

# STATE OF NEW YORK

321

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to pharmacist immunizations; to amend chapter 563 of the laws of 2008, amending the education law and the public health law relating to immunizing agents to be administered to adults by pharmacists, in relation to making certain provisions permanent; and to amend chapter 116 of the laws of 2012, amending the education law relating to authorizing a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents, in relation to making certain provisions permanent

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, meningococcal, tetanus, diphthe-~~  
9 ~~ria or pertussis disease and medications required for emergency treat-~~  
10 ~~ment of anaphylaxis]~~ and vaccines listed in the recommended adult  
11 immunization schedule by the Centers for Disease Control and Prevention.

12 Nothing in this subdivision shall authorize unlicensed persons to admin-  
13 ister immunizations, vaccines or other drugs.

14 § 2. Subdivision 22 of section 6802 of the education law, as amended  
15 by chapter 46 of the laws of 2015, is amended to read as follows:

16 22. "Administer", for the purpose of section sixty-eight hundred one  
17 of this article, means the direct application of an immunizing agent to  
18 adults, whether by injection, ingestion or any other means, pursuant to

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

LBD03043-01-7

1 a patient specific order or non-patient specific regimen prescribed or  
2 ordered by a physician or certified nurse practitioner, [~~who has a prac-~~  
3 ~~tice site in the county or adjoining county in which the immunization is~~  
4 ~~administered,~~] for immunizations [~~to prevent influenza, pneumococcal,~~  
5 ~~acute herpes zoster, meningococcal, tetanus, diphtheria or pertussis~~  
6 ~~disease and medications required for emergency treatment of anaphylaxis]~~  
7 and vaccines listed in the recommended adult immunization schedule by  
8 the Centers for Disease Control and Prevention. If the commissioner of  
9 health determines that there is an outbreak of disease, or that there is  
10 the imminent threat of an outbreak of disease, then the commissioner of  
11 health may issue a non-patient specific regimen applicable statewide.

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

14 7. A certified nurse practitioner may prescribe and order a patient  
15 specific order or non-patient specific regimen to a licensed pharmacist,  
16 pursuant to regulations promulgated by the commissioner, and consistent  
17 with the public health law, for administering immunizations [~~to prevent~~  
18 ~~influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus,~~  
19 ~~diphtheria or pertussis disease and medications required for emergency~~  
20 ~~treatment of anaphylaxis]~~ and vaccines listed in the recommended adult  
21 immunization schedule by the Centers for Disease Control and Prevention.

22 Nothing in this subdivision shall authorize unlicensed persons to admin-  
23 ister immunizations, vaccines or other drugs.

24 § 4. Section 8 of chapter 563 of the laws of 2008, amending the educa-  
25 tion law and the public health law relating to immunizing agents to be  
26 administered to adults by pharmacists, as amended by chapter 46 of the  
27 laws of 2015, is amended to read as follows:

28 § 8. This act shall take effect on the ninetieth day after it shall  
29 have become a law [~~and shall expire and be deemed repealed July 1,~~  
30 ~~2019~~].

31 § 5. Section 5 of chapter 116 of the laws of 2012, amending the educa-  
32 tion law relating to authorizing a licensed pharmacist and certified  
33 nurse practitioner to administer certain immunizing agents, as amended  
34 by chapter 46 of the laws of 2015, is amended to read as follows:

35 § 5. This act shall take effect on the ninetieth day after it shall  
36 have become a law [~~and shall expire and be deemed repealed July 1, 2019~~  
37 ~~provided, that:~~

38 ~~(a) the amendments to subdivision 7 of section 6527 of the education~~  
39 ~~law made by section one of this act shall not affect the repeal of such~~  
40 ~~subdivision and shall be deemed to be repealed therewith;~~

41 ~~(b) the amendments to subdivision 7 of section 6909 of the education~~  
42 ~~law, made by section two of this act shall not affect the repeal of such~~  
43 ~~subdivision and shall be deemed to be repealed therewith;~~

44 ~~(c) the amendments to subdivision 22 of section 6802 of the education~~  
45 ~~law made by section three of this act shall not affect the repeal of~~  
46 ~~such subdivision and shall be deemed to be repealed therewith; and~~

47 ~~(d) the amendments to section 6801 of the education law made by~~  
48 ~~section four of this act shall not affect the expiration of such section~~  
49 ~~and shall be deemed to expire therewith].~~

50 § 6. This act shall take effect immediately.