

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:

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

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

7 (b) A parent, guardian or person in a parental relation to a child
8 under the age of eighteen shall be physically present when any immuniza-
9 tion is administered to such child unless the child: (i) is an emanci-
10 pated minor; (ii) has been living separate and apart from any parent,
11 guardian, or person in a parental relation to the child; (iii) is a
12 runaway youth as defined in section five hundred thirty-two-a of the
13 executive law; (iv) is a homeless youth as defined in section five
14 hundred thirty-two-a of the executive law; (v) is enrolled in a runaway
15 and homeless youth crisis services program; (vi) is in a residential
16 transitional independent living support program pursuant to section five
17 hundred thirty-two-d of the executive law; (vii) is not under the super-
18 vision or control of a parent, custodian, or legal guardian; or (viii)
19 is not in the care and custody of the office of children and family
20 services.

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

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

LBD05142-01-3

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

9 (b) A parent, guardian or person in a parental relation to a child
10 under the age of eighteen shall be physically present when any immuniza-
11 tion is administered to such child unless the child: (i) is an emanci-
12 pated minor; (ii) has been living separate and apart from any parent,
13 guardian, or person in a parental relation to the child; (iii) is a
14 runaway youth as defined in section five hundred thirty-two-a of the
15 executive law; (iv) is a homeless youth as defined in section five
16 hundred thirty-two-a of the executive law; (v) is enrolled in a runaway
17 and homeless youth crisis services program; (vi) is in a residential
18 transitional independent living support program pursuant to section five
19 hundred thirty-two-d of the executive law; (vii) is not under the super-
20 vision or control of a parent, custodian, or legal guardian; or (viii)
21 is not in the care and custody of the office of children and family
22 services.

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