STATE OF NEW YORK

10711

IN ASSEMBLY

March 26, 2026

Introduced by M. of A. PAULIN -- (at request of the Governor) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, the education law and the social services law, in relation to immunization vaccines for children

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

Section 1. Subdivision 2 of section 2164 of the public health law, as amended by chapter 401 of the laws of 2015, is amended to read as follows:

2. a. Every person in parental relation to a child in this state shall have administered to such child an adequate dose or doses of an immunizing agent against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, and hepatitis B, [~~which meets the standards approved by the United States public health service for such biological products, and which is approved by the department under such conditions as may be specified by the public health council~~] **in accordance with regulations issued by the commissioner, utilizing generally accepted medical standards and taking into consideration recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians, the Advisory Committee on Immunization Practices, and/or other similar nationally or internationally recognized scientific organizations**.

b. Every person in parental relation to a child in this state born on or after January first, nineteen hundred ninety-four and entering sixth grade or a comparable age level special education program with an unassigned grade on or after September first, two thousand seven, shall have administered to such child a booster immunization containing diphtheria and tetanus toxoids, and an acellular pertussis vaccine, [~~which meets the standards approved by the United States public health service for such biological products, and which is approved by the department under such conditions as may be specified by the public health council~~] **in accordance with regulations issued by the commissioner, utilizing gener-**

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

LBD12024-01-6

ally accepted medical standards and taking into consideration recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians, the Advisory Committee on Immunization Practices, and/or other similar nationally or internationally recognized scientific organizations.

c. Every person in parental relation to a child in this state entering or having entered seventh grade and twelfth grade or a comparable age level special education program with an unassigned grade on or after September first, two thousand sixteen, shall have administered to such child an adequate dose or doses of immunizing agents against meningococcal disease [~~as recommended by the advisory committee on immunization practices of the centers for disease control and prevention, which meets the standards approved by the United States public health service for such biological products, and which is approved by the department under such conditions as may be specified by the public health and planning council~~] in accordance with regulations issued by the commissioner, utilizing generally accepted medical standards and taking into consideration recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians, the Advisory Committee on Immunization Practices, and/or other similar nationally or internationally recognized scientific organizations.

§ 2. Paragraph d of subdivision 1 of section 2165 of the public health law, as added by chapter 405 of the laws of 1989, is amended to read as follows:

d. The term "immunization" means an adequate dose or doses of an immunizing agent against measles, mumps and rubella [~~which meets the standards approved by the United States public health service for such biological products, and which is approved by the state department of health under such conditions as may be specified by the public health council~~] in accordance with regulations issued by the commissioner, utilizing generally accepted medical standards and taking into consideration recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians, the Advisory Committee on Immunization Practices, and/or other similar nationally or internationally recognized scientific organizations.

§ 3. Paragraph c of subdivision 1 of section 2167 of the public health law, as added by chapter 165 of the laws of 2003, is amended to read as follows:

c. The term "immunization" means an adequate dose or doses of an immunizing agent against meningococcal meningitis [~~which meets the standards approved by the United States public health service for such biological products and which is approved by the department under such conditions as may be specified by the public health council~~] in accordance with regulations issued by the commissioner, utilizing generally accepted medical standards and taking into consideration recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians, the Advisory Committee on Immunization Practices, and/or other similar nationally or internationally recognized scientific organizations.

§ 4. Subdivision 7 of section 6527 of the education law, as amended by chapter 555 of the laws of 2021, is amended to read as follows:

7. A licensed physician may prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for: (a) administering immunizations to prevent influenza **and COVID-19** to patients two years of age or older; and (b) administering immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, [~~COVID-19,~~] meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis to patients eighteen years of age or older; and (c) administering other immunizations [~~recommended by the advisory committee on immunization practices of the centers for disease control and prevention~~] for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner determines that an immunization: (i) (A) may be safely administered by a licensed pharmacist within their lawful scope of practice; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended immunization for such patients who: (A) meet age requirements, (B) lack documentation of such immunization, (C) lack evidence of past infection, or (D) have an additional risk factor or another indication [~~as recommended by the advisory committee on immunization practices of the centers for disease control and prevention~~]. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 5. Paragraph a of subdivision 22 of section 6802 of the education law, as amended by chapter 802 of the laws of 2022, is amended to read as follows:

a. (1) the direct application of an immunizing agent to adults, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, for: immunizations to prevent influenza, pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis; and other immunizations [~~recommended by the advisory committee on immunization practices of the centers for disease control and prevention~~] for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner determines that an immunization: (i)(A) may be safely administered by a licensed pharmacist within their lawful scope of practice; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended immunization for such patients who: (A) meet age requirements, (B) lack documentation of such immunization, (C) lack evidence of past infection, or (D) have an additional risk factor or another indication [~~as recommended by the advisory committee on immunization practices of the centers for disease control and prevention~~]. If the commissioner of health determines that there is an outbreak of disease, or that there is the imminent threat of an outbreak of disease, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

(2) the direct application of an immunizing agent to children between the ages of two and eighteen years of age, whether by injection, ingestion, inhalation or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered by a physician or certified nurse practitioner, for immunization to prevent influ-

enza, COVID-19, and medications required for emergency treatment of anaphylaxis resulting from such immunization. If the commissioner of health determines that there is an outbreak of influenza or COVID-19, or that there is the imminent threat of an outbreak of influenza or COVID-19, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

§ 6. Subdivision 7 of section 6909 of the education law, as amended by chapter 555 of the laws of 2021, is amended to read as follows:

7. A certified nurse practitioner may prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for: (a) administering immunizations to prevent influenza and COVID-19 to patients two years of age or older; and (b) administering immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, [~~COVID-19,~~] meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis to patients eighteen years of age or older; and (c) administering other immunizations [~~recommended by the advisory committee on immunization practices of the centers for disease control and prevention~~] for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner determines that an immunization: (i) (A) may be safely administered by a licensed pharmacist within their lawful scope of practice; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended immunization for such patients who: (A) meet age requirements, (B) lack documentation of such immunization, (C) lack evidence of past infection, or (D) have an additional risk factor or another indication [~~as recommended by the advisory committee on immunization practices of the centers for disease control and prevention~~]. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 7. Paragraph (e) of subdivision 2 and paragraph a of subdivision 4 of section 6801 of the education law, as amended by section 1 of part DD of chapter 57 of the laws of 2018, are amended to read as follows:

(e) administer the immunization or immunizations according to [~~the most current recommendations by the advisory committee for immunization practices (ACIP), provided however, that a pharmacist may administer any immunization authorized under this section when specified by~~] a patient specific order or non-patient specific regimen.

[~~a.~~] (a) a clearly visible posting of the most current "Recommended Adult Immunization Schedule" published [~~by the advisory committee for immunization practices (ACIP)~~] on the department of health's website; and

§ 8. Paragraph (a) of subdivision 5 of section 2803-j of the public health law, as added by chapter 62 of the laws of 1996, is amended to read as follows:

(a) The commissioner shall establish an immunization schedule for newborn children. The immunization schedule shall chart out recommended immunizations against certain diseases and illnesses and age-appropriate times for the administration of each immunization. The immunization schedule shall also include information on the importance of getting children immunized at the recommended ages. The immunization schedule shall also include the toll-free telephone number operated by the department as part of its immunization education efforts. The immunization schedule shall be in accordance with recommendations established by

the New York state department of health [~~and the immunization practices advisory committee of the United States department of health and human services~~].

§ 9. Subdivision 13 of section 131 of the social services law, as added by chapter 61 of the laws of 1996, is amended to read as follows:

13. Social services districts shall provide all applicants and recipients of public assistance with children five years of age or less with information and a schedule regarding age-appropriate immunizations for children in accordance with the recommendations of the department of health [~~and the immunization practices advisory committee of the United States department of health and human services~~]. The telephone number of the local county health department shall be included on the immunization schedule.

§ 10. This act shall take effect immediately.