropri-  
20 ate. The public health council, the department of education, the depart-  
21 ment of family assistance, and the department of mental hygiene shall  
22 provide the commissioner with such assistance in carrying out the  
23 program as he or she shall request. All other state agencies shall also  
24 render such assistance as the commissioner may reasonably require for  
25 this program. Nothing in this subdivision shall authorize mandatory  
26 immunization of adults or children, except as provided in sections twen-  
27 ty-one hundred sixty-four and twenty-one hundred sixty-five of this  
28 chapter.

29 S 2. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law.