STATE OF NEW YORK

IN SENATE

April 13, 2020

Introduced by Sen. HOYLMAN -- 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 licensed pharmacists to administer an approved vaccine for COVID-19

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, COVID-19, 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.

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

22. "Administer", for the purpose of section sixty-eight hundred one of this article, means:

a. the direct application of an immunizing agent to adults, 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 immunizations to prevent influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus, diphtheria, COVID-19, or pertussis disease and medications required for emergency treatment of anaphylaxis. If the commissioner of health determines that there is an outbreak of disease, or that there is the imminent threat of an outbreak of disease, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
b. the direct application of an immunizing agent to children between
the ages of two and eighteen years of age, whether by injection, inges-
tion, inhalation or any other means, pursuant to a patient specific
order or non-patient specific regimen prescribed or ordered by a physi-
cian 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 emer-
gency treatment of anaphylaxis resulting from such immunization. If the
commissioner of health determines that there is an outbreak of influen-
za, 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.
§ 3. 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, for administering immunizations to prevent
influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus,
diphtheria, COVID-19, 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.
§ 4. This act shall take effect the same day that a vaccine for
COVID-19 is approved by the United States Food and Drug Administration's
Center for Biologics Evaluation and Research vaccine product approval
process; provided that the commissioner of health shall notify the
legislative bill drafting commission upon the occurrence of such
approval in order that the commission may maintain an accurate and time-
ly effective data base of the official text of the laws of the state of
New York in furtherance of effectuating the provisions of section 44 of
the legislative law and section 70-b of the public officers law;
provided further, 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 22 of section 6802 of the education
law made by section two of this act shall not affect the repeal of such
subdivision pursuant to section 8 of chapter 563 of the laws of 2008, as
amended, and shall be deemed repealed therewith; and
(c) the amendments to subdivision 7 of section 6909 of the education
law, made by section three of this act shall not affect the expiration
of such subdivision and shall be deemed to expire therewith.