

# STATE OF NEW YORK

8182

## IN SENATE

April 13, 2020

Introduced by Sen. HOYLMAN -- 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 authorizing licensed pharmacists to administer an approved vaccine for COVID-19

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,  
8 pneumococcal, acute herpes zoster, meningococcal, tetanus, diphtheria,  
9 COVID-19, or pertussis disease and medications required for emergency  
10 treatment of anaphylaxis. Nothing in this subdivision shall authorize  
11 unlicensed persons to administer 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:

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

17 a. the direct application of an immunizing agent to adults, whether by  
18 injection, ingestion, inhalation or any other means, pursuant to a  
19 patient specific order or non-patient specific regimen prescribed or  
20 ordered by a physician or certified nurse practitioner, who has a prac-  
21 tice site in the county or adjoining county in which the immunization is  
22 administered, for immunizations to prevent influenza, pneumococcal,  
23 acute herpes zoster, meningococcal, tetanus, diphtheria, COVID-19, or  
24 pertussis disease and medications required for emergency treatment of  
25 anaphylaxis. If the commissioner of health determines that there is an  
26 outbreak of disease, or that there is the imminent threat of an outbreak  
27 of disease, then the commissioner of health may issue a non-patient  
28 specific regimen applicable statewide.

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

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1 b. the direct application of an immunizing agent to children between  
2 the ages of two and eighteen years of age, whether by injection, inges-  
3 tion, inhalation or any other means, pursuant to a patient specific  
4 order or non-patient specific regimen prescribed or ordered by a physi-  
5 cian or certified nurse practitioner, who has a practice site in the  
6 county or adjoining county in which the immunization is administered,  
7 for immunization to prevent influenza and medications required for emer-  
8 gency treatment of anaphylaxis resulting from such immunization. If the  
9 commissioner of health determines that there is an outbreak of influen-  
10 za, or that there is the imminent threat of an outbreak of influenza,  
11 then the commissioner of health may issue a non-patient specific regimen  
12 applicable statewide.

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

15 7. A certified nurse practitioner may prescribe and order a patient  
16 specific order or non-patient specific regimen to a licensed pharmacist,  
17 pursuant to regulations promulgated by the commissioner, and consistent  
18 with the public health law, for administering immunizations to prevent  
19 influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus,  
20 diphtheria, COVID-19, or pertussis disease and medications required for  
21 emergency treatment of anaphylaxis. Nothing in this subdivision shall  
22 authorize unlicensed persons to administer immunizations, vaccines or  
23 other drugs.

24 § 4. This act shall take effect the same day that a vaccine for  
25 COVID-19 is approved by the United States Food and Drug Administration's  
26 Center for Biologics Evaluation and Research vaccine product approval  
27 process; provided that the commissioner of health shall notify the  
28 legislative bill drafting commission upon the occurrence of such  
29 approval in order that the commission may maintain an accurate and time-  
30 ly effective data base of the official text of the laws of the state of  
31 New York in furtherance of effectuating the provisions of section 44 of  
32 the legislative law and section 70-b of the public officers law;  
33 provided further, that:

34 (a) the amendments to subdivision 7 of section 6527 of the education  
35 law made by section one of this act shall not affect the expiration of  
36 such subdivision and shall be deemed to expire therewith;

37 (b) the amendments to subdivision 22 of section 6802 of the education  
38 law made by section two of this act shall not affect the repeal of such  
39 subdivision pursuant to section 8 of chapter 563 of the laws of 2008, as  
40 amended, and shall be deemed repealed therewith; and

41 (c) the amendments to subdivision 7 of section 6909 of the education  
42 law, made by section three of this act shall not affect the expiration  
43 of such subdivision and shall be deemed to expire therewith.