

# STATE OF NEW YORK

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42

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sen. HOYLMAN -- 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 pharmacist immunizations

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 46 of the laws of 2015, 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 administering immunizations to prevent influenza,  
8 pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, meningococ-  
9 cal, tetanus, diphtheria or pertussis disease and medications required  
10 for emergency treatment of anaphylaxis. Nothing in this subdivision  
11 shall authorize unlicensed persons to administer immunizations, vaccines  
12 or other drugs.

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

15 7. A licensed physician may prescribe and order a patient specific  
16 order or non-patient specific regimen to a licensed pharmacist, pursuant  
17 to regulations promulgated by the commissioner, and consistent with the  
18 public health law, for administering immunizations to prevent influenza,  
19 pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, meningococ-  
20 cal, tetanus, diphtheria, COVID-19, or pertussis disease and medications  
21 required for emergency treatment of anaphylaxis. Nothing in this subdi-  
22 vision shall authorize unlicensed persons to administer immunizations,  
23 vaccines or other drugs.

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

LBD00781-01-1

§ 3. 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. 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, hepatitis A, hepatitis B, 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. 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.

§ 4. 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. 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, hepatitis A, hepatitis B, 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. 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,

1 then the commissioner of health may issue a non-patient specific regimen  
2 applicable statewide.

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

5 7. A certified nurse practitioner may prescribe and order a patient  
6 specific order or non-patient specific regimen to a licensed pharmacist,  
7 pursuant to regulations promulgated by the commissioner, and consistent  
8 with the public health law, for administering immunizations to prevent  
9 influenza, pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,  
10 meningococcal, tetanus, diphtheria or pertussis disease and medications  
11 required for emergency treatment of anaphylaxis. Nothing in this subdi-  
12 vision shall authorize unlicensed persons to administer immunizations,  
13 vaccines or other drugs.

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

16 7. A certified nurse practitioner may prescribe and order a patient  
17 specific order or non-patient specific regimen to a licensed pharmacist,  
18 pursuant to regulations promulgated by the commissioner, and consistent  
19 with the public health law, for administering immunizations to prevent  
20 influenza, pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,  
21 meningococcal, tetanus, diphtheria, COVID-19, or pertussis disease and  
22 medications required for emergency treatment of anaphylaxis. Nothing in  
23 this subdivision shall authorize unlicensed persons to administer immu-  
24 nizations, vaccines or other drugs.

25 § 7. This act shall take effect immediately; provided, however, that  
26 sections two, four and six of this act shall take effect on the same  
27 date and in the same manner as chapter 110 of the laws of 2020 takes  
28 effect and shall expire and be deemed repealed pursuant to section four  
29 of chapter 110 of the laws of 2020; and

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

33 (b) the amendments to subdivision 22 of section 6802 of the education  
34 law made by section three of this act shall not affect the expiration of  
35 such subdivision pursuant to section 8 of chapter 563 of the laws of  
36 2008, as amended, and shall be deemed repealed therewith; and

37 (c) the amendments to subdivision 7 of section 6909 of the education  
38 law, made by section five of this act shall not affect the expiration of  
39 such subdivision and shall be deemed to expire therewith.