

8231

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 7, 2011

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

AN ACT to amend the public health law, in relation to raising the level  
of immunity of children against meningococcal disease

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

1     Section 1. Section 2167 of the public health law, as added by chapter  
2     165 of the laws of 2003, is amended to read as follows:  
3     S 2167. Immunization against meningococcal meningitis. 1. As used in  
4     this section, unless the context requires otherwise:  
5     a. The term "student" means [a] ANY person WHO IS IN SEVENTH GRADE OR  
6     A COMPARABLE AGE LEVEL SPECIAL EDUCATION PROGRAM WITH AN UNASSIGNED  
7     GRADE AT A SCHOOL, OR attending an institution and, in the case of a  
8     student attending college, "student" means a person who is registered to  
9     attend or who attends classes at an institution, who is enrolled for at  
10    least six semester hours or the equivalent per semester, or at least  
11    four semester hours per quarter.  
12    b. The term "institution" means an academy or college, as defined in  
13    section two of the education law, or a children's overnight camp as  
14    defined in section one thousand three hundred ninety-two of this chap-  
15    ter, where the person attending such camp remains overnight for a period  
16    of not fewer than seven days.  
17    c. The term "immunization" means an adequate dose or doses of an  
18    immunizing agent against meningococcal meningitis which meets the stand-  
19    ards approved by the United States public health service for such  
20    biological products and which is approved by the department under such  
21    conditions as may be specified by the public health AND HEALTH PLANNING  
22    council.  
23    D.     THE TERM "SCHOOL" MEANS ANY PUBLIC, PRIVATE OR PAROCHIAL INTERME-  
24    DIATE OR SECONDARY SCHOOL.

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

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1 2. Each institution AND SCHOOL shall distribute, in a form provided or  
2 approved by the commissioner, written information about meningococcal  
3 meningitis and meningitis immunization to all students. The information  
4 provided by the institution OR SCHOOL shall include, but not be limited  
5 to, the following:

6 a. a description of the disease and means of transmission;  
7 b. the benefits, risks, and effectiveness of immunization;  
8 c. the availability and cost of immunization, including an indication  
9 of whether or not the institution OR SCHOOL offers meningococcal meningi-  
10 tis immunization services.

11 3. Each institution AND SCHOOL shall also distribute, in a form  
12 provided or approved by the commissioner [of health], a response form,  
13 to be completed by the student or, where the student is under the age of  
14 eighteen years, such student's parent or guardian, which shall include  
15 the following:

16 a. The student, or if under the age of eighteen years the parent or  
17 guardian of the student, certifies that the student has already received  
18 immunization against meningococcal meningitis within the ten years  
19 preceding the date of the response form;

20 b. The student, or if under the age of eighteen years the parent or  
21 guardian of such student, has received and reviewed the information  
22 provided by the institution OR SCHOOL, understands the risks of meningo-  
23 coccal meningitis and the benefits of immunization, and has decided that  
24 the student shall not obtain immunization against meningococcal meningi-  
25 tis.

26 The student, or if under the age of eighteen years the parent or guar-  
27 dian of such student, shall indicate his or her decision in a box or  
28 space placed appropriately on the form and shall return the completed  
29 form to the institution OR SCHOOL. Nothing in this subdivision shall be  
30 construed to prohibit an institution OR SCHOOL from incorporating the  
31 form required by this subdivision into another health certificate or  
32 form required by the institution OR SCHOOL.

33 4. Each institution AND SCHOOL shall maintain [completed] A RECORD OF  
34 THE response [forms].

35 5. No institution OR SCHOOL shall permit any student to attend the  
36 institution OR SCHOOL in excess of thirty days without complying with  
37 this section; provided, however, that such thirty day period may be  
38 extended to not more than sixty days if a student can show a good faith  
39 effort to comply with this section.

40 6. Nothing in this section shall be construed to prohibit institutions  
41 AND SCHOOLS from adopting or maintaining more stringent policies regard-  
42 ing immunization against meningococcal meningitis.

43 S 2. This act shall take effect July 1, 2012; provided, that, effec-  
44 tive immediately, any actions necessary to implement the provisions of  
45 this act on its effective date are authorized and directed to be  
46 completed on or before such date.