

# STATE OF NEW YORK

4244--C

2019-2020 Regular Sessions

## IN SENATE

March 5, 2019

Introduced by Sens. KRUEGER, BIAGGI, HOYLMAN, MYRIE, SEPULVEDA, STAVISKY  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Health -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the administration  
of vaccines to children who are at least fourteen years of age

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

1 Section 1. The public health law is amended by adding a new section  
2 2167-a to read as follows:

3 § 2167-a. Administering a vaccine to a minor; consent. 1. A health  
4 care practitioner may administer a vaccine to a minor who is at least  
5 fourteen years of age if the minor has the capacity to consent and  
6 provides informed consent to the administering of the vaccine.

7 2. Prior to administering any vaccine under this section, the health  
8 care practitioner shall consult with and counsel the minor to ensure  
9 that the minor fully understands and appreciates the nature and conse-  
10 quences of receiving the vaccine, has the capacity to consent and is  
11 providing informed consent, and that the vaccine indicated for the minor  
12 is not contraindicated by the minor's medical history.

13 3. For the purposes of this section:

14 a. "Health care practitioner" means a health care practitioner  
15 licensed, certified or otherwise authorized to practice under title  
16 eight of the education law, acting within the practitioner's lawful  
17 scope of practice.

18 b. "Vaccine" means a biological product intended to confer immuniza-  
19 tion to an infection or disease which meets the standards approved by  
20 the United States public health service for such biological products,

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

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1 and is consistent with a recommendation of the advisory committee on  
2 immunization practices of the centers for disease control and prevention  
3 with respect to the patient involved, or which is approved by the  
4 department under such conditions as may be specified by the public  
5 health council.

6 c. "Capacity to consent" means an individual's ability, determined  
7 without regard to the individual's age, to understand and appreciate the  
8 nature and consequences of the proposed vaccination, and to make an  
9 informed decision concerning the administration of the vaccine.

10 § 2. This act shall take effect immediately.