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:

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

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

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

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

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

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

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

LBD05998-01-3

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

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

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

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

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