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

7766

2009-2010 Regular Sessions

I N A S S E M B L Y

April 23, 2009

Introduced by M. of A. FIELDS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing written information on required immunizations

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

Section 1. The public health law is amended by adding a new section 2113 to read as follows:

S 2113. IMMUNIZATIONS; WRITTEN INFORMATION. 1. THIS SECTION APPLIES TO ANY WRITTEN INFORMATION ABOUT IMMUNIZATION REQUIREMENTS FOR ENROLLMENT IN A SCHOOL OR CHILD CARE FACILITY THAT:

(A) IS PROVIDED TO A PERSON TO BE IMMUNIZED OR ENROLLING OR ENROLLED IN A SCHOOL OR CHILD CARE FACILITY, OR TO THE PERSON'S PARENT OR GUARDIAN IF THE PERSON IS UNDER EIGHTEEN YEARS OF AGE AND NOT EMANCIPATED; AND

(B) IS PROVIDED BY THE DEPARTMENT; THE DEPARTMENT OF EDUCATION; THE OFFICE OF CHILDREN AND FAMILY SERVICES; AN IMMUNIZATION PROVIDER; OR A SCHOOL OR CHILD CARE FACILITY. SUCH WRITTEN INFORMATION MUST DESCRIBE THE EXEMPTIONS FROM IMMUNIZATIONS PERMITTED UNDER SUBDIVISIONS EIGHT, EIGHT-A, AND NINE OF SECTION TWENTY-ONE HUNDRED SIXTY-FIVE OF THIS ARTICLE. THE INFORMATION ON EXEMPTIONS FROM IMMUNIZATIONS PROVIDED ACCORDING TO THIS PARAGRAPH MUST BE IN A FONT SIZE AT LEAST EQUAL TO THE FONT SIZE OF THE IMMUNIZATION REQUIREMENTS, IN THE SAME FONT STYLE AS THE IMMUNIZATION REQUIREMENTS, AND ON THE SAME PAGE OF THE WRITTEN DOCUMENT AS THE IMMUNIZATION REQUIREMENTS.

2. BEFORE IMMUNIZING A PERSON, AN IMMUNIZATION PROVIDER MUST PROVIDE THE PERSON, OR THE PERSON'S PARENT OR GUARDIAN IF THE PERSON IS UNDER EIGHTEEN YEARS OF AGE AND NOT EMANCIPATED, WITH THE FOLLOWING INFORMATION IN WRITING:

(A) A LIST OF THE IMMUNIZATIONS REQUIRED FOR ENROLLMENT IN A SCHOOL OR CHILD CARE FACILITY;

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

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(B) A DESCRIPTION OF THE EXEMPTIONS FROM IMMUNIZATIONS PERMITTED UNDER SUBDIVISIONS EIGHT, EIGHT-A, AND NINE OF SECTION TWENTY-ONE HUNDRED SIXTY-FIVE OF THIS ARTICLE;

(C) A LIST OF ADDITIONAL IMMUNIZATIONS CURRENTLY RECOMMENDED BY THE COMMISSIONER; AND

(D) IN ACCORDANCE WITH FEDERAL LAW, A COPY OF THE VACCINE INFORMATION SHEET FROM THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT LISTS POSSIBLE ADVERSE REACTIONS TO THE IMMUNIZATION TO BE PROVIDED.

3. THE COMMISSIONER SHALL CONTINUE THE EDUCATIONAL CAMPAIGN TO PROVIDERS AND HOSPITALS ON VACCINE SAFETY INCLUDING, BUT NOT LIMITED TO, INFORMATION ON THE STATEWIDE IMMUNIZATION REGISTRY, THE FEDERAL VACCINE INFORMATION STATEMENTS (VIS), AND MEDICAL PRECAUTIONS AND CONTRAINDICATIONS TO IMMUNIZATIONS.

4. THE COMMISSIONER SHALL ENCOURAGE PROVIDERS TO PROVIDE THE VACCINE INFORMATION STATEMENTS AT MULTIPLE VISITS AND IN ANTICIPATION OF SUBSEQUENT IMMUNIZATIONS.

5. THE COMMISSIONER SHALL ENCOURAGE PROVIDERS TO USE EXISTING SCREENING FOR IMMUNIZATION PRECAUTIONS AND CONTRAINDICATION MATERIALS, AND TO MAKE PROPER USE OF THE STATEWIDE IMMUNIZATION REGISTRY.

6. THE COMMISSIONER SHALL CONTINUE TO DEVELOP AND MAKE AVAILABLE PATIENT EDUCATION MATERIALS ON IMMUNIZATIONS INCLUDING, BUT NOT LIMITED TO, CONTRAINDICATIONS AND PRECAUTIONS REGARDING VACCINES.

S 2. This act shall take effect immediately.