

STATE OF NEW YORK

6511

2019-2020 Regular Sessions

IN ASSEMBLY

March 8, 2019

Introduced by M. of A. PAULIN, DINOWITZ, SCHIMMINGER, CROUCH, FAHY, HEVESI, STECK, WEPRIN, LUPARDO, BLANKENBUSH, JONES, ORTIZ, BENEDETTO, GARBARINO, SMITH -- Multi-Sponsored by -- M. of A. HAWLEY, RA, SIMON, THIELE, WALKER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to pharmacist immunizations; to amend chapter 563 of the laws of 2008, amending the education law and the public health law relating to immunizing agents to be administered to adults by pharmacists, in relation to making certain provisions permanent; and to amend chapter 116 of the laws of 2012, amending the education law relating to authorizing a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents, in relation to making certain provisions permanent

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

1 Section 1. Subdivision 7 of section 6527 of the education law, as
2 amended by chapter 46 of the laws of 2015, is amended to read as
3 follows:
4 7. A licensed physician may prescribe and order a patient specific
5 order or non-patient specific regimen to a licensed pharmacist, pursuant
6 to regulations promulgated by the commissioner, and consistent with the
7 public health law, for administering immunizations [~~to prevent influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis~~]
8 and vaccines listed in the recommended adult
9 immunization schedule by the Centers for Disease Control and Prevention.
10 Nothing in this subdivision shall authorize unlicensed persons to admin-
11 ister immunizations, vaccines or other drugs.
12 § 2. Subdivision 22 of section 6802 of the education law, as amended
13 by section 2 of part DD of chapter 57 of the laws of 2018, is amended to
14 read as follows:
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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

3 a. the direct application of an immunizing agent to adults, whether by
4 injection, ingestion, inhalation or any other means, pursuant to a
5 patient specific order or non-patient specific regimen prescribed or
6 ordered by a physician or certified nurse practitioner, [~~who has a prac-~~
7 ~~tice site in the county or adjoining county in which the immunization is~~
8 ~~administered,~~] for immunizations [~~to prevent influenza, pneumococcal,~~
9 ~~acute herpes zoster, meningococcal, tetanus, diphtheria or pertussis~~
10 ~~disease and medications required for emergency treatment of anaphylaxis]~~
11 and vaccines listed in the recommended adult immunization schedule by
12 the Centers for Disease Control and Prevention. If the commissioner of
13 health determines that there is an outbreak of disease, or that there is
14 the imminent threat of an outbreak of disease, then the commissioner of
15 health may issue a non-patient specific regimen applicable statewide.

16 b. the direct application of an immunizing agent to children between
17 the ages of two and eighteen years of age, whether by injection, inges-
18 tion, inhalation or any other means, pursuant to a patient specific
19 order or non-patient specific regimen prescribed or ordered by a physi-
20 cian or certified nurse practitioner, [~~who has a practice site in the~~
21 ~~county or adjoining county in which the immunization is administered,~~]
22 for immunization to prevent influenza and medications required for emer-
23 gency treatment of anaphylaxis resulting from such immunization. If the
24 commissioner of health determines that there is an outbreak of influen-
25 za, or that there is the imminent threat of an outbreak of influenza,
26 then the commissioner of health may issue a non-patient specific regimen
27 applicable statewide.

28 § 3. Subdivision 7 of section 6909 of the education law, as amended by
29 chapter 46 of the laws of 2015, is amended to read as follows:

30 7. A certified nurse practitioner may prescribe and order a patient
31 specific order or non-patient specific regimen to a licensed pharmacist,
32 pursuant to regulations promulgated by the commissioner, and consistent
33 with the public health law, for administering immunizations [~~to prevent~~
34 ~~influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus,~~
35 ~~diphtheria or pertussis disease and medications required for emergency~~
36 ~~treatment of anaphylaxis]~~ and vaccines listed in the recommended adult
37 immunization schedule by the Centers for Disease Control and Prevention.
38 Nothing in this subdivision shall authorize unlicensed persons to admin-
39 ister immunizations, vaccines or other drugs.

40 § 4. Section 8 of chapter 563 of the laws of 2008, amending the educa-
41 tion law and the public health law relating to immunizing agents to be
42 administered to adults by pharmacists, as amended by section 3 of part
43 DD of chapter 57 of the laws of 2018, is amended to read as follows:

44 § 8. This act shall take effect on the ninetieth day after it shall
45 have become a law [~~and shall expire and be deemed repealed July 1,~~
46 ~~2020~~].

47 § 5. Section 5 of chapter 116 of the laws of 2012, amending the educa-
48 tion law relating to authorizing a licensed pharmacist and certified
49 nurse practitioner to administer certain immunizing agents, as amended
50 by section 4 of part DD of chapter 57 of the laws of 2018, is amended to
51 read as follows:

52 § 5. This act shall take effect on the ninetieth day after it shall
53 have become a law[, ~~provided, however, that the provisions of sections~~
54 ~~one, two and four of this act shall expire and be deemed repealed July~~
55 ~~1, 2020 provided, that:~~

1 ~~(a) the amendments to subdivision 7 of section 6527 of the education~~
2 ~~law made by section one of this act shall not affect the repeal of such~~
3 ~~subdivision and shall be deemed to be repealed therewith;~~

4 ~~(b) the amendments to subdivision 7 of section 6909 of the education~~
5 ~~law, made by section two of this act shall not affect the repeal of such~~
6 ~~subdivision and shall be deemed to be repealed therewith;~~

7 ~~(c) the amendments to subdivision 22 of section 6802 of the education~~
8 ~~law made by section three of this act shall not affect the repeal of~~
9 ~~such subdivision and shall be deemed to be repealed therewith; and~~

10 ~~(d) the amendments to section 6801 of the education law made by~~
11 ~~section four of this act shall not affect the expiration of such section~~
12 ~~and shall be deemed to expire therewith].~~

13 § 6. This act shall take effect immediately.