

STATE OF NEW YORK

6476--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 18, 2021

Introduced by M. of A. HYNDMAN, TAYLOR, McDONALD, THIELE, DICKENS, JONES, PAULIN, STIRPE, WALLACE, LAWLER, BRAUNSTEIN, DAVILA, PICHARDO, SIMON, SILLITTI, SCHMITT, BUTTENSCHON, ENGLEBRIGHT, MIKULIN -- Multi-Sponsored by -- M. of A. ANGELINO, TAGUE -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing the administration of vaccines for hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella and COVID-19 by a licensed pharmacist and requiring pharmacists who administer immunizations to report the immunizations to the department of health; and 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, 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, chapter 274 of the laws of 2013, amending the education law relating to authorizing a licensed pharmacist and certified nurse practitioner to administer meningococcal disease immunizing agents, and chapter 110 of the laws of 2020, amending the education law relating to authorizing licensed pharmacists to administer an approved vaccine for COVID-19, in relation to making such 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 110 of the laws of 2020, 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: (a) administering immunizations to prevent
8 influenza[7] to patients two years of age or older; and (b) administer-
9 ing immunizations to prevent pneumococcal, acute herpes zoster, hepati-

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

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1 tis A, hepatitis B, human papillomavirus, measles, mumps, rubella, vari-
2 cella, COVID-19, meningococcal, tetanus, diphtheria[~~COVID-19,~~] or
3 pertussis disease and medications required for emergency treatment of
4 anaphylaxis to patients eighteen years of age or older; and (c) adminis-
5 tering other immunizations recommended by the advisory committee on
6 immunization practices of the centers for disease control and prevention
7 for patients eighteen years of age or older if the commissioner of
8 health in consultation with the commissioner determines that an immuni-
9 zation: (i) (A) may be safely administered by a licensed pharmacist
10 within their lawful scope of practice; and (B) is needed to prevent the
11 transmission of a reportable communicable disease that is prevalent in
12 New York state; or (ii) is a recommended immunization for such patients
13 who: (A) meet age requirements, (B) lack documentation of such immuniza-
14 tion, (C) lack evidence of past infection, or (D) have an additional
15 risk factor or another indication as recommended by the advisory commit-
16 tee on immunization practices of the centers for disease control and
17 prevention. Nothing in this subdivision shall authorize unlicensed
18 persons to administer immunizations, vaccines or other drugs.

19 § 2. Subdivision 22 of section 6802 of the education law, as amended
20 by chapter 110 of the laws of 2020, is amended to read as follows:

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

23 a. the direct application of an immunizing agent to adults, whether by
24 injection, ingestion, inhalation or any other means, pursuant to a
25 patient specific order or non-patient specific regimen prescribed or
26 ordered by a physician or certified nurse practitioner, [~~who has a prac-~~
27 ~~tice site in the county or adjoining county in which the immunization is~~
28 ~~administered,~~] for: immunizations to prevent influenza, pneumococcal,
29 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
30 measles, mumps, rubella, varicella, COVID-19, meningococcal, tetanus,
31 diphtheria[~~COVID-19,~~] or pertussis disease and medications required
32 for emergency treatment of anaphylaxis; and other immunizations recom-
33 ended by the advisory committee on immunization practices of the
34 centers for disease control and prevention for patients eighteen years
35 of age or older if the commissioner of health in consultation with the
36 commissioner determines that an immunization: (i)(A) may be safely
37 administered by a licensed pharmacist within their lawful scope of prac-
38 tice; and (B) is needed to prevent the transmission of a reportable
39 communicable disease that is prevalent in New York state; or (ii) is a
40 recommended immunization for such patients who: (A) meet age require-
41 ments, (B) lack documentation of such immunization, (C) lack evidence of
42 past infection, or (D) have an additional risk factor or another indi-
43 cation as recommended by the advisory committee on immunization prac-
44 tices of the centers for disease control and prevention. If the commis-
45 sioner of health determines that there is an outbreak of disease, or
46 that there is the imminent threat of an outbreak of disease, then the
47 commissioner of health may issue a non-patient specific regimen applica-
48 ble statewide.

49 b. the direct application of an immunizing agent to children between
50 the ages of two and eighteen years of age, whether by injection, inges-
51 tion, inhalation or any other means, pursuant to a patient specific
52 order or non-patient specific regimen prescribed or ordered by a physi-
53 cian or certified nurse practitioner, [~~who has a practice site in the~~
54 ~~county or adjoining county in which the immunization is administered,~~]
55 for immunization to prevent influenza and medications required for emer-
56 gency treatment of anaphylaxis resulting from such immunization. If the

1 commissioner of health determines that there is an outbreak of influen-
2 za, or that there is the imminent threat of an outbreak of influenza,
3 then the commissioner of health may issue a non-patient specific regimen
4 applicable statewide.

5 § 3. Subdivision 7 of section 6909 of the education law, as amended by
6 chapter 110 of the laws of 2020, is amended to read as follows:

7 7. A certified nurse practitioner may prescribe and order a patient
8 specific order or non-patient specific regimen to a licensed pharmacist,
9 pursuant to regulations promulgated by the commissioner, and consistent
10 with the public health law, for: (a) administering immunizations to
11 prevent influenza[7] to patients two years of age or older; and (b)
12 administering immunizations to prevent pneumococcal, acute herpes zost-
13 er, hepatitis A, hepatitis B, human papillomavirus, measles, mumps,
14 rubella, varicella, COVID-19, meningococcal, tetanus, diphtheria[7,
15 COVID-19,] or pertussis disease and medications required for emergency
16 treatment of anaphylaxis to patients eighteen years of age or older; and
17 (c) administering other immunizations recommended by the advisory
18 committee on immunization practices of the centers for disease control
19 and prevention for patients eighteen years of age or older if the
20 commissioner of health in consultation with the commissioner determines
21 that an immunization: (i) (A) may be safely administered by a licensed
22 pharmacist within their lawful scope of practice; and (B) is needed to
23 prevent the transmission of a reportable communicable disease that is
24 prevalent in New York state; or (ii) is a recommended immunization
25 for such patients who: (A) meet age requirements, (B) lack documentation
26 of such immunization, (C) lack evidence of past infection, or (D) have
27 an additional risk factor or another indication as recommended by the
28 advisory committee on immunization practices of the centers for disease
29 control and prevention. Nothing in this subdivision shall authorize
30 unlicensed persons to administer immunizations, vaccines or other drugs.

31 § 4. A licensed pharmacist who administers an immunization pursuant to
32 this act shall report the immunization to the department of health
33 either through the statewide immunization information system or the
34 citywide immunization registry under section 2168 of the public health
35 law, notwithstanding any provision of that section to the contrary.

36 § 5. Section 8 of chapter 563 of the laws of 2008, amending the educa-
37 tion law and the public health law relating to immunizing agents to be
38 administered to adults by pharmacists, as amended by section 18 of part
39 BB of chapter 56 of the laws of 2020, is amended to read as follows:

40 § 8. This act shall take effect on the ninetieth day after it shall
41 have become a law [~~and shall expire and be deemed repealed July 1,~~
42 ~~2022~~].

43 § 6. Section 5 of chapter 116 of the laws of 2012, amending the educa-
44 tion law relating to authorizing a licensed pharmacist and certified
45 nurse practitioner to administer certain immunizing agents, as amended
46 by section 19 of part BB of chapter 56 of the laws of 2020, is amended
47 to read as follows:

48 § 5. This act shall take effect on the ninetieth day after it shall
49 have become a law[~~, provided, however, that the provisions of sections~~
50 ~~one, two and four of this act shall expire and be deemed repealed July~~
51 ~~1, 2022 provided, that:~~

52 ~~(a) the amendments to subdivision 7 of section 6527 of the education~~
53 ~~law made by section one of this act shall not affect the repeal of such~~
54 ~~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 § 7. Section 4 of chapter 274 of the laws of 2013, amending the educa-
11 tion law relating to authorizing a licensed pharmacist and certified
12 nurse practitioner to administer meningococcal disease immunizing
13 agents, is amended to read as follows:

14 § 4. This act shall take effect on the ninetieth day after it shall
15 have become a law[~~, provided, that:~~

16 ~~(a) the amendments to subdivision 7 of section 6527 of the education~~
17 ~~law, made by section one of this act shall not affect the expiration and~~
18 ~~reversion of such subdivision, as provided in section 6 of chapter 116~~
19 ~~of the laws of 2012, and shall be deemed to expire therewith; and~~

20 ~~(b) the amendments to subdivision 7 of section 6909 of the education~~
21 ~~law, made by section two of this act shall not affect the expiration and~~
22 ~~reversion of such subdivision, as provided in section 6 of chapter 116~~
23 ~~of the laws of 2012, and shall be deemed to be expire therewith; and~~

24 ~~(c) the amendments to subdivision 22 of section 6802 of the education~~
25 ~~law made by section three of this act shall not affect the expiration of~~
26 ~~such subdivision and shall be deemed to expire therewith].~~

27 § 8. Section 4 of chapter 110 of the laws of 2020, amending the educa-
28 tion law relating to authorizing licensed pharmacists to administer an
29 approved vaccine for COVID-19, is amended to read as follows:

30 § 4. This act shall take effect no sooner than ninety days from the
31 date of approval of a COVID-19 immunization by the United States Food
32 and Drug Administration's Center for Biologics Evaluation and Research
33 [~~and shall expire and be deemed repealed July 1, 2022~~]; provided further
34 that this act shall not take effect until the commissioner of health and
35 the commissioner of education jointly certify that the administration of
36 such immunization pursuant to this act would be in the best interest of
37 public health; provided that the commissioner of health and the commis-
38 sioner of education shall notify the legislative bill drafting commis-
39 sion upon the occurrence of such certification in order that the commis-
40 sion may maintain an accurate and timely effective data base of the
41 official text of the laws of the state of New York in furtherance of
42 effectuating the provisions of section 44 of the legislative law and
43 section 70-b of the public officers law[~~, provided further, that:~~

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

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

51 ~~(c) the amendments to subdivision 7 of section 6909 of the education~~
52 ~~law, made by section three of this act shall not affect the expiration~~
53 ~~of such subdivision and shall be deemed to expire therewith].~~

54 § 9. This act shall take effect on the ninetieth day after it shall
55 have become a law.