STATE OF NEW YORK

11129

IN ASSEMBLY

November 6, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to directing the commissioner of health to mandate a COVID-19 vaccine for residential health care facilities and to prioritize the distribution of such vaccines to such facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 2192 of the public health law, as added by chapter 580 of the laws of 1999, is amended to read as follows:

§ 2192. Long-term care resident and employee immunization required. Except as provided in section twenty-one hundred ninety-five of this article, every long-term care facility in this state shall require residents and employees to be immunized for influenza virus**, COVID-19** and pneumococcal disease in accordance with regulations of the commissioner.

§ 2. Section 2803 of the public health law is amended by adding a new subdivision 13 to read as follows:

13. The commissioner shall develop a plan to prioritize the distribution of vaccinations for COVID-19 to vulnerable populations residing in and employees of residential health care facilities.

§ 3. Subdivisions 2 and 3 of section 2191 of the public health law, as added by chapter 580 of the laws of 1999, are amended to read as follows:

2. "Documentation" means written evidence from an individual's health care provider indicating the date and place when the individual received the influenza vaccine**, COVID-19 vaccine** or the pneumococcal vaccine.

3. "Medically contraindicated" means influenza**, COVID-19** or pneumococcal vaccine should not be administered to an individual because it may be detrimental to the individual's health if the individual receives the vaccine.

§ 4. Section 2193 of the public health law, as added by chapter 580 of the laws of 1999, is amended to read as follows:

§ 2193. Resident immunization. 1. Upon admission, a long-term care facility shall notify the resident of the immunization requirements of

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

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this article and request that the resident agree to be immunized against influenza virus, COVID-19 and pneumococcal disease.

2. Every long-term care facility shall document the annual immunization against influenza virus, immunization against COVID-19 and immunization against pneumococcal disease for each resident. Upon finding that a resident is lacking such immunization or the long-term care facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the long-term care facility shall provide or arrange for immunization. Immunization and the documentation thereof shall take place no later than November thirtieth of each year.

3. An individual who becomes a resident after November thirtieth but before April first shall have his or her status for influenza, COVID-19 and pneumococcal immunization determined by the facility, and if found to be deficient, the facility shall provide or arrange for the necessary immunization.

§ 5. Section 2194 of the public health law, as added by chapter 580 of the laws of 1999, is amended to read as follows:

§ 2194. Employee immunization. 1. Every long-term care facility shall notify every employee of the immunization requirements of this article and request that the employee agree to be immunized against influenza virus, COVID-19 and pneumococcal disease.

2. The long-term care facility shall require documentation of annual immunization against influenza virus, immunization against COVID-19 and immunization against pneumococcal disease for each employee. Upon finding that an employee is lacking such immunization or the long-term care facility or individual is unable to provide documentation that the individual has received the appropriate immunization, the long-term care facility must provide or arrange for immunization. Immunization and the documentation thereof shall take place no later than November thirtieth of each year.

3. An individual who is newly employed as an employee after November thirtieth but before April first shall have his or her status for influenza, COVID-19 and pneumococcal immunization determined by the facility, and if found to be deficient, the facility shall provide or arrange for the necessary immunization.

§ 6. Section 2195 of the public health law, as added by chapter 580 of the laws of 1999, is amended to read as follows:

§ 2195. Exceptions. No individual shall be required to receive either an influenza vaccine, COVID-19 vaccine or pneumococcal vaccine if the vaccine is medically contraindicated, or if it is against his or her religious beliefs, or if he or she refuses the vaccine after being fully informed of the health risks of such action.

§ 7. Section 2196 of the public health law, as added by chapter 580 of the laws of 1999, is amended to read as follows:

§ 2196. Rules and regulations; report. 1. The commissioner shall promulgate regulations relating to the immunization requirements of this article, taking into consideration the recommendations of the centers for disease control and prevention.

2. The commissioner is hereby directed to make available educational and informational materials to all long-term care facilities with respect to vaccination against influenza virus, COVID-19 and pneumococcal disease.

3. The commissioner shall report three years from the effective date of this article to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly on the number of outbreaks in long-term

care facilities each year due to influenza virus, **COVID-19** and pneumococcal disease and number of hospitalizations of long-term care facility residents each year due to influenza virus, **COVID-19,** pneumococcal disease and complications thereof.

§ 8. This act shall take effect immediately.