STATE OF NEW YORK

9604

IN SENATE

March 27, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to liability protections for persons administering vaccinations

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

Section 1. Section 2166 of the public health law, as added by chapter 573 of the laws of 1999, is amended to read as follows:

§ 2166. Immunization; regulations**; liability protection**. **1.** The commissioner may promulgate regulations with respect to immunization conducted by a home care services agency licensed pursuant to section thirty-six hundred five of this chapter or certified pursuant to section thirty-six hundred eight of this chapter, facilities or institutions established under article twenty-eight of this chapter, and other health care providers and practitioners, including, but not limited to, standards for the quality of care and services provided, consistent with the education law.

2. No home care services agency licensed pursuant to section thirty-six hundred five of this chapter or certified pursuant to section thirty-six hundred eight of this chapter, facilities or institutions established under article twenty-eight of this chapter, and other health care providers and practitioners, including, but not limited to, standards for the quality of care and services provided, consistent with the education law shall be liable for any injury caused by an act or omission in the administration of the vaccine or other immunizing agent, if the immunization is performed pursuant to this section in conformity with applicable federal, state, or local governmental standards and the act or omission does not constitute willful misconduct or gross negligence. As used in this subdivision, "injury" includes the residual effects of the vaccine or other immunizing agent.

3. Notwithstanding any other law, a person shall not be liable for any injury caused by an act or omission in prescribing, dispensing, ordering, furnishing, or in the administration of a vaccine or other immunizing agent to a minor, including the residual effects of the vaccine or

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

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immunizing agent, if the immunization is either required by state law, administered in accordance with regulations promulgated by the commissioner and the act or omission does not constitute willful misconduct or gross negligence.

4. A person shall not be liable for any injury caused by an act or omission in the administration of a vaccine or other immunizing agent to a minor, including the residual effects of the vaccine or immunizing agent, if the immunization is either required by state law, or given as part of an outreach program, and the act or omission does not constitute willful misconduct or gross negligence.

§ 2. This act shall take effect immediately.