STATE OF NEW YORK

8383--B

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, HEVESI -- 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

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:

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

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

§ 2. Subparagraph a of paragraph 4 of section 6801 of the education law, as amended by section 1 of part DD of chapter 57 of the laws of 2018, is amended to read as follows:

[~~a.~~] **(a)** a clearly visible posting of the most current "Recommended Adult Immunization Schedule" published by the advisory committee [~~for~~]

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

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on immunization practices (ACIP) and any supplemental schedules published by the commissioner of health; and

§ 3. Subparagraph 1 of 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:

(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 or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration, 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 or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration. 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.

§ 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 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 or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration, 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 immuniza-

tion, (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 **or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration**. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

§ 5. 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 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 **or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration,** 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 **or, in the alternative, recommendations made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration**. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

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

(ii) immunizations that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention **or, in the alternative, a recommendation made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration,** with respect to the individual involved;

(v) all FDA-approved contraceptive drugs, devices, and other products, including all over-the-counter contraceptive drugs, devices, and products as prescribed or as otherwise authorized under state or federal law; voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and identified in the comprehensive guidelines supported by the health resources and services administration and thereby incorporated in the

essential health benefits benchmark plan; patient education and counseling on contraception; and follow-up services related to the drugs, devices, products, and procedures covered under this [~~clause~~] **item**, including, but not limited to, management of side effects, counseling for continued adherence, and device insertion and removal. Except as otherwise authorized under this [~~clause~~] **item**, a contract shall not impose any restrictions or delays on the coverage required under this [~~clause~~] **item**. However, where the FDA has approved one or more therapeutic and pharmaceutical equivalent, as defined by the FDA, versions of a contraceptive drug, device, or product, a contract is not required to include all such therapeutic and pharmaceutical equivalent versions in its formulary, so long as at least one is included and covered without cost-sharing and in accordance with this [~~clause~~] **item**. If the covered therapeutic and pharmaceutical equivalent versions of a drug, device, or product are not available or are deemed medically inadvisable a contract shall provide coverage for an alternate therapeutic and pharmaceutical equivalent version of the contraceptive drug, device, or product without cost-sharing. (a) This coverage shall include emergency contraception without cost sharing when provided pursuant to a prescription, or order under section sixty-eight hundred thirty-one of the education law or when lawfully provided over-the-counter. (b) If the attending health care provider, in [~~his or her~~] **such provider's** reasonable professional judgment, determines that the use of a non-covered therapeutic or pharmaceutical equivalent of a drug, device, or product is warranted, the health care provider's determination shall be final. The superintendent shall promulgate regulations establishing a process, including timeframes, for an insured, an insured's designee or an insured's health care provider to request coverage of a non-covered contraceptive drug, device, or product. Such regulations shall include a requirement that insurers use an exception form that shall meet criteria established by the superintendent. (c) This coverage must allow for the dispensing of up to twelve months worth of a contraceptive at one time. (d) For the purposes of this [~~clause~~] **item**, "over-the-counter contraceptive products" shall mean those products provided for in comprehensive guidelines supported by the health resources and services administration as of January twenty-first, two thousand nineteen.

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

(ii) immunizations that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention **or, in the alternative, a recommendation made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration,** with respect to the individual involved;

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

(B) immunizations that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention **or, in the alternative, a recommendation made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration,** with respect to the individual involved;

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

(ii) immunizations that have in effect a recommendation from the advisory committee on immunization practices of the centers for disease control and prevention **or, in the alternative, a recommendation made by the commissioner of health pertaining to a vaccine that has been authorized by the Food and Drug Administration,** with respect to the individual involved;

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

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.

§ 11. This act shall take effect immediately.