

# STATE OF NEW YORK

9073--A

## IN ASSEMBLY

January 18, 2018

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to pharmacist immunizations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 7 of section 6527 of the education law, as  
2 amended by chapter 46 of the laws of 2015, is amended to read as  
3 follows:

4 7. A licensed physician may prescribe and order a patient specific  
5 order or non-patient specific regimen to a licensed pharmacist, pursuant  
6 to regulations promulgated by the commissioner, and consistent with the  
7 public health law, for administering immunizations to prevent influenza,  
8 pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, meningococ-  
9 cal, tetanus, diphtheria or pertussis disease and medications required  
10 for emergency treatment of anaphylaxis. Nothing in this subdivision  
11 shall authorize unlicensed persons to administer immunizations, vaccines  
12 or other drugs.

13 § 2. Subdivision 22 of section 6802 of the education law, as amended  
14 by section 2 of part DD of chapter 57 of the laws of 2018, is amended to  
15 read as follows:

16 22. "Administer", for the purpose of section sixty-eight hundred one  
17 of this article, means:

18 a. the direct application of an immunizing agent to adults, whether by  
19 injection, ingestion, inhalation or any other means, pursuant to a  
20 patient specific order or non-patient specific regimen prescribed or  
21 ordered by a physician or certified nurse practitioner, who has a prac-  
22 tice site in the county or adjoining county in which the immunization is  
23 administered, for immunizations to prevent influenza, pneumococcal,  
24 acute herpes zoster, hepatitis A, hepatitis B, meningococcal, tetanus,  
25 diphtheria or pertussis disease and medications required for emergency  
26 treatment of anaphylaxis. If the commissioner of health determines that  
27 there is an outbreak of disease, or that there is the imminent threat of

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

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1 an outbreak of disease, then the commissioner of health may issue a  
2 non-patient specific regimen applicable statewide.

3 b. the direct application of an immunizing agent to children between  
4 the ages of two and eighteen years of age, whether by injection, inges-  
5 tion, inhalation or any other means, pursuant to a patient specific  
6 order or non-patient specific regimen prescribed or ordered by a physi-  
7 cian or certified nurse practitioner, who has a practice site in the  
8 county or adjoining county in which the immunization is administered,  
9 for immunization to prevent influenza and medications required for emer-  
10 gency treatment of anaphylaxis resulting from such immunization. If the  
11 commissioner of health determines that there is an outbreak of influen-  
12 za, or that there is the imminent threat of an outbreak of influenza,  
13 then the commissioner of health may issue a non-patient specific regimen  
14 applicable statewide.

15 § 3. Subdivision 7 of section 6909 of the education law, as amended by  
16 chapter 46 of the laws of 2015, is amended to read as follows:

17 7. A certified nurse practitioner may prescribe and order a patient  
18 specific order or non-patient specific regimen to a licensed pharmacist,  
19 pursuant to regulations promulgated by the commissioner, and consistent  
20 with the public health law, for administering immunizations to prevent  
21 influenza, pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,  
22 meningococcal, tetanus, diphtheria or pertussis disease and medications  
23 required for emergency treatment of anaphylaxis. Nothing in this subdi-  
24 vision shall authorize unlicensed persons to administer immunizations,  
25 vaccines or other drugs.

26 § 4. This act shall take effect immediately; provided, however, that:

27 (a) the amendments to subdivision 7 of section 6527 of the education  
28 law made by section one of this act shall not affect the expiration of  
29 such subdivision and shall be deemed to expire therewith;

30 (b) the amendments to subdivision 22 of section 6802 of the education  
31 law made by section two of this act shall not affect the expiration of  
32 such subdivision pursuant to section 8 of chapter 563 of the laws of  
33 2008, as amended, and shall be deemed repealed therewith; and

34 (c) the amendments to subdivision 7 of section 6909 of the education  
35 law, made by section three of this act shall not affect the expiration  
36 of such subdivision and shall be deemed to expire therewith.