

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

4645--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to providing parents of children ages six months to eighteen years of age who attend licensed and registered day care programs, nursery schools, pre-kindergarten, kindergarten, school age child care programs, public schools or non-public schools with 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. (A) 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, INFLUENZA, poliomy-
8 elitis, 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

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

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1 are minors, of the facts relative to these diseases and inoculation to
2 prevent their occurrence.

3 (B) IN CONNECTION WITH EFFORTS TO RAISE THE IMMUNITY OF CHILDREN
4 AGAINST INFLUENZA, THE COMMISSIONER SHALL ADMINISTER A PROGRAM OF INFLU-
5 ENZA EDUCATION TO THE FAMILIES OF CHILDREN AGES SIX MONTHS TO EIGHTEEN
6 YEARS OF AGE WHO ATTEND LICENSED AND REGISTERED DAY CARE PROGRAMS, NURS-
7 ERY SCHOOLS, PRE-KINDERGARTEN, KINDERGARTEN, SCHOOL AGE CHILD CARE
8 PROGRAMS, PUBLIC SCHOOLS OR NON-PUBLIC SCHOOLS. SUCH PROGRAM SHALL
9 INCLUDE EDUCATIONAL MATERIALS ON INFLUENZA AND THE BENEFITS OF INFLUENZA
10 IMMUNIZATIONS TO BE MADE AVAILABLE ON THE DEPARTMENT'S WEBSITE IN ANTIC-
11 IPATION OF TIMES OF HIGHEST RISK FOR CONTRACTION OF INFLUENZA AS DETER-
12 MINED BY THE COMMISSIONER. THE OFFICE OF CHILDREN AND FAMILY SERVICES,
13 THE DEPARTMENT OF EDUCATION, AND THE NEW YORK CITY DEPARTMENT OF HEALTH
14 AND MENTAL HYGIENE SHALL, AS PART OF THEIR ROUTINE NOTIFICATION PROC-
15 ESSES, NOTIFY LICENSED AND REGISTERED DAY CARE PROGRAMS, NURSERY
16 SCHOOLS, PRE-KINDERGARTEN PROGRAMS, KINDERGARTEN PROGRAMS, SCHOOL AGE
17 CHILD CARE PROGRAMS, PUBLIC SCHOOLS AND NON-PUBLIC SCHOOLS THAT THE
18 INFORMATION REGARDING IMMUNIZATIONS FOR INFLUENZA IS FREE AND ACCESSIBLE
19 ON THE DEPARTMENT'S WEBSITE AND SUCH INFORMATION SHALL BE POSTED IN SUCH
20 LICENSED AND REGISTERED DAY CARE PROGRAMS, NURSERY SCHOOLS, PRE-KINDER-
21 GARTENS, KINDERGARTENS, SCHOOL AGE CHILD CARE PROGRAMS, PUBLIC SCHOOLS
22 AND NON-PUBLIC SCHOOLS IN PLAIN VIEW IN ANTICIPATION OF SUCH TIMES OF
23 HIGHEST RISK FOR CONTRACTION OF INFLUENZA AS DETERMINED BY THE COMMIS-
24 SIONER.

25 (C) The commissioner shall invite and encourage the active assistance
26 and cooperation in such education activities of: the medical societies,
27 organizations of other licensed health personnel, hospitals, corpo-
28 rations subject to article forty-three of the insurance law, trade
29 unions, trade associations, parents and teachers and their associations,
30 ORGANIZATIONS OF CHILD CARE RESOURCE AND REFERRAL AGENCIES, the media of
31 mass communication, and such other voluntary groups and organizations of
32 citizens as he or she shall deem appropriate. The public health council,
33 the department of education, the department of family assistance, and
34 the department of mental hygiene shall provide the commissioner with
35 such assistance in carrying out the program as he or she shall request.
36 All other state agencies shall also render such assistance as the
37 commissioner may reasonably require for this program. Nothing in this
38 subdivision shall authorize mandatory immunization of adults or chil-
39 dren, except as provided in sections twenty-one hundred sixty-four and
40 twenty-one hundred sixty-five of this chapter.

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