

# STATE OF NEW YORK

4516

2021-2022 Regular Sessions

## IN SENATE

February 5, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the penal law, in relation to prohibiting the falsification of COVID-19 vaccination records

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

1 Section 1. The public health law is amended by adding a new section  
2 2183 to read as follows:

3 § 2183. Falsifying of COVID-19 vaccination records. 1. For purposes of  
4 this section, the following terms shall have the following meanings:

5 (a) "COVID-19 vaccination record card" shall mean a card or record  
6 given to an individual after they have received a COVID-19 vaccine which  
7 keeps track of vital vaccination information, including, but not limited  
8 to, the date in which the first and second dose of the vaccine were  
9 administered to such individual and the type of vaccine received.

10 (b) "Digital vaccine passport" shall mean a system accessed through a  
11 mobile application which provides certified COVID-19 health information  
12 from medical facilities about an individual and is shared with airlines  
13 and border authorities as a method of protecting public health when  
14 traveling.

15 2. No individual shall intentionally falsify or alter a COVID-19  
16 vaccination record card or digital vaccine passport to misrepresent such  
17 individual's history and record of vaccine treatment. Such falsification  
18 or fraudulent misrepresentation of an individual's vaccine history shall  
19 be a crime pursuant to sections 190.90 and 190.91 of the penal law.

20 § 2. The penal law is amended by adding two new sections 190.90 and  
21 190.91 to read as follows:

22 § 190.90 Falsification of COVID-19 vaccination records in the second  
23 degree.

24 A person is guilty of falsification of COVID-19 vaccination records in  
25 the second degree when such person is not a licensed medical profes-

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

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1 sional and intentionally or knowingly falsifies or alters his or her or  
2 another individual's COVID-19 vaccination record card or digital vaccine  
3 passport to misrepresent his or her or another individual's history and  
4 record of vaccine treatment.

5 Falsification of COVID-19 vaccination records in the second degree is  
6 a class A misdemeanor.

7 § 190.91 Falsification of COVID-19 vaccination records in the first  
8 degree.

9 A person is guilty of falsification of COVID-19 vaccination records in  
10 the first degree when such person is a licensed medical professional and  
11 intentionally or knowingly falsifies or alters his or her or another  
12 individual's COVID-19 vaccination record card or digital vaccine pass-  
13 port to misrepresent his or her or another individual's history and  
14 record of vaccine treatment.

15 Falsification of COVID-19 vaccination records in the first degree is a  
16 class E felony.

17 § 3. This act shall take effect immediately.