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.
anaphylaxis. If the commissioner of health determines that there is an
outbreak of disease, or that there is the imminent threat of an outbreak
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, 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 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 commis-
sioner of education shall notify the legislative bill drafting commis-
sion upon the occurrence of such certification in order that the commis-
sion 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.