STATE OF NEW YORK

8182--A

IN SENATE

April 13, 2020

Introduced by Sens. HOYLMAN, BENJAMIN, BROOKS, KAPLAN, MONTGOMERY, SEPULVEDA, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing licensed pharmacists to administer an approved vaccine for COVID-19; and providing for the repeal of such provisions upon expiration thereof

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

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

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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.

b. 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.

§ 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 no sooner than ninety days from the date of approval of a COVID-19 immunization by the United States Food and Drug Administration's Center for Biologics Evaluation and Research and shall expire and be deemed repealed July 1, 2022; provided further that this act shall not take effect until the commissioner of health and the commissioner of education jointly certify that the administration of such immunization pursuant to this act would be in the best interest of public health; provided that the commissioner of health and the commissioner of education shall notify the legislative bill drafting commission upon the occurrence of such certification in order that the commission may maintain an accurate and timely 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.