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:

Section 1. Subdivision 7 of section 6527 of the education law, as amended by chapter 46 of the laws of 2015, is amended to read as follows:

7. A licensed physician may prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for administering immunizations to prevent influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis**, and any immunization required for admission and entrance to any school pursuant to section twenty-one hundred sixty-four of the public health law**. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

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

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

a. a clearly visible posting of the most current "Recommended Adult Immunization Schedule" published by the advisory committee for immunization practices (ACIP); and

(b) education materials on influenza vaccinations **and any immunizations 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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pursuant to section twenty-one hundred sixty-four of the public health law for children as determined by the commissioner and the commissioner of health.

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

b. (i) the direct application of an immunizing agent to children between the ages of two and eighteen years of age, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, who has a practice site in the county or adjoining county in which the immunization is administered, for immunization to prevent influenza and medications required for emergency treatment of anaphylaxis resulting from such immunization. If the commissioner of health determines that there is an outbreak of influenza, or that there is the imminent threat of an outbreak of influenza, then the commissioner of health may issue a non-patient specific regimen applicable statewide;

(ii) the direct application of an immunizing agent to children between the ages of two and eighteen years of age, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, required for the admission and entrance to any school pursuant to section twenty-one hundred sixty-four of the public health law.

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

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

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

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

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

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

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

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