

# 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:

1 Section 1. Section 2192 of the public health law, as added by chapter  
2 580 of the laws of 1999, is amended to read as follows:

3 § 2192. Long-term care resident and employee immunization required.  
4 Except as provided in section twenty-one hundred ninety-five of this  
5 article, every long-term care facility in this state shall require resi-  
6 dents and employees to be immunized for influenza virus, COVID-19 and  
7 pneumococcal disease in accordance with regulations of the commissioner.

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

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

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

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

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

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

25 § 2193. Resident immunization. 1. Upon admission, a long-term care  
26 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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1 this article and request that the resident agree to be immunized against  
2 influenza virus, COVID-19 and pneumococcal disease.

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

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

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

18 § 2194. Employee immunization. 1. Every long-term care facility shall  
19 notify every employee of the immunization requirements of this article  
20 and request that the employee agree to be immunized against influenza  
21 virus, COVID-19 and pneumococcal disease.

22 2. The long-term care facility shall require documentation of annual  
23 immunization against influenza virus, immunization against COVID-19 and  
24 immunization against pneumococcal disease for each employee. Upon find-  
25 ing that an employee is lacking such immunization or the long-term care  
26 facility or individual is unable to provide documentation that the indi-  
27 vidual has received the appropriate immunization, the long-term care  
28 facility must provide or arrange for immunization. Immunization and the  
29 documentation thereof shall take place no later than November thirtieth  
30 of each year.

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

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

38 § 2195. Exceptions. No individual shall be required to receive either  
39 an influenza vaccine, COVID-19 vaccine or pneumococcal vaccine if the  
40 vaccine is medically contraindicated, or if it is against his or her  
41 religious beliefs, or if he or she refuses the vaccine after being fully  
42 informed of the health risks of such action.

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

45 § 2196. Rules and regulations; report. 1. The commissioner shall  
46 promulgate regulations relating to the immunization requirements of this  
47 article, taking into consideration the recommendations of the centers  
48 for disease control and prevention.

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

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

1 care facilities each year due to influenza virus, COVID-19 and pneumo-  
2 cocal disease and number of hospitalizations of long-term care facility  
3 residents each year due to influenza virus, COVID-19, pneumococcal  
4 disease and complications thereof.

5 § 8. This act shall take effect immediately.