

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

5069--A

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. HANNON -- 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 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. Subdivision 1 of section 613 of the public health law, as
2 amended by chapter 36 of the laws of 2010, 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, MENINGOCOCCAL DISEASE, and the immunity of adults of the state
11 against diseases identified by the commissioner, including but not
12 limited to influenza, smallpox, and hepatitis. The commissioner shall
13 encourage the municipalities in the state to develop and shall assist
14 them in the development and the execution of local programs of inocu-
15 lation to raise the immunity of the children and adults of each munici-
16 pality to the highest reasonable level. Such programs shall include
17 provision of vaccine, surveillance of vaccine effectiveness by means of
18 laboratory tests, serological testing of individuals and educational
19 efforts to inform health care providers and target populations or their
20 parents, if they are minors, of the facts relative to these diseases and
21 inoculation to prevent their occurrence.
22 (b) In connection with efforts to raise the immunity of children
23 against influenza, the commissioner shall administer a program of influ-
24 enza education to the families of children ages six months to eighteen
25 years of age who attend licensed and registered day care programs, nurs-
26 ery schools, pre-kindergarten, kindergarten, school age child care

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

LBD11275-05-1

1 programs, public schools or non-public schools. Such program shall
2 include educational materials on influenza and the benefits of influenza
3 immunizations to be made available on the department's website in antic-
4 ipation of times of highest risk for contraction of influenza as deter-
5 mined by the commissioner. The office of children and family services,
6 the department of education, and the New York city department of health
7 and mental hygiene shall, as part of their routine notification proc-
8 esses, notify licensed and registered day care programs, nursery
9 schools, pre-kindergarten programs, kindergarten programs, school age
10 child care programs, public schools and non-public schools that the
11 information regarding immunizations for influenza is free and accessible
12 on the department's website and such information shall be posted in such
13 licensed and registered day care programs, nursery schools, pre-kinder-
14 gartens, kindergartens, school age child care programs, public schools
15 and non-public schools in plain view in anticipation of such times of
16 highest risk for contraction of influenza as determined by the commis-
17 sioner.

18 (c) IN CONNECTION WITH EFFORTS TO RAISE THE IMMUNITY OF CHILDREN
19 AGAINST MENINGOCOCCAL DISEASE THE COMMISSIONER SHALL ADMINISTER A
20 PROGRAM OF MENINGOCOCCAL EDUCATION TO THE FAMILIES OF CHILDREN ELEVEN
21 YEARS TO EIGHTEEN YEARS OF AGE WHO ATTEND SCHOOL AGE CHILD CARE
22 PROGRAMS, PUBLIC SCHOOLS OR NON-PUBLIC SCHOOLS. SUCH PROGRAM SHALL
23 INCLUDE EDUCATIONAL MATERIALS REGARDING THE MENINGOCOCCAL DISEASE, THE
24 BENEFITS OF MENINGOCOCCAL DISEASE IMMUNIZATIONS, APPROPRIATE AGE TO
25 RECEIVE THE VACCINE, PURSUANT TO THE CENTERS FOR DISEASE CONTROL AND
26 PREVENTION'S ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES, AND SHALL
27 INCLUDE INFORMATION ON HOW ADOLESCENTS MAY ACCESS THE VACCINE. SUCH
28 MATERIALS SHALL BE MADE AVAILABLE ON THE DEPARTMENT'S WEBSITE. THE
29 EDUCATION DEPARTMENT AND THE NEW YORK CITY DEPARTMENT OF HEALTH AND
30 MENTAL HYGIENE SHALL, AS PART OF THEIR ROUTINE NOTIFICATION PROCESSES,
31 NOTIFY SCHOOL AGE CHILD CARE PROGRAMS, PUBLIC SCHOOLS AND NON-PUBLIC
32 SCHOOLS THAT THE INFORMATION REGARDING IMMUNIZATIONS FOR MENINGOCOCCAL
33 DISEASE IS FREE AND ACCESSIBLE ON THE DEPARTMENT'S WEBSITE AND SUCH
34 INFORMATION SHALL BE POSTED IN SUCH SCHOOL AGE CHILD CARE PROGRAMS,
35 PUBLIC SCHOOLS AND NON-PUBLIC SCHOOLS IN PLAIN VIEW.

36 (D) The commissioner shall invite and encourage the active assistance
37 and cooperation in such education activities of: the medical societies,
38 organizations of other licensed health personnel, hospitals, corpo-
39 rations subject to article forty-three of the insurance law, trade
40 unions, trade associations, parents and teachers and their associations,
41 organizations of child care resource and referral agencies, the media of
42 mass communication, and such other voluntary groups and organizations of
43 citizens as he or she shall deem appropriate. The public health council,
44 the department of education, the department of family assistance, and
45 the department of mental hygiene shall provide the commissioner with
46 such assistance in carrying out the program as he or she shall request.
47 All other state agencies shall also render such assistance as the
48 commissioner may reasonably require for this program. Nothing in this
49 subdivision shall authorize mandatory immunization of adults or chil-
50 dren, except as provided in sections twenty-one hundred sixty-four and
51 twenty-one hundred sixty-five of this chapter.

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