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I N S E N A T E

May 12, 2014

Introduced by Sen. HOYLMAN -- 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 immunization against human papillomavirus (HPV)

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

1 Section 1. The section heading and subdivisions 2, 3, 5 and 6 of
2 section 2164 of the public health law, as amended by chapter 189 of the
3 laws of 2006 and subdivision 2 as separately amended by chapter 506 of
4 the laws of 2006, are amended to read as follows:

5 Definitions; immunization against poliomyelitis, mumps, measles,
6 diphtheria, rubella, varicella, HUMAN PAPILLOMAVIRUS (HPV), Haemophilus
7 influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, and
8 hepatitis B.

9 2. a. Every person in parental relation to a child in this state shall
10 have administered to such child an adequate dose or doses of an immuniz-
11 ing agent against poliomyelitis, mumps, measles, diphtheria, rubella,
12 varicella, HUMAN PAPILLOMAVIRUS (HPV), Haemophilus influenzae type b
13 (Hib), pertussis, tetanus, pneumococcal disease, and hepatitis B, which
14 meets the standards approved by the United States public health service
15 for such biological products, and which is approved by the department
16 under such conditions as may be specified by the public health council.

17 b. Every person in parental relation to a child in this state born on
18 or after January first, nineteen hundred ninety-four and entering sixth
19 grade or a comparable age level special education program with an unas-
20 signed grade on or after September first, two thousand seven, shall have
21 administered to such child a booster immunization containing diphtheria
22 and tetanus toxoids, [and] an acellular pertussis vaccine, AND A HUMAN
23 PAPILLOMAVIRUS (HPV) VACCINE, which meets the standards approved by the
24 United States public health service for such biological products, and
25 which is approved by the department under such conditions as may be
26 specified by the public health council.

27 3. The person in parental relation to any such child who has not
28 previously received such immunization shall present the child to a

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

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1 health practitioner and request such health practitioner to administer
2 the necessary immunization against poliomyelitis, mumps, measles,
3 diphtheria, Haemophilus influenzae type b (Hib), rubella, varicella,
4 HUMAN PAPILLOMAVIRUS (HPV), pertussis, tetanus, pneumococcal disease,
5 and hepatitis B as provided in subdivision two of this section.

6 5. The health practitioner who administers such immunizing agent
7 against poliomyelitis, mumps, measles, diphtheria, Haemophilus influen-
8 zae type b (Hib), rubella, varicella, HUMAN PAPILLOMAVIRUS (HPV),
9 pertussis, tetanus, pneumococcal disease, and hepatitis B to any such
10 child shall give a certificate of such immunization to the person in
11 parental relation to such child.

12 6. In the event that a person in parental relation to a child makes
13 application for admission of such child to a school or has a child
14 attending school and there exists no certificate or other acceptable
15 evidence of the child's immunization against poliomyelitis, mumps,
16 measles, diphtheria, rubella, varicella, HUMAN PAPILLOMAVIRUS (HPV),
17 hepatitis B, pertussis, tetanus, and, where applicable, Haemophilus
18 influenzae type b (Hib) and pneumococcal disease, the principal, teach-
19 er, owner or person in charge of the school shall inform such person of
20 the necessity to have the child immunized, that such immunization may be
21 administered by any health practitioner, or that the child may be immun-
22 ized without charge by the health officer in the county where the child
23 resides, if such person executes a consent therefor. In the event that
24 such person does not wish to select a health practitioner to administer
25 the immunization, he or she shall be provided with a form which shall
26 give notice that as a prerequisite to processing the application for
27 admission to, or for continued attendance at, the school such person
28 shall state a valid reason for withholding consent or consent shall be
29 given for immunization to be administered by a health officer in the
30 public employ, or by a school physician or nurse. The form shall provide
31 for the execution of a consent by such person and it shall also state
32 that such person need not execute such consent if subdivision eight or
33 nine of this section apply to such child.

34 S 2. Paragraph (a) of subdivision 7 of section 2164 of the public
35 health law, as amended by chapter 189 of the laws of 2006, is amended to
36 read as follows:

37 (a) No principal, teacher, owner or person in charge of a school shall
38 permit any child to be admitted to such school, or to attend such
39 school, in excess of fourteen days, without the certificate provided for
40 in subdivision five of this section or some other acceptable evidence of
41 the child's immunization against poliomyelitis, mumps, measles, diphthe-
42 ria, rubella, varicella, HUMAN PAPILLOMAVIRUS (HPV), hepatitis B,
43 pertussis, tetanus, and, where applicable, Haemophilus influenzae type b
44 (Hib) and pneumococcal disease; provided, however, such fourteen day
45 period may be extended to not more than thirty days for an individual
46 student by the appropriate principal, teacher, owner or other person in
47 charge where such student is transferring from out-of-state or from
48 another country and can show a good faith effort to get the necessary
49 certification or other evidence of immunization.

50 S 3. The opening paragraph of subdivision 8-a of section 2164 of the
51 public health law, as amended by chapter 189 of the laws of 2006, is
52 amended to read as follows:

53 Whenever a child has been refused admission to, or continued attend-
54 ance at, a school as provided for in subdivision seven of this section
55 because there exists no certificate provided for in subdivision five of
56 this section or other acceptable evidence of the child's immunization

1 against poliomyelitis, mumps, measles, diphtheria, rubella, varicella,
2 HUMAN PAPILLOMAVIRUS (HPV), hepatitis B, pertussis, tetanus, and, where
3 applicable, Haemophilus influenzae type b (Hib) and pneumococcal
4 disease, the principal, teacher, owner or person in charge of the school
5 shall:

6 S 4. Paragraph (a) of subdivision 1 of section 613 of the public
7 health law, as amended by section 24 of part E of chapter 56 of the laws
8 of 2013, is amended to read as follows:

9 (a) The commissioner shall develop and supervise the execution of a
10 program of immunization, surveillance and testing, to raise to the high-
11 est reasonable level the immunity of the children of the state against
12 communicable diseases including, but not limited to, influenza, poliomy-
13 elitis, measles, mumps, rubella, haemophilus influenzae type b (Hib),
14 diphtheria, pertussis, tetanus, varicella, HUMAN PAPILLOMAVIRUS (HPV),
15 hepatitis B, pneumococcal disease, and the immunity of adults of the
16 state against diseases identified by the commissioner, including but not
17 limited to influenza, smallpox, hepatitis and such other diseases as the
18 commissioner may designate through regulation. Municipalities in the
19 state shall maintain local programs of immunization to raise the immuni-
20 ty of the children and adults of each municipality to the highest
21 reasonable level, in accordance with an application for state aid
22 submitted by the municipality and approved by the commissioner. Such
23 programs shall include assurance of provision of vaccine, serological
24 testing of individuals and educational efforts to inform health care
25 providers and target populations or their parents, if they are minors,
26 of the facts relative to these diseases and immunizations to prevent
27 their occurrence.

28 S 5. This act shall take effect on the first of September next
29 succeeding the date on which it shall have become a law; provided,
30 however, that sections one, two and three of this act shall apply only
31 to children born on or after January 1, 1996.