

# STATE OF NEW YORK

8383--C

2025-2026 Regular Sessions

## IN ASSEMBLY

May 13, 2025

Introduced by M. of A. LASHER, PAULIN, McDONALD, MAGNARELLI, LUPARDO, SEAWRIGHT, ROSENTHAL, SCHIAVONI, ROMERO, R. CARROLL, LEE, GLICK, HEVE-SI -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing the administration of immunizations pursuant to recommendations made by the commissioner of health; to amend the insurance law, in relation to coverage for immunizations; and to amend the public health law, in relation to removing the requirement to follow the centers for disease control and prevention recommendation for immunization against meningococcal disease

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

1 Section 1. Paragraph (e) of subdivision 2 of section 6801 of the  
2 education law, as amended by section 1 of part DD of chapter 57 of the  
3 laws of 2018, is amended to read as follows:

4 (e) administer the immunization or immunizations according to the most  
5 current recommendations by the advisory committee [~~for~~] on immunization  
6 practices (ACIP), or, in the alternative, recommendations made by the  
7 commissioner of health pertaining to a vaccine that has been authorized  
8 by the Food and Drug Administration, provided however, that a pharmacist  
9 may administer any immunization authorized under this section when spec-  
10 ified by a patient specific order.

11 § 2. Paragraph a of subdivision 4 of section 6801 of the education  
12 law, as amended by section 1 of part DD of chapter 57 of the laws of  
13 2018, is amended to read as follows:

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

LBD11946-07-5

1 ~~[a-]~~ (a) a clearly visible posting of the most current "Recommended  
2 Adult Immunization Schedule" published by the advisory committee ~~[for]~~  
3 on immunization practices (ACIP) and any supplemental schedules  
4 published by the commissioner of health; and

5 § 3. Subparagraph 1 of paragraph a of subdivision 22 of section 6802  
6 of the education law, as amended by chapter 802 of the laws of 2022, is  
7 amended to read as follows:

8 (1) the direct application of an immunizing agent to adults, whether  
9 by injection, ingestion, inhalation or any other means, pursuant to a  
10 patient specific order or non-patient specific regimen prescribed or  
11 ordered by a physician or certified nurse practitioner, for: immuniza-  
12 tions to prevent influenza, pneumococcal, acute herpes zoster, hepatitis  
13 A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicel-  
14 la, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease  
15 and medications required for emergency treatment of anaphylaxis; and  
16 other immunizations recommended by the advisory committee on immuniza-  
17 tion practices of the centers for disease control and prevention for  
18 patients eighteen years of age or older or, in the alternative, recom-  
19 mendations made by the commissioner of health pertaining to a vaccine  
20 that has been authorized by the Food and Drug Administration, if the  
21 commissioner of health in consultation with the commissioner determines  
22 that an immunization: (i)(A) may be safely administered by a licensed  
23 pharmacist within their lawful scope of practice; and (B) is needed to  
24 prevent the transmission of a reportable communicable disease that is  
25 prevalent in New York state; or (ii) is a recommended immunization for  
26 such patients who: (A) meet age requirements, (B) lack documentation of  
27 such immunization, (C) lack evidence of past infection, or (D) have an  
28 additional risk factor or another indication as recommended by the advi-  
29 sory committee on immunization practices of the centers for disease  
30 control and prevention or, in the alternative, recommendations made by  
31 the commissioner of health pertaining to a vaccine that has been author-  
32 ized by the Food and Drug Administration. If the commissioner of health  
33 determines that there is an outbreak of disease, or that there is the  
34 imminent threat of an outbreak of disease, then the commissioner of  
35 health may issue a non-patient specific regimen applicable statewide.

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

38 7. A licensed physician may prescribe and order a patient specific  
39 order or non-patient specific regimen to a licensed pharmacist, pursuant  
40 to regulations promulgated by the commissioner, and consistent with the  
41 public health law, for: (a) administering immunizations to prevent  
42 influenza to patients two years of age or older; and (b) administering  
43 immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A,  
44 hepatitis B, human papillomavirus, measles, mumps, rubella, varicella,  
45 COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and  
46 medications required for emergency treatment of anaphylaxis to patients  
47 eighteen years of age or older; and (c) administering other immuniza-  
48 tions recommended by the advisory committee on immunization practices of  
49 the centers for disease control and prevention for patients eighteen  
50 years of age or older or, in the alternative, recommendations made by  
51 the commissioner of health pertaining to a vaccine that has been  
52 authorized by the Food and Drug Administration, if the commissioner of  
53 health in consultation with the commissioner determines that an immuni-  
54 zation: (i) (A) may be safely administered by a licensed pharmacist  
55 within their lawful scope of practice; and (B) is needed to prevent the  
56 transmission of a reportable communicable disease that is prevalent in

1 New York state; or (ii) is a recommended immunization for such patients  
2 who: (A) meet age requirements, (B) lack documentation of such immuniza-  
3 tion, (C) lack evidence of past infection, or (D) have an additional  
4 risk factor or another indication as recommended by the advisory commit-  
5 tee on immunization practices of the centers for disease control and  
6 prevention or, in the alternative, recommendations made by the commis-  
7 sioner of health pertaining to a vaccine that has been authorized by the  
8 Food and Drug Administration. Nothing in this subdivision shall author-  
9 ize unlicensed persons to administer immunizations, vaccines or other  
10 drugs.

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

13 7. A certified nurse practitioner may prescribe and order a patient  
14 specific order or non-patient specific regimen to a licensed pharmacist,  
15 pursuant to regulations promulgated by the commissioner, and consistent  
16 with the public health law, for: (a) administering immunizations to  
17 prevent influenza to patients two years of age or older; and (b) admin-  
18 istering immunizations to prevent pneumococcal, acute herpes zoster,  
19 hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella,  
20 varicella, COVID-19, meningococcal, tetanus, diphtheria or pertussis  
21 disease and medications required for emergency treatment of anaphylaxis  
22 to patients eighteen years of age or older; and (c) administering other  
23 immunizations recommended by the advisory committee on immunization  
24 practices of the centers for disease control and prevention for patients  
25 eighteen years of age or older or, in the alternative, recommendations  
26 made by the commissioner of health pertaining to a vaccine that has been  
27 authorized by the Food and Drug Administration, if the commissioner of  
28 health in consultation with the commissioner determines that an immuni-  
29 zation: (i) (A) may be safely administered by a licensed pharmacist  
30 within their lawful scope of practice; and (B) is needed to prevent the  
31 transmission of a reportable communicable disease that is prevalent in  
32 New York state; or (ii) is a recommended immunization for such patients  
33 who: (A) meet age requirements, (B) lack documentation of such immuniza-  
34 tion, (C) lack evidence of past infection, or (D) have an additional  
35 risk factor or another indication as recommended by the advisory commit-  
36 tee on immunization practices of the centers for disease control and  
37 prevention or, in the alternative, recommendations made by the commis-  
38 sioner of health pertaining to a vaccine that has been authorized by the  
39 Food and Drug Administration. Nothing in this subdivision shall author-  
40 ize unlicensed persons to administer immunizations, vaccines or other  
41 drugs.

42 § 6. Items (ii) and (v) of subparagraph (E) of paragraph 17 of  
43 subsection (i) of section 3216 of the insurance law, item (ii) as  
44 amended by chapter 219 of the laws of 2011 and item (v) as amended by  
45 section 3 of part M of chapter 57 of the laws of 2019, are amended to  
46 read as follows:

47 (ii) immunizations that have in effect a recommendation from the advi-  
48 sory committee on immunization practices of the centers for disease  
49 control and prevention or, in the alternative, a recommendation made by  
50 the commissioner of health pertaining to a vaccine that has been author-  
51 ized by the Food and Drug Administration, with respect to the individual  
52 involved;

53 (v) all FDA-approved contraceptive drugs, devices, and other products,  
54 including all over-the-counter contraceptive drugs, devices, and  
55 products as prescribed or as otherwise authorized under state or federal  
56 law; voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and

1 identified in the comprehensive guidelines supported by the health  
2 resources and services administration and thereby incorporated in the  
3 essential health benefits benchmark plan; patient education and coun-  
4 seling on contraception; and follow-up services related to the drugs,  
5 devices, products, and procedures covered under this ~~[clause]~~ item,  
6 including, but not limited to, management of side effects, counseling  
7 for continued adherence, and device insertion and removal. Except as  
8 otherwise authorized under this ~~[clause]~~ item, a contract shall not  
9 impose any restrictions or delays on the coverage required under this  
10 ~~[clause]~~ item. However, where the FDA has approved one or more therapeu-  
11 tic and pharmaceutical equivalent, as defined by the FDA, versions of a  
12 contraceptive drug, device, or product, a contract is not required to  
13 include all such therapeutic and pharmaceutical equivalent versions in  
14 its formulary, so long as at least one is included and covered without  
15 cost-sharing and in accordance with this ~~[clause]~~ item. If the covered  
16 therapeutic and pharmaceutical equivalent versions of a drug, device, or  
17 product are not available or are deemed medically inadvisable a contract  
18 shall provide coverage for an alternate therapeutic and pharmaceutical  
19 equivalent version of the contraceptive drug, device, or product without  
20 cost-sharing. (a) This coverage shall include emergency contraception  
21 without cost sharing when provided pursuant to a prescription, or order  
22 under section sixty-eight hundred thirty-one of the education law or  
23 when lawfully provided over-the-counter. (b) If the attending health  
24 care provider, in ~~[his or her]~~ such provider's reasonable professional  
25 judgment, determines that the use of a non-covered therapeutic or phar-  
26 maceutical equivalent of a drug, device, or product is warranted, the  
27 health care provider's determination shall be final. The superintendent  
28 shall promulgate regulations establishing a process, including time-  
29 frames, for an insured, an insured's designee or an insured's health  
30 care provider to request coverage of a non-covered contraceptive drug,  
31 device, or product. Such regulations shall include a requirement that  
32 insurers use an exception form that shall meet criteria established by  
33 the superintendent. (c) This coverage must allow for the dispensing of  
34 up to twelve months worth of a contraceptive at one time. (d) For the  
35 purposes of this ~~[clause]~~ item, "over-the-counter contraceptive  
36 products" shall mean those products provided for in comprehensive guide-  
37 lines supported by the health resources and services administration as  
38 of January twenty-first, two thousand nineteen.

39 § 7. Item (ii) of subparagraph (E) of paragraph 8 of subsection (l) of  
40 section 3221 of the insurance law, as amended by chapter 219 of the laws  
41 of 2011, is amended to read as follows:

42 (ii) immunizations that have in effect a recommendation from the advi-  
43 sory committee on immunization practices of the centers for disease  
44 control and prevention or, in the alternative, a recommendation made by  
45 the commissioner of health pertaining to a vaccine that has been author-  
46 ized by the Food and Drug Administration, with respect to the individual  
47 involved;

48 § 8. Subparagraph (B) of paragraph 3 of subsection (j) of section 4303  
49 of the insurance law, as added by chapter 219 of the laws of 2011, is  
50 amended to read as follows:

51 (B) immunizations that have in effect a recommendation from the advi-  
52 sory committee on immunization practices of the centers for disease  
53 control and prevention or, in the alternative, a recommendation made by  
54 the commissioner of health pertaining to a vaccine that has been author-  
55 ized by the Food and Drug Administration, with respect to the individual  
56 involved;

1 § 9. Item (ii) of subparagraph (F) of paragraph 4 of subsection (b) of  
2 section 4322 of the insurance law, as added by chapter 219 of the laws  
3 of 2011, is amended to read as follows:

4 (ii) immunizations that have in effect a recommendation from the advi-  
5 sory committee on immunization practices of the centers for disease  
6 control and prevention or, in the alternative, a recommendation made by  
7 the commissioner of health pertaining to a vaccine that has been author-  
8 ized by the Food and Drug Administration, with respect to the individual  
9 involved;

10 § 10. Paragraph c of subdivision 2 of section 2164 of the public  
11 health law, as added by chapter 401 of the laws of 2015, is amended to  
12 read as follows:

13 c. Every person in parental relation to a child in this state entering  
14 or having entered seventh grade and twelfth grade or a comparable age  
15 level special education program with an unassigned grade on or after  
16 September first, two thousand sixteen, shall have administered to such  
17 child an adequate dose or doses of immunizing agents against meningococ-  
18 cal disease [~~as recommended by the advisory committee on immunization~~  
19 ~~practices of the centers for disease control and prevention,~~] which  
20 meets the standards approved by the United States public health service  
21 for such biological products, and which is approved by the department  
22 under such conditions as may be specified by the public health and plan-  
23 ning council.

24 § 11. This act shall take effect immediately.