

STATE OF NEW YORK

3192

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. FAHY, DINOWITZ, MAGNARELLI, HEVESI, DICKENS, EPSTEIN, CRUZ, WILLIAMS, WALLACE, SIMON, GLICK -- read once and referred to the Committee on Health

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:

1 Section 1. The public health law is amended by adding a new section
2 2167-a to read as follows:

3 § 2167-a. Administering a vaccine to a minor; consent. 1. A health
4 care practitioner may administer a vaccine to a minor who is at least
5 fourteen years of age if the minor has the capacity to consent and
6 provides informed consent to the administering of the vaccine.

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

13 3. For the purposes of this section:

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

18 b. "Vaccine" means a biological product intended to confer immuniza-
19 tion to an infection or disease which meets the standards approved by
20 the United States public health service for such biological products,
21 and is consistent with a recommendation of the advisory committee on
22 immunization practices of the centers for disease control and prevention
23 with respect to the patient involved, or which is approved by the

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

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1 department under such conditions as may be specified by the public
2 health council.

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

7 § 2. This act shall take effect immediately.