

STATE OF NEW YORK

9598

IN SENATE

March 26, 2026

Introduced by Sen. STAVISKY -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

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

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

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1 accordance with regulations issued by the commissioner, utilizing gener-
2 ally accepted medical standards and taking into consideration recommen-
3 dations of the American Academy of Pediatrics, the American Academy of
4 Family Physicians, the American College of Obstetricians and Gynecolo-
5 gists, the American College of Physicians, the Advisory Committee on
6 Immunization Practices, and/or other similar nationally or interna-
7 tionally recognized scientific organizations.

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

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

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

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

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

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

1 7. A licensed physician may prescribe and order a patient specific
2 order or non-patient specific regimen to a licensed pharmacist, pursuant
3 to regulations promulgated by the commissioner, and consistent with the
4 public health law, for: (a) administering immunizations to prevent
5 influenza and COVID-19 to patients two years of age or older; and (b)
6 administering immunizations to prevent pneumococcal, acute herpes zoster,
7 hepatitis A, hepatitis B, human papillomavirus, measles, mumps,
8 rubella, varicella, [~~COVID-19,~~] meningococcal, tetanus, diphtheria or
9 pertussis disease and medications required for emergency treatment of
10 anaphylaxis to patients eighteen years of age or older; and (c) adminis-
11 tering other immunizations [~~recommended by the advisory committee on~~
12 ~~immunization practices of the centers for disease control and~~
13 ~~prevention~~] for patients eighteen years of age or older if the commis-
14 sioner of health in consultation with the commissioner determines that
15 an immunization: (i) (A) may be safely administered by a licensed phar-
16 macist within their lawful scope of practice; and (B) is needed to
17 prevent the transmission of a reportable communicable disease that is
18 prevalent in New York state; or (ii) is a recommended immunization for
19 such patients who: (A) meet age requirements, (B) lack documentation of
20 such immunization, (C) lack evidence of past infection, or (D) have an
21 additional risk factor or another indication [~~as recommended by the~~
22 ~~advisory committee on immunization practices of the centers for disease~~
23 ~~control and prevention~~]. Nothing in this subdivision shall authorize
24 unlicensed persons to administer immunizations, vaccines or other drugs.
25 § 5. Paragraph a of subdivision 22 of section 6802 of the education
26 law, as amended by chapter 802 of the laws of 2022, is amended to read
27 as follows:

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

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

1 enza, COVID-19, and medications required for emergency treatment of
2 anaphylaxis resulting from such immunization. If the commissioner of
3 health determines that there is an outbreak of influenza or COVID-19, or
4 that there is the imminent threat of an outbreak of influenza or COVID-
5 19, then the commissioner of health may issue a non-patient specific
6 regimen applicable statewide.

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

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

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

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

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

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

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

1 the New York state department of health [~~and the immunization practices~~
2 ~~advisory committee of the United States department of health and human~~
3 ~~services~~].
4 § 9. Subdivision 13 of section 131 of the social services law, as
5 added by chapter 61 of the laws of 1996, is amended to read as follows:
6 13. Social services districts shall provide all applicants and recipi-
7 ents of public assistance with children five years of age or less with
8 information and a schedule regarding age-appropriate immunizations for
9 children in accordance with the recommendations of the department of
10 health [~~and the immunization practices advisory committee of the United~~
11 ~~States department of health and human services~~]. The telephone number of
12 the local county health department shall be included on the immunization
13 schedule.
14 § 10. This act shall take effect immediately.