

5069

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

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-

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

LBD11275-02-1

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

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

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

53 S 2. This act shall take effect August 1, 2011.