

STATE OF NEW YORK

3964--A

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sens. RIVERA, BAILEY, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to including rescue inhaler prescriptions for asthma and other chronic respiratory diseases for individuals under age nineteen in the statewide immunization information system

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

1 Section 1. Paragraphs (a) and (c) of subdivision 1, paragraphs (b),
2 (c) and (d) of subdivision 2, paragraph (a) of subdivision 3, paragraphs
3 (b), (c) and (d) of subdivision 8, and subdivisions 10 and 11 of section
4 2168 of the public health law, paragraphs (a) and (c) of subdivision 1,
5 paragraphs (b), (c) and (d) of subdivision 2, and subdivision 10 as
6 amended by section 7 of part A of chapter 58 of the laws of 2009, para-
7 graph (a) of subdivision 3 as amended by section 2-a of part DD of chap-
8 ter 57 of the laws of 2018, paragraphs (b) and (c) of subdivision 8 and
9 subdivision 11 as amended by chapter 829 of the laws of 2022, and para-
10 graph (d) of subdivision 8 as amended by chapter 532 of the laws of 2022
11 and subparagraph (i) of paragraph (d) as separately amended by chapter
12 44 of the laws of 2022, are amended and a new paragraph (i) of subdivi-
13 sion 2 is added to read as follows:

14 (a) collect reports of immunizations and thus reduce the incidence of
15 illness, disability and death due to vaccine preventable diseases [~~and~~],
16 collect results of blood lead analyses performed by physician office
17 laboratories to provide to the statewide registry of lead levels of
18 children established pursuant to section thirteen hundred seventy-a of
19 this chapter, and collect reports of rescue inhaler prescriptions;

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

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1 (c) make available to an individual, or parents, guardians, or other
2 person in a custodial relation to a child or, to local health districts,
3 local social services districts responsible for the care and custody of
4 children, health care providers and their designees, schools, WIC
5 programs, and third party payers the immunization status of children,
6 blood lead analysis report and any rescue inhaler prescription; and

7 (b) The term "statewide immunization information system" or "system"
8 shall mean a statewide-computerized database maintained by the depart-
9 ment capable of collecting, storing, and disclosing the electronic and
10 paper records of vaccinations received, blood lead analysis as defined
11 in section thirteen hundred seventy-a of this chapter, and rescue inhal-
12 er prescriptions by persons under nineteen years of age.

13 (c) The term "citywide immunization registry" shall mean the computer-
14 ized database maintained by the city of New York department of health
15 and mental hygiene capable of collecting, storing, and disclosing the
16 electronic and paper records of vaccinations received and rescue inhaler
17 prescriptions by persons less than nineteen years of age. The term
18 "citywide immunization registry" shall not include the childhood blood
19 lead registry established pursuant to the health code of the city of New
20 York. For the purposes of this section the term New York city department
21 of health and mental hygiene, shall mean such agency or any successor
22 agency responsible for the citywide immunization registry.

23 (d) The term "health care provider" shall mean any person authorized
24 by law to order an immunization ~~[or]~~, analysis of a blood sample for
25 lead, or prescribe a rescue inhaler or any health care facility licensed
26 under article twenty-eight of this chapter or any certified home health
27 agency established under section thirty-six hundred six of this chapter;
28 with respect to a person seeking or receiving a health care service from
29 the health care provider.

30 (i) The term "rescue inhaler" shall mean a rescue inhaler treatment
31 device as defined in paragraph (b) of subdivision one of section three
32 thousand-e of this chapter that has been prescribed by a health care
33 provider for an individual with asthma or other chronic respiratory
34 disease that is under age nineteen.

35 (a) (i) Any health care provider who administers any vaccine to a
36 person less than nineteen years of age or, on or after September first,
37 two thousand nine, conducts a blood lead analysis of a sample obtained
38 from a person under eighteen years of age in accordance with paragraph
39 (h) of subdivision two of this section, or on or after January first,
40 two thousand twenty-seven prescribes a rescue inhaler to a person less
41 than nineteen years of age, provided that the first renewal of an ongo-
42 ing prescription in effect prior to such date shall be considered a new
43 prescription for the purposes of this section; and immunizations
44 received by a person less than nineteen years of age in the past if not
45 already reported, shall report all such immunizations ~~[and]~~, the results
46 of any blood lead analysis, and any prescription for a rescue inhaler to
47 the department in a format prescribed by the commissioner within four-
48 teen days of administration of such immunizations ~~[or]~~, of obtaining the
49 results of any such blood lead analysis, or of prescribing such rescue
50 inhaler. Health care providers administering immunizations, or
51 prescribing a rescue inhaler to persons less than nineteen years of age
52 in the city of New York shall report, in a format prescribed by the city
53 of New York commissioner of health and mental hygiene, all such immuni-
54 zations to the citywide immunization registry. Health care providers who
55 conduct a blood lead analysis on a person under eighteen years of age
56 and who report the results of such analysis or prescription to the city

1 of New York commissioner of health and mental hygiene pursuant to New
2 York city reporting requirements shall be exempt from this requirement
3 for reporting blood lead analysis results and prescription for rescue
4 inhaler to the state commissioner of health; provided, however, blood
5 lead analysis data collected from physician office laboratories by the
6 commissioner of health and mental hygiene of the city of New York pursu-
7 ant to the health code of the city of New York shall be provided to the
8 department in a format prescribed by the commissioner.

9 (ii) A pharmacist who administers a vaccine pursuant to subdivision
10 two of section sixty-eight hundred one of the education law, to a person
11 less than nineteen years of age, shall report all such immunizations to
12 the department in a format prescribed by the commissioner within four-
13 teen days of administration of such immunizations. Pharmacists adminis-
14 tering immunizations pursuant to subdivision two of section sixty-eight
15 hundred one of the education law to persons less than nineteen years of
16 age in the city of New York shall report, in a format prescribed by the
17 city of New York commissioner of health and mental hygiene, all such
18 immunizations to the citywide immunization registry.

19 (b) (i) The commissioner may use the statewide immunization informa-
20 tion system [~~and~~], the blood lead analysis, and rescue inhaler informa-
21 tion in such system for purposes of outreach, quality improvement and
22 accountability, including professional responsibility proceedings of the
23 office of professional medical conduct and the state education depart-
24 ment, research, epidemiological studies and disease control, and to
25 obtain blood lead test results from physician office laboratories for
26 the statewide registry of lead levels of children established pursuant
27 to subdivision two of section thirteen hundred seventy-a of this chap-
28 ter; (ii) the commissioner of health and mental hygiene for the city of
29 New York may use the immunization registry [~~and~~], the blood lead analy-
30 sis, and rescue inhaler information in such system for purposes of
31 outreach, quality improvement and accountability, research, epidemiolog-
32 ical studies and disease control; (iii) local health departments shall
33 have access to the immunization information system [~~and~~], the blood lead
34 analysis, and rescue inhaler information in such system for purposes of
35 outreach, quality improvement and accountability, epidemiological
36 studies and disease control within their county; and

37 (c) health care providers and their designees, registered professional
38 nurses, and pharmacists authorized to administer immunizations pursuant
39 to subdivision two of section sixty-eight hundred one of the education
40 law shall have access to the statewide immunization information system
41 [~~and~~], the blood lead analysis, and rescue inhaler information in such
42 system only for purposes of submission of information about vaccinations
43 received by a specific registrant, determination of the immunization
44 status of a specific registrant, determination of the blood lead testing
45 status of a specific registrant, submission of the results from a blood
46 lead analysis of a sample obtained from a specific registrant in accord-
47 ance with paragraph (h) of subdivision two of this section, determi-
48 nation of the asthma or other chronic respiratory disease diagnosis of a
49 specific registrant, submission of information about prescriptions for a
50 rescue inhaler review of practice coverage, generation of reminder
51 notices, quality improvement and accountability, including professional
52 responsibility proceedings of the office of professional medical conduct
53 and the state education department, and printing a copy of the immuniza-
54 tion [~~or~~] record, lead testing record, or rescue inhaler prescription
55 for the registrant's medical record, for the registrant's parent or

1 guardian, or other person in parental or custodial relation to a child,
2 or for a registrant upon reaching eighteen years of age.

3 (d) The following authorized users shall have access to the statewide
4 immunization information system [~~and~~], the blood lead analysis, and
5 rescue inhaler information in such system and the citywide immunization
6 registry for the purposes stated in this paragraph: (i) schools for the
7 purpose of verifying immunization status for eligibility for admission,
8 for the purpose of knowing a student or child care or preschool child
9 has been diagnosed with asthma or other chronic respiratory disease for
10 which a rescue inhaler was prescribed, for the purpose of confirming a
11 student has been screened for lead when enrolling in child care, pre-
12 school, pre-kindergarten or kindergarten, and for the provision of
13 appropriate educational materials developed by the department pursuant
14 to section thirteen hundred seventy-a of this chapter on the dangers of
15 lead exposure, and the health risks associated with elevated blood lead
16 levels to the parents or legal guardians of the student with an elevated
17 blood lead level, as such term is defined in subdivision six of section
18 thirteen hundred seventy of this chapter, as well as information on
19 programs that may be available to the student and the parents or legal
20 guardians of the student. For each school that has the technical ability
21 to batch download sets of immunization records, the department shall
22 make available such sets of immunization records of only those children
23 submitted by the school for which the school has obtained a certificate
24 of immunization or for which the school has responsibility to verify the
25 immunization status for school attendance purposes under section twenty-
26 one hundred sixty-four of this article. Schools shall properly safe-
27 guard such information for use only as authorized by this section; (ii)
28 colleges for verifying immunization status for eligibility for admis-
29 sion; (iii) professional and technical schools for verifying immuniza-
30 tion status for eligibility for admission; (iv) children's overnight
31 camps and summer day camps for verifying immunization status of children
32 attending camp and for the purpose of knowing a student has been diag-
33 nosed with asthma or other chronic respiratory disease for which a
34 rescue inhaler was prescribed; (v) third party payer for performing
35 quality assurance, accountability and outreach, relating to enrollees
36 covered by the third party payer; (vi) commissioners of local social
37 services districts with regard to a child in [~~his/her~~] their legal
38 custody; (vii) the commissioner of the office of children and family
39 services with regard to children in their legal custody, and for quality
40 assurance and accountability of commissioners of local social services
41 districts, care and treatment of children in the custody of commis-
42 sioners of local social services districts; and (viii) WIC programs for the
43 purposes of verifying immunization and lead testing status for those
44 seeking or receiving services.

45 10. The person to whom any immunization record relates, or [~~his-or~~
46 ~~her~~] their parent, or guardian, or other person in parental or custodial
47 relation to such person may request a copy of an immunization [~~or~~]
48 record, lead testing record or rescue inhaler prescription from the
49 registrant's healthcare provider, the statewide immunization information
50 system or the citywide immunization registry according to procedures
51 established by the commissioner or, in the case of the citywide immuni-
52 zation registry, by the city of New York commissioner of the department
53 of health and mental hygiene.

54 11. The commissioner, or in the city of New York, the commissioner of
55 the department of health and mental hygiene, may provide registrant
56 specific immunization [~~and~~] records, lead test records, and rescue

1 inhaler prescriptions to the federal centers for disease control and
2 prevention or its successor agency, to other state or city registries
3 and registries maintained by the Indian Health Service and tribal
4 nations recognized by the state or the United States pursuant to a writ-
5 ten agreement requiring that the other registry conform to national
6 standards for maintaining the integrity of the data and that the data
7 will only be used for purposes consistent with the provisions of this
8 section and provided that disclosure of identifiable registrant informa-
9 tion shall be limited to the minimum amount necessary to accomplish the
10 purposes consistent with the provisions of this section as determined by
11 the commissioner, or in the city of New York, the commissioner of the
12 department of health and mental hygiene.

13 § 2. This act shall take effect immediately.