

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.