

STATE OF NEW YORK

6753

2019-2020 Regular Sessions

IN SENATE

September 27, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to authorizing pharmacists to administer vaccinations required for admission and entrance to school

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, diphtheria or
9 pertussis disease and medications required for emergency treatment of
10 anaphylaxis, and any immunization required for admission and entrance to
11 any school pursuant to section twenty-one hundred sixty-four of the
12 public health law. Nothing in this subdivision shall authorize unli-
13 censed persons to administer immunizations, vaccines or other drugs.

14 § 2. Subdivision 4 of section 6801 of the education law, as amended by
15 section 1 of part DD of chapter 57 of the laws of 2018, is amended to
16 read as follows:

17 4. When administering an immunization in a pharmacy, the licensed
18 pharmacist shall provide an area for the immunization that provides for
19 a patient's privacy. The privacy area should include:

20 a. a clearly visible posting of the most current "Recommended Adult
21 Immunization Schedule" published by the advisory committee for immuniza-
22 tion practices (ACIP); and

23 (b) education materials on influenza vaccinations and any immuniza-
24 tions and vaccinations required for admission and entrance to any school

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

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1 pursuant to section twenty-one hundred sixty-four of the public health
2 law for children as determined by the commissioner and the commissioner
3 of health.

4 § 3. Paragraph b of subdivision 22 of section 6802 of the education
5 law, as added by section 2 of part DD of chapter 57 of the laws of 2018,
6 is amended to read as follows:

7 b. (i) the direct application of an immunizing agent to children
8 between the ages of two and eighteen years of age, whether by injection,
9 ingestion, 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 (ii) the direct application of an immunizing agent to children between
20 the ages of two and eighteen years of age, whether by injection, inges-
21 tion, inhalation or any other means, pursuant to a patient specific
22 order or non-patient specific regimen prescribed or ordered by a physi-
23 cian or certified nurse practitioner, required for the admission and
24 entrance to any school pursuant to section twenty-one hundred sixty-four
25 of the public health law.

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

28 7. A certified nurse practitioner may prescribe and order a patient
29 specific order or non-patient specific regimen to a licensed pharmacist,
30 pursuant to regulations promulgated by the commissioner, and consistent
31 with the public health law, (i) for administering immunizations to
32 prevent influenza, pneumococcal, acute herpes zoster, meningococcal,
33 tetanus, diphtheria or pertussis disease and medications required for
34 emergency treatment of anaphylaxis. Nothing in this subdivision shall
35 authorize unlicensed persons to administer immunizations, vaccines or
36 other drugs;

37 (ii) for the direct application of an immunizing agent to children
38 between the ages of two and eighteen years of age, whether by injection,
39 ingestion, inhalation or any other means required for the admission and
40 entrance to any school pursuant to section twenty-one hundred sixty-four
41 of the public health law.

42 § 5. This act shall take effect immediately; provided, however, that:

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

46 (b) the amendments to subdivision 4 of section 6801 of the education
47 law made by section two of this act shall not affect the expiration and
48 repeal of such subdivision and shall be deemed repealed therewith;

49 (c) the amendments to subdivision 22 of section 6802 of the education
50 law made by section three of this act shall not affect the expiration
51 and repeal of such subdivision and shall be deemed repealed therewith;
52 and

53 (d) the amendments to subdivision 7 of section 6909 of the education
54 law made by section four of this act shall not affect the expiration of
55 such subdivision and shall be deemed to expire therewith.