STATE OF NEW YORK

3023--B

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. McDONALD, FAHY, DICKENS, LUPARDO, PICHARDO, DE LA ROSA, CRUZ, NORRIS, MORINELLO, DeSTEFANO, GOTTFRIED, SIMON, O'DONNELL, STIRPE, REYES, BLANKENBUSH, BUTTENSCHON, B. MILLER, NIOU, MIKULIN, JACOBSON, WALLACE, DINOWITZ, SEAWRIGHT, STECK, BRABENEC, RAMOS, GALLAHAN, DURSO, ENGLEBRIGHT, TAGUE, ANGELINO, DAVILA, LEMONDES -- Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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

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

Section 1. Subdivision 7 of section 6527 of the education law, as amended by chapter 46 of the laws of 2015, is amended to read as follows:

7. A licensed physician may prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for administering [~~immunizations to prevent influenza,~~]**immunizing agents to prevent influenza to patients two years of age or older, and for patients eighteen years of age or older, pharmacists may administer immunizing agents to prevent** pneumococcal, acute herpes zoster, **hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella,** meningococcal, tetanus, diphtheria**, COVID-19** or pertussis disease and medications required for emergency treatment of anaphylaxis**; and for other immunizations recommended by the advisory**

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

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committee on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner of education determines that an immunization: (i) (A) may be administered by pharmacists; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended vaccination for adults who meet age requirements, lack documentation of vaccination, lack evidence of past infection, or is a recommended vaccination for adults with an additional risk factor or another indication as recommended by the advisory committee on immunization practices (ACIP) of the centers for disease control and prevention. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 2. Subdivision 7 of section 6527 of the education law, as amended by chapter 110 of the laws of 2020, is amended to read as follows:

7. A licensed physician may prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for administering [~~immunizations to prevent influenza,~~]immunizing agents to prevent influenza to patients two years of age or older, and for patients eighteen years of age or older, pharmacists may administer immunizing agents to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, meningococcal, tetanus, diphtheria, COVID-19, or pertussis disease and medications required for emergency treatment of anaphylaxis; and for other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner of education determines that an immunization: (i)(A) may be administered by pharmacists; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended vaccination for adults who meet age requirements, lack documentation of vaccination, lack evidence of past infection, or is a recommended vaccination for adults with an additional risk factor or another indication as recommended by the advisory committee on immunization practices (ACIP) of the centers for disease control and prevention. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 3. Paragraph a of 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:

a. 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[~~,~~] to patients two years of age or older, and for patients eighteen years of age or older, pharmacists may administer immunizing agents to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis; and for other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older if the

commissioner of health in consultation with the commissioner of education determines that an immunization: (i)(A) may be administered by pharmacists; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended vaccination for adults who meet age requirements, lack documentation of vaccination, lack evidence of past infection, or is a recommended vaccination for adults with an additional risk factor or another indication as recommended by the advisory committee on immunization practices (ACIP) of the centers for disease control and prevention. 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.

§ 4. Paragraph a of 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:

a. 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[~~,~~] to patients two years of age or older, and for patients eighteen years of age or older, pharmacists may administer immunizing agents to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, meningococcal, tetanus, diphtheria, COVID-19, or pertussis disease and medications required for emergency treatment of anaphylaxis; and for other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner of education determines that an immunization: (i) (A) may be administered by pharmacists; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended vaccination for adults who meet age requirements, lack documentation of vaccination, lack evidence of past infection, or is a recommended vaccination for adults with an additional risk factor or another indication as recommended by the advisory committee on immunization practices (ACIP) of the centers for disease control and prevention. 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.

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

7. A certified nurse practitioner may prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for administering [~~immunizations to prevent influenza,~~] immunizing agents to prevent influenza to patients two years of age or older, and for patients eighteen years of age or older, pharmacists may administer immunizing agents to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis; and for other immunizations recommended by the advisory committee

on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner of education determines that an immunization: (i) (A) may be administered by pharmacists; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended vaccination for adults who meet age requirements, lack documentation of vaccination, lack evidence of past infection, or is a recommended vaccination for adults with an additional risk factor or another indication as recommended by the advisory committee on immunization practices (ACIP) of the centers for disease control and prevention. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

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

7. A certified nurse practitioner may prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for [~~administering immunizations to prevent influenza,~~] administering immunizing agents to prevent influenza to patients two years of age or older, and for patients eighteen years of age or older, pharamcists may administer immunizing agents to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, meningococcal, tetanus, diphtheria, COVID-19, or pertussis disease and medications required for emergency treatment of anaphylaxis; and for other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner of education determines that an immunization: (i) (A) may be administered by pharmacists; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended vaccination for adults who meet age requirements, lack documentation of vaccination, lack evidence of past infection, or is a recommended vaccination for adults with an additional risk factor or another indication as recommended by the advisory committee on immunization practices (ACIP) of the centers for disease control and prevention. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 7. A pharmacist who administers an immunization shall report the immunization to the department of health either through the statewide immunization information system or the citywide immunization registry under section 2168 of the public health law, notwithstanding any provision of that section to the contrary.

§ 8. This act shall take effect immediately; provided, however, that:

(a) the amendments to subdivision 7 of section 6527 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 1 of chapter 110 of the laws of 2020, takes effect;

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

(c) the amendments to subdivision 22 of section 6802 of the education law made by section four 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;

(d) the amendments to subdivision 22 of section 6802 of the education law made by this act shall not affect the expiration and repeal of such subdivision and shall be deemed repealed therewith;

(e) the amendments to subdivision 7 of section 6909 of the education law made by section six of this act shall take effect on the same date and in the same manner as section 3 of chapter 110 of the laws of 2020, takes effect; and

(f) the amendments to subdivision 7 of section 6909 of the education law made by this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.