STATE OF NEW YORK

6564--C

2019-2020 Regular Sessions

IN ASSEMBLY

March 12, 2019

Introduced by M. of A. FAHY, BURKE, DINOWITZ, MAGNARELLI, HEVESI, DICKENS, EPSTEIN, McDONALD, CRUZ, WILLIAMS, SIMON, WALLACE, GLICK, MOSLEY -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the administration of vaccines to children who are at least fourteen years of age

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

Section 1. The public health law is amended by adding a new section 2167-a to read as follows:

§ 2167-a. Administering a vaccine to a minor; consent. 1. A health care practitioner may administer a vaccine to a minor who is at least fourteen years of age if the minor has the capacity to consent and provides informed consent to the administering of the vaccine.

2. Prior to administering any vaccine under this section, the health care practitioner shall consult with and counsel the minor to ensure that the minor fully understands and appreciates the nature and consequences of receiving the vaccine, has the capacity to consent and is providing informed consent, and that the vaccine indicated for the minor is not contraindicated by the minor's medical history.

3. For the purposes of this section:

a. "Health care practitioner" means a health care practitioner licensed, certified or otherwise authorized to practice under title eight of the education law, acting within the practitioner's lawful scope of practice.

b. "Vaccine" means a biological product intended to confer immunization to an infection or disease which meets the standards approved by

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

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the United States public health service for such biological products, and is consistent with a recommendation of the advisory committee on immunization practices of the centers for disease control and prevention with respect to the patient involved, or which is approved by the department under such conditions as may be specified by the public health council.

c. "Capacity to consent" means an individual's ability, determined without regard to the individual's age, to understand and appreciate the nature and consequences of the proposed vaccination, and to make an informed decision concerning the administration of the vaccine.

§ 2. This act shall take effect immediately.