

# STATE OF NEW YORK

5227

2019-2020 Regular Sessions

## IN SENATE

April 17, 2019

Introduced by Sens. MAY, BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to pharmacist immunizations and emergency treatment of anaphylaxis; 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 influen-~~  
8 ~~za, pneumococcal, acute herpes zoster, meningococcal, tetanus, diphthe-~~  
9 ~~ria or pertussis disease~~] and vaccines listed in the recommended adult  
10 immunization schedule by the Centers for Disease Control and Prevention  
11 and medications required for emergency treatment of anaphylaxis. Noth-  
12 ing in this subdivision shall authorize unlicensed persons to administer  
13 immunizations, vaccines or other drugs.

14 § 2. Subdivision 22 of section 6802 of the education law, as amended  
15 by section 2 of part DD of chapter 57 of the laws of 2018, is amended to  
16 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 § 6. This act shall take effect immediately.