STATE OF NEW YORK

6119

2023-2024 Regular Sessions

IN SENATE

March 30, 2023

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

AN ACT to amend the public health law, in relation to the administration of the novel coronavirus/COVID-19 immunization

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

Section 1. The public health law is amended by adding a new section 2184 to read as follows:

§ 2184. Novel coronavirus/COVID-19; immunization. 1. No immunization used for the purposes of inducing immunity against COVID-19 in humans in this state shall be made a mandatory immunization issued by an administrative agency. No person shall be required to receive such immunization unless mandated by the legislature.

2. No child under the age of eighteen shall be required to receive such immunization against COVID-19 unless a person in a parental relation to such child requests and consents to have the child immunized or unless required by the legislature. For the purpose of this subdivision the term "person in parental relation to a child" shall have the same meaning as set forth in section twenty-one hundred sixty-four of this article. Prior to administering the immunization every health care provider or practitioner shall provide a list of ingredients contained in the immunization as provided by the manufacturer product insert and all potential side effects as indicated by industry studies.

3. No incapacitated person shall be required to receive such immunization against COVID-19 unless a person who is the legal guardian of such incapacitated person chooses to have the incapacitated person immunized or required by law duly enacted by the legislature. For the purposes of this subdivision: (a) the term "incapacitated person" shall mean any person over the age of eighteen who is unable to make or communicate decisions affecting their physical health, safety, or self-care; and (b) the term "legal guardian" shall mean and include any person who is over

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

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the age of eighteen and designated by an incapacitated person prior to incapacitation as their legal guardian or a person legally appointed by a court as guardian of such incapacitated person.

4. Unless required by the legislature, no administrative agency shall require immunization against COVID-19 for:

(a) attendance by students or employment of teachers and staff at any public or private educational institution, school or day care facility;

(b) travel to or from any location, including other states or countries;

(c) receipt of any government services;

(d) entrance into public buildings;

(e) employment or continued employment in any business or not-for-profit organization; or

(f) use of public transportation.

6. No nursing home, state-sponsored group home for adults or children or any other group home shall require immunization against COVID-19 as a condition of residency unless required by the legislature.

7. No person shall be required to have, carry or present evidence of having received immunization against COVID-19 unless required by the legislature.

§ 2. Paragraph a of subdivision 1 of section 2164 of the public health law, as amended by chapter 401 of the laws of 2015, is amended to read as follows:

a. The term "school" means and includes any public, [~~private or parochial child caring center, day nursery, day care agency, nursery school,~~] pre-kindergarten, kindergarten, elementary, intermediate or secondary school.

§ 3. This act shall take effect immediately.