STATE OF NEW YORK

4460

2023-2024 Regular Sessions

IN ASSEMBLY

February 16, 2023

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

AN ACT to amend the public health law, in relation to requiring a person in a parental relation to a child be physically present during any immunization

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

Section 1. Subdivision 1 of section 2504 of the public health law, as added by chapter 769 of the laws of 1972, is amended to read as follows:

1. **(a)** Any person who is eighteen years of age or older, or is the parent of a child or has married, may give effective consent for medical, dental, health and hospital services for himself or herself, and the consent of no other person shall be necessary.

(b) A parent, guardian or person in a parental relation to a child under the age of eighteen shall be physically present when any immunization is administered to such child unless the child: (i) is an emancipated minor; (ii) has been living separate and apart from any parent, guardian, or person in a parental relation to the child; (iii) is a runaway youth as defined in section five hundred thirty-two-a of the executive law; (iv) is a homeless youth as defined in section five hundred thirty-two-a of the executive law; (v) is enrolled in a runaway and homeless youth crisis services program; (vi) is in a residential transitional independent living support program pursuant to section five hundred thirty-two-d of the executive law; (vii) is not under the supervision or control of a parent, custodian, or legal guardian; or (viii) is not in the care and custody of the office of children and family services.

§ 2. Subdivision 1 of section 2504 of the public health law, as amended by chapter 780 of the laws of 2022, is amended to read as follows:

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

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1. **(a)** Any person who is eighteen years of age or older, or is the parent of a child or has married, or is a runaway or homeless youth as defined in section five hundred thirty-two-a of the executive law, or receives services at an approved runaway and homeless youth crisis services program or a transitional independent living support program as defined in section five hundred thirty-two-a of the executive law, may give effective consent for medical, dental, health and hospital services for themself, and the consent of no other person shall be necessary.

(b) A parent, guardian or person in a parental relation to a child under the age of eighteen shall be physically present when any immunization is administered to such child unless the child: (i) is an emancipated minor; (ii) has been living separate and apart from any parent, guardian, or person in a parental relation to the child; (iii) is a runaway youth as defined in section five hundred thirty-two-a of the executive law; (iv) is a homeless youth as defined in section five hundred thirty-two-a of the executive law; (v) is enrolled in a runaway and homeless youth crisis services program; (vi) is in a residential transitional independent living support program pursuant to section five hundred thirty-two-d of the executive law; (vii) is not under the supervision or control of a parent, custodian, or legal guardian; or (viii) is not in the care and custody of the office of children and family services.

§ 3. This act shall take effect immediately; provided, however, that section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2022 takes effect.