

STATE OF NEW YORK

2135

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

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

AN ACT to amend the public health law, in relation to requiring any health care practitioner who treats a child to provide the parent of such child with evidence-based information about certain immunizations

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

1 Section 1. Paragraph (f) of subdivision 2 of section 2995 of the
2 public health law, as added by chapter 505 of the laws of 2022, is
3 amended and two new paragraphs (h) and (i) are added to read as follows:

4 (f) "Health care practitioner" shall mean a physician, nurse practitioner, ~~[or]~~ physician assistant or other health care practitioner
5 licensed or certified pursuant to title eight of the education law
6 acting within his or her lawful scope of practice.

7 (h) "Child" shall mean and include any person between the ages of two
8 months and eighteen years.

9 (i) "Person in parental relation to a child" shall mean and include
10 his or her father or mother, by birth or adoption, his or her legally
11 appointed guardian, or his or her custodian. A person shall be regarded
12 as the custodian of a child if he or she has assumed the charge and care
13 of the child because the parents or legally appointed guardian of the
14 minor have died, are imprisoned, are mentally ill, or have been committed
15 to an institution, or because they have abandoned or deserted such
16 child or are living outside the state or their whereabouts are unknown,
17 or have designated the person pursuant to title fifteen-A of article
18 five of the general obligations law as a person in parental relation to
19 the child.

20 § 2. The public health law is amended by adding a new section 2997-f-2
21 to read as follows:

22 § 2997-f-2. Provision of information relating to immunization. 1. Any
23 health care practitioner who treats a child shall provide the person in
24

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

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1 parental relation to such child with the following written information:
2 current and evidence-based information about immunization against
3 poliomyelitis, mumps, measles, diphtheria, rubella, varicella, Haemophi-
4 lus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease,
5 meningococcal disease, COVID-19, and hepatitis B that has been reviewed
6 by one or more accredited medical experts.

7 2. (a) The commissioner shall provide written information to health
8 care practitioners necessary to implement subdivision one of this
9 section, and shall post such information on the department's website.

10 (b) The commissioner shall ensure that such information is culturally
11 and linguistically appropriate for all recipients.

12 (c) Any local or national organization that provides education or
13 services related to immunization against poliomyelitis, mumps, measles,
14 diphtheria, rubella, varicella, Haemophilus influenzae type b (Hib),
15 pertussis, tetanus, pneumococcal disease, meningococcal disease, COVID-
16 19, and hepatitis B may request that the commissioner include such
17 organization's informational material and contact information on the
18 department's website. Once such a request is made, the commissioner may
19 add the information to the department's website at his or her
20 discretion.

21 § 3. This act shall take effect on the ninetieth day after it shall
22 have become a law.