STATE OF NEW YORK

4870

2021-2022 Regular Sessions

IN SENATE

February 17, 2021

Introduced by Sen. BRESLIN -- 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 the definition of the practice of pharmacy

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

Section 1. Subdivision 22 of section 6802 of the education law, as amended by section 2 of part DD of chapter 57 of the laws of 2018, is amended to read as follows:

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

a. **(1)** the direct application of an immunizing agent to adults, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, who has a practice site in the county or adjoining county in which the immunization is administered, for immunizations to prevent influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis. If the commissioner of health determines that there is an outbreak of disease, or that there is the imminent threat of an outbreak of disease, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

[~~b.~~] **(2)** the direct application of an immunizing agent to children between the ages of two and eighteen years of age, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, who has a practice site in the county or adjoining county in which the immunization is administered, for immunization to prevent influenza and medications required for emergency treatment of anaphylaxis resulting from such immunization. If the

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

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

b. The injecting of medications for the treatment of mental health and substance use disorder, as prescribed or ordered by a licensed prescriber in this state and in accordance with regulations promulgated by the commissioner in consultation with the board of pharmacy.

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

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

a. **(1)** the direct application of an immunizing agent to adults, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, who has a practice site in the county or adjoining county in which the immunization is administered, for immunizations to prevent influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus, diphtheria, COVID-19, or pertussis disease and medications required for emergency treatment of anaphylaxis. If the commissioner of health determines that there is an outbreak of disease, or that there is the imminent threat of an outbreak of disease, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

[~~b.~~] **(2)** the direct application of an immunizing agent to children between the ages of two and eighteen years of age, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, who has a practice site in the county or adjoining county in which the immunization is administered, for immunization to prevent influenza and medications required for emergency treatment of anaphylaxis resulting from such immunization. If the commissioner of health determines that there is an outbreak of influenza, or that there is the imminent threat of an outbreak of influenza, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

b. The injecting of medications for the treatment of mental health and substance use disorder, as prescribed or ordered by a licensed prescriber in this state and in accordance with regulations promulgated by the commissioner in consultation with the board of pharmacy.

§ 3. Section 6801 of the education law is amended by adding a new subdivision 6 to read as follows:

6. A licensed pharmacist may administer injectable medications for the treatment of mental health and substance use disorder, as prescribed or ordered by a licensed prescriber in this state and in accordance with regulations promulgated by the commissioner in consultation with the board of pharmacy.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that:

a. the amendments to subdivision 22 of section 6802 of the education law made by sections one and two of this act shall not affect the expiration and repeal of such subdivision and shall be deemed repealed therewith; and

b. the amendments to subdivision 22 of section 6802 of the education law made by section two of this act shall take effect on the same date

and in the same manner as section 2 of chapter 110 of the laws of 2020, takes effect; provided, however, if section 2 of chapter 110 of the laws of 2020 takes effect prior to the effective date of this act, section two of this act shall not take effect until the one hundred eightieth day after it shall have become a law; and

c. the amendments to section 6801 of the education law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed by the commissioner of education on or before such date.