

STATE OF NEW YORK

4698--B

2021-2022 Regular Sessions

IN SENATE

February 9, 2021

Introduced by Sens. BRESLIN, JACKSON, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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~~
~~sa,~~ 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

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

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1 pharmacists; and (B) is needed to prevent the transmission of a report-
2 able communicable disease that is prevalent in New York state; or (ii)
3 is a recommended vaccination for adults who meet age requirements, lack
4 documentation of vaccination, lack evidence of past infection, or is a
5 recommended vaccination for adults with an additional risk factor or
6 another indication as recommended by the advisory committee on immuniza-
7 tion practices (ACIP) of the centers for disease control and prevention.

8 Nothing in this subdivision shall authorize unlicensed persons to admin-
9 ister immunizations, vaccines or other drugs.

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

12 7. A licensed physician may prescribe and order a patient specific
13 order or non-patient specific regimen to a licensed pharmacist, pursuant
14 to regulations promulgated by the commissioner, and consistent with the
15 public health law, for administering ~~[immunizations to prevent influen-~~
16 ~~za]~~ immunizing agents to prevent influenza to patients two years of age
17 or older, and for patients eighteen years of age or older, pharmacists
18 may administer immunizing agents to prevent pneumococcal, acute herpes
19 zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps,
20 rubella, varicella, meningococcal, tetanus, diphtheria, COVID-19, or
21 pertussis disease and medications required for emergency treatment of
22 anaphylaxis; and for other immunizations recommended by the advisory
23 committee on immunization practices of the centers for disease control
24 and prevention for patients eighteen years of age or older if the
25 commissioner of health in consultation with the commissioner of educa-
26 tion determines that an immunization: (i)(A) may be administered by
27 pharmacists; and (B) is needed to prevent the transmission of a report-
28 able communicable disease that is prevalent in New York state; or
29 (ii) is a recommended vaccination for adults who meet age requirements,
30 lack documentation of vaccination, lack evidence of past infection, or
31 is a recommended vaccination for adults with an additional risk factor
32 or another indication as recommended by the advisory committee on immun-
33 ization practices (ACIP) of the centers for disease control and
34 prevention. Nothing in this subdivision shall authorize unlicensed
35 persons to administer immunizations, vaccines or other drugs.

36 § 3. Paragraph a of subdivision 22 of section 6802 of the education
37 law, as amended by section 2 of part DD of chapter 57 of the laws of
38 2018, is amended to read as follows:

39 a. the direct application of an immunizing agent to adults, whether by
40 injection, ingestion, inhalation or any other means, pursuant to a
41 patient specific order or non-patient specific regimen prescribed or
42 ordered by a physician or certified nurse practitioner, who has a prac-
43 tice site in the county or adjoining county in which the immunization is
44 administered, for immunizations to prevent influenza~~[r]~~ to patients two
45 years of age or older, and for patients eighteen years of age or older,
46 pharmacists may administer immunizing agents to prevent pneumococcal,
47 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
48 measles, mumps, rubella, varicella, meningococcal, tetanus, diphtheria
49 or pertussis disease and medications required for emergency treatment of
50 anaphylaxis; and for other immunizations recommended by the advisory
51 committee on immunization practices of the centers for disease control
52 and prevention for patients eighteen years of age or older if the
53 commissioner of health in consultation with the commissioner of educa-
54 tion determines that an immunization: (i)(A) may be administered by
55 pharmacists; and (B) is needed to prevent the transmission of a report-
56 able communicable disease that is prevalent in New York state; or (ii)

1 is a recommended vaccination for adults who meet age requirements, lack
2 documentation of vaccination, lack evidence of past infection, or is a
3 recommended vaccination for adults with an additional risk factor or
4 another indication as recommended by the advisory committee on immuniza-
5 tion practices (ACIP) of the centers for disease control and prevention.

6 If the commissioner of health determines that there is an outbreak of
7 disease, or that there is the imminent threat of an outbreak of disease,
8 then the commissioner of health may issue a non-patient specific regimen
9 applicable statewide.

10 § 4. Paragraph a of subdivision 22 of section 6802 of the education
11 law, as amended by chapter 110 of the laws of 2020, is amended to read
12 as follows:

13 a. the direct application of an immunizing agent to adults, whether by
14 injection, ingestion, inhalation or any other means, pursuant to a
15 patient specific order or non-patient specific regimen prescribed or
16 ordered by a physician or certified nurse practitioner, who has a prac-
17 tice site in the county or adjoining county in which the immunization is
18 administered, for immunizations to prevent influenza[~~r~~] to patients two
19 years of age or older, and for patients eighteen years of age or older,
20 pharmacists may administer immunizing agents to prevent pneumococcal,
21 acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus,
22 measles, mumps, rubella, varicella, meningococcal, tetanus, diphtheria,
23 COVID-19, or pertussis disease and medications required for emergency
24 treatment of anaphylaxis; and for other immunizations recommended by the
25 advisory committee on immunization practices of the centers for disease
26 control and prevention for patients eighteen years of age or older if
27 the commissioner of health in consultation with the commissioner of
28 education determines that an immunization: (i) (A) may be administered
29 by pharmacists; and (B) is needed to prevent the transmission of a
30 reportable communicable disease that is prevalent in New York state;
31 or (ii) is a recommended vaccination for adults who meet age require-
32 ments, lack documentation of vaccination, lack evidence of past
33 infection, or is a recommended vaccination for adults with an additional
34 risk factor or another indication as recommended by the advisory commit-
35 tee on immunization practices (ACIP) of the centers for disease control
36 and prevention. If the commissioner of health determines that there is
37 an outbreak of disease, or that there is the imminent threat of an
38 outbreak of disease, then the commissioner of health may issue a non-pa-
39 tient specific regimen applicable statewide.

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

42 7. A certified nurse practitioner may prescribe and order a patient
43 specific order or non-patient specific regimen to a licensed pharmacist,
44 pursuant to regulations promulgated by the commissioner, and consistent
45 with the public health law, for administering [~~immunizations to prevent~~
46 ~~influenza,~~] immunizing agents to prevent influenza to patients two years
47 of age or older, and for patients eighteen years of age or older, phar-
48 macists may administer immunizing agents to prevent pneumococcal, acute
49 herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles,
50 mumps, rubella, varicella, meningococcal, tetanus, diphtheria or pertus-
51 sis disease and medications required for emergency treatment of anaphy-
52 laxis; and for other immunizations recommended by the advisory committee
53 on immunization practices of the centers for disease control and
54 prevention for patients eighteen years of age or older if the commis-
55 sioner of health in consultation with the commissioner of education
56 determines that an immunization: (i) (A) may be administered by phar-

1 macists; and (B) is needed to prevent the transmission of a reportable
2 communicable disease that is prevalent in New York state; or (ii) is
3 a recommended vaccination for adults who meet age requirements, lack
4 documentation of vaccination, lack evidence of past infection, or is a
5 recommended vaccination for adults with an additional risk factor or
6 another indication as recommended by the advisory committee on immuniza-
7 tion practices (ACIP) of the centers for disease control and prevention.

8 Nothing in this subdivision shall authorize unlicensed persons to admin-
9 ister immunizations, vaccines or other drugs.

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

12 7. A certified nurse practitioner may prescribe and order a patient
13 specific order or non-patient specific regimen to a licensed pharmacist,
14 pursuant to regulations promulgated by the commissioner, and consistent
15 with the public health law, for ~~[administering immunizations to prevent~~
16 ~~influenza,]~~ administering immunizing agents to prevent influenza to
17 patients two years of age or older, and for patients eighteen years of
18 age or older, pharamcists may administer immunizing agents to prevent
19 pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human
20 papillomavirus, measles, mumps, rubella, varicella, meningococcal, teta-
21 nus, diphtheria, COVID-19, or pertussis disease and medications required
22 for emergency treatment of anaphylaxis; and for other immunizations
23 recommended by the advisory committee on immunization practices of the
24 centers for disease control and prevention for patients eighteen years
25 of age or older if the commissioner of health in consultation with the
26 commissioner of education determines that an immunization: (i) (A) may
27 be administered by pharmacists; and (B) is needed to prevent the trans-
28 mission of a reportable communicable disease that is prevalent in New
29 York state; or (ii) is a recommended vaccination for adults who meet
30 age requirements, lack documentation of vaccination, lack evidence of
31 past infection, or is a recommended vaccination for adults with an addi-
32 tional risk factor or another indication as recommended by the advisory
33 committee on immunization practices (ACIP) of the centers for disease
34 control and prevention. Nothing in this subdivision shall authorize

35 unlicensed persons to administer immunizations, vaccines or other drugs.

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

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

42 (a) the amendments to subdivision 7 of section 6527 of the education
43 law made by section two of this act shall take effect on the same date
44 and in the same manner as section 1 of chapter 110 of the laws of 2020,
45 takes effect;

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

49 (c) the amendments to subdivision 22 of section 6802 of the education
50 law made by section four of this act shall take effect on the same date
51 and in the same manner as section 2 of chapter 110 of the laws of 2020,
52 takes effect;

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

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

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