

STATE OF NEW YORK

2081

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. GOTTFRIED -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to directing the
commissioner of health to mandate a COVID-19 vaccine for residential
health care facilities and to prioritize the distribution of such
vaccines to such facilities

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

1 Section 1. Section 2192 of the public health law, as added by chapter
2 580 of the laws of 1999, is amended to read as follows:

3 § 2192. Long-term care resident and employee immunization required.
4 Except as provided in section twenty-one hundred ninety-five of this
5 article, every long-term care facility in this state shall require resi-
6 dents and employees to be immunized for influenza virus, COVID-19 and
7 pneumococcal disease in accordance with regulations of the commissioner.

8 § 2. Section 2803 of the public health law is amended by adding a new
9 subdivision 13 to read as follows:

10 13. The commissioner shall develop a plan to prioritize the distrib-
11 ution of vaccinations for COVID-19 to vulnerable populations residing in
12 and employees of residential health care facilities.

13 § 3. Subdivisions 2 and 3 of section 2191 of the public health law, as
14 added by chapter 580 of the laws of 1999, are amended to read as
15 follows:

16 2. "Documentation" means written evidence from an individual's health
17 care provider indicating the date and place when the individual received
18 the influenza vaccine, COVID-19 vaccine or the pneumococcal vaccine.

19 3. "Medically contraindicated" means influenza, COVID-19 or pneumococ-
20 cal vaccine should not be administered to an individual because it may
21 be detrimental to the individual's health if the individual receives the
22 vaccine.

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

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1 § 4. Section 2193 of the public health law, as added by chapter 580 of
2 the laws of 1999, is amended to read as follows:

3 § 2193. Resident immunization. 1. Upon admission, a long-term care
4 facility shall notify the resident of the immunization requirements of
5 this article and request that the resident agree to be immunized against
6 influenza virus, COVID-19 and pneumococcal disease.

7 2. Every long-term care facility shall document the annual immuniza-
8 tion against influenza virus, immunization against COVID-19 and immuni-
9 zation against pneumococcal disease for each resident. Upon finding that
10 a resident is lacking such immunization or the long-term care facility
11 or individual is unable to provide documentation that the individual has
12 received the appropriate immunization, the long-term care facility shall
13 provide or arrange for immunization. Immunization and the documentation
14 thereof shall take place no later than November thirtieth of each year.

15 3. An individual who becomes a resident after November thirtieth but
16 before April first shall have his or her status for influenza, COVID-19
17 and pneumococcal immunization determined by the facility, and if found
18 to be deficient, the facility shall provide or arrange for the necessary
19 immunization.

20 § 5. Section 2194 of the public health law, as added by chapter 580 of
21 the laws of 1999, is amended to read as follows:

22 § 2194. Employee immunization. 1. Every long-term care facility shall
23 notify every employee of the immunization requirements of this article
24 and request that the employee agree to be immunized against influenza
25 virus, COVID-19 and pneumococcal disease.

26 2. The long-term care facility shall require documentation of annual
27 immunization against influenza virus, immunization against COVID-19 and
28 immunization against pneumococcal disease for each employee. Upon find-
29 ing that an employee is lacking such immunization or the long-term care
30 facility or individual is unable to provide documentation that the indi-
31 vidual has received the appropriate immunization, the long-term care
32 facility must provide or arrange for immunization. Immunization and the
33 documentation thereof shall take place no later than November thirtieth
34 of each year.

35 3. An individual who is newly employed as an employee after November
36 thirtieth but before April first shall have his or her status for influ-
37 enza, COVID-19 and pneumococcal immunization determined by the facility,
38 and if found to be deficient, the facility shall provide or arrange for
39 the necessary immunization.

40 § 6. Section 2195 of the public health law, as added by chapter 580 of
41 the laws of 1999, is amended to read as follows:

42 § 2195. Exceptions. No individual shall be required to receive either
43 an influenza vaccine, COVID-19 vaccine or pneumococcal vaccine if the
44 vaccine is medically contraindicated, or if it is against his or her
45 religious beliefs, or if he or she refuses the vaccine after being fully
46 informed of the health risks of such action.

47 § 7. Section 2196 of the public health law, as added by chapter 580 of
48 the laws of 1999, is amended to read as follows:

49 § 2196. Rules and regulations; report. 1. The commissioner shall
50 promulgate regulations relating to the immunization requirements of this
51 article, taking into consideration the recommendations of the centers
52 for disease control and prevention.

53 2. The commissioner is hereby directed to make available educational
54 and informational materials to all long-term care facilities with
55 respect to vaccination against influenza virus, COVID-19 and pneumococ-
56 cal disease.

1 3. The commissioner shall report three years from the effective date
2 of this article to the governor, the temporary president of the senate,
3 the speaker of the assembly, the minority leader of the senate and the
4 minority leader of the assembly on the number of outbreaks in long-term
5 care facilities each year due to influenza virus, COVID-19 and pneumo-
6 coccal disease and number of hospitalizations of long-term care facility
7 residents each year due to influenza virus, COVID-19, pneumococcal
8 disease and complications thereof.
9 § 8. This act shall take effect immediately.