

4645

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed to the Committee on Health

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 (A) 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, INFLUENZA, poliom-
8 yelitis, measles, mumps, rubella, haemophilus influenzae type b (Hib),
9 diphtheria, pertussis, tetanus, varicella, hepatitis B, pneumococcal
10 disease, and the immunity of adults of the state against diseases iden-
11 tified by the commissioner, including but not limited to influenza,
12 smallpox, and hepatitis. The commissioner shall encourage the munici-
13 palities in the state to develop and shall assist them in the develop-
14 ment and the execution of local programs of inoculation to raise the
15 immunity of the children and adults of each municipality to the highest
16 reasonable level. Such programs shall include provision of vaccine,
17 surveillance of vaccine effectiveness by means of laboratory tests,
18 serological testing of individuals and educational efforts to inform
19 health care providers and target populations or their parents, if they
20 are minors, of the facts relative to these diseases and inoculation to
21 prevent their occurrence. (B) IN CONNECTION WITH EFFORTS TO RAISE THE
22 IMMUNITY OF CHILDREN AGAINST INFLUENZA, THE COMMISSIONER SHALL ADMINIS-
23 TER A PROGRAM OF INFLUENZA EDUCATION TO THE FAMILIES OF CHILDREN AGES
24 SIX MONTHS TO EIGHTEEN YEARS OF AGE WHO ATTEND LICENSED AND REGISTERED

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

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1 CHILD DAY CARE CENTERS, GROUP FAMILY DAY CARE HOMES, FAMILY DAY CARE
2 HOMES, NURSERY SCHOOLS, PRE-KINDERGARTEN, KINDERGARTEN, SCHOOL AGE CHILD
3 CARE PROGRAMS, OR PUBLIC SCHOOLS. SUCH PROGRAM SHALL INCLUDE EDUCATIONAL
4 MATERIALS ON INFLUENZA AND THE BENEFITS OF INFLUENZA IMMUNIZATIONS TO BE
5 MADE AVAILABLE ON THE DEPARTMENT'S WEBSITE, IN COLLABORATION WITH THE
6 OFFICE OF CHILDREN AND FAMILY SERVICES AND THE DEPARTMENT OF EDUCATION,
7 SHALL IN ANTICIPATION OF TIMES OF HIGHEST RISK FOR CONTRACTION OF INFLU-
8 ENZA AS DETERMINED BY THE COMMISSIONER, SEND NOTICES TO LICENSED AND
9 REGISTERED CHILD DAY CARE CENTERS, GROUP FAMILY DAY CARE HOMES, FAMILY
10 DAY CARE HOMES, NURSERY SCHOOLS, PRE-KINDERGARTEN, KINDERGARTEN, SCHOOL
11 AGE CHILD CARE PROGRAMS, AND PUBLIC SCHOOLS THAT THE INFORMATION REGARD-
12 ING IMMUNIZATIONS FOR INFLUENZA IS FREE AND ACCESSIBLE ON THE DEPART-
13 MENT'S WEBSITE. SUCH INFORMATION SHALL BE POSTED IN LICENSED AND REGIS-
14 TERED CHILD DAY CARE CENTERS, GROUP FAMILY DAY CARE HOMES, FAMILY DAY
15 CARE HOMES, NURSERY SCHOOLS, PRE-KINDERGARTEN, KINDERGARTEN, SCHOOL AGE
16 CHILD CARE PROGRAMS, AND PUBLIC SCHOOLS IN PLAIN VIEW. (C) The commis-
17 sioner shall invite and encourage the active assistance and cooperation
18 in such education activities of: the medical societies, organizations
19 of other licensed health personnel, hospitals, corporations subject to
20 article forty-three of the insurance law, trade unions, trade associ-
21 ations, parents and teachers and their associations, ORGANIZATIONS OF
22 CHILD CARE RESOURCE AND REFERRAL AGENCIES, the media of mass communi-
23 cation, and such other voluntary groups and organizations of citizens as
24 he or she shall deem appropriate. The public health council, the depart-
25 ment of education, the department of family assistance, and the depart-
26 ment of mental hygiene shall provide the commissioner with such assist-
27 ance in carrying out the program as he or she shall request. All other
28 state agencies shall also render such assistance as the commissioner may
29 reasonably require for this program. Nothing in this subdivision shall
30 authorize mandatory immunization of adults or children, except as
31 provided in sections twenty-one hundred sixty-four and twenty-one
32 hundred sixty-five of this chapter.

33 S 2. This act shall take effect April 20, 2010. Effective immediate-
34 ly, the addition, amendment and/or repeal of any rule or regulation
35 necessary for the implementation of this act on its effective date are
36 authorized and directed to be made and completed on or before such
37 effective date.