

STATE OF NEW YORK

2250--A

2019-2020 Regular Sessions

IN SENATE

January 23, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed 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,

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

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1 acute herpes zoster, hepatitis A, hepatitis B, meningococcal, tetanus,
2 diphtheria or pertussis disease and medications required for emergency
3 treatment of anaphylaxis. If the commissioner of health determines that
4 there is an outbreak of disease, or that there is the imminent threat of
5 an outbreak of disease, then the commissioner of health may issue a
6 non-patient specific regimen applicable statewide.

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

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

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

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

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

34 (b) the amendments to subdivision 22 of section 6802 of the education
35 law made by section two of this act shall not affect the expiration of
36 such subdivision pursuant to section 8 of chapter 563 of the laws of
37 2008, as amended, and shall be deemed repealed therewith; and

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