

STATE OF NEW YORK

4975

2019-2020 Regular Sessions

IN SENATE

April 3, 2019

Introduced by Sen. BRESLIN -- 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 authorizing the administration of vaccines for hepatitis A, hepatitis B, and human papillomavirus by a licensed pharmacist and by a certified nurse practitioner

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, human
9 papillomavirus, meningococcal, tetanus, diphtheria or pertussis disease
10 and medications required for emergency treatment of anaphylaxis. Nothing
11 in this subdivision shall authorize unlicensed persons to administer
12 immunizations, vaccines or other drugs.

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

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

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

LBD10533-01-9

1 health determines that there is an outbreak of disease, or that there is
2 the imminent threat of an outbreak of disease, then the commissioner of
3 health may issue a non-patient specific regimen applicable statewide.

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

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

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

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

19 (b) the amendments to subdivision 22 of section 6802 of the education
20 law made by section two of this act shall not affect the expiration and
21 repeal of such subdivision and shall be deemed repealed therewith; and

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