

STATE OF NEW YORK

9849

IN SENATE

April 8, 2026

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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:

14 [~~a-~~] (a) a clearly visible posting of the most current "Recommended
15 Adult Immunization Schedule" published by the advisory committee [~~for~~]
16 on immunization practices (ACIP) and any supplemental schedules
17 published by the commissioner of health; and

18 § 3. Subparagraph 1 of paragraph a of subdivision 22 of section 6802
19 of the education law, as amended by chapter 802 of the laws of 2022, is
20 amended to read as follows:

21 (1) the direct application of an immunizing agent to adults, whether
22 by injection, ingestion, inhalation or any other means, pursuant to a
23 patient specific order or non-patient specific regimen prescribed or

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

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1 ordered by a physician or certified nurse practitioner, for: immuniza-
2 tions to prevent influenza, pneumococcal, acute herpes zoster, hepatitis
3 A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicel-
4 la, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease
5 and medications required for emergency treatment of anaphylaxis; and
6 other immunizations recommended by the advisory committee on immuniza-
7 tion practices of the centers for disease control and prevention for
8 patients eighteen years of age or older or, in the alternative, recom-
9 mendations made by the commissioner of health pertaining to a vaccine
10 that has been authorized by the Food and Drug Administration, if the
11 commissioner of health in consultation with the commissioner determines
12 that an immunization: (i)(A) may be safely administered by a licensed
13 pharmacist within their lawful scope of practice; and (B) is needed to
14 prevent the transmission of a reportable communicable disease that is
15 prevalent in New York state; or (ii) is a recommended immunization for
16 such patients who: (A) meet age requirements, (B) lack documentation of
17 such immunization, (C) lack evidence of past infection, or (D) have an
18 additional risk factor or another indication as recommended by the advi-
19 sory committee on immunization practices of the centers for disease
20 control and prevention or, in the alternative, recommendations made by
21 the commissioner of health pertaining to a vaccine that has been author-
22 ized by the Food and Drug Administration. If the commissioner of health
23 determines that there is an outbreak of disease, or that there is the
24 imminent threat of an outbreak of disease, then the commissioner of
25 health may issue a non-patient specific regimen applicable statewide.

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

28 7. A licensed physician may prescribe and order a patient specific
29 order or non-patient specific regimen to a licensed pharmacist, pursuant
30 to regulations promulgated by the commissioner, and consistent with the
31 public health law, for: (a) administering immunizations to prevent
32 influenza to patients two years of age or older; and (b) administering
33 immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A,
34 hepatitis B, human papillomavirus, measles, mumps, rubella, varicella,
35 COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and
36 medications required for emergency treatment of anaphylaxis to patients
37 eighteen years of age or older; and (c) administering other immuniza-
38 tions recommended by the advisory committee on immunization practices of
39 the centers for disease control and prevention for patients eighteen
40 years of age or older or, in the alternative, recommendations made by
41 the commissioner of health pertaining to a vaccine that has been
42 authorized by the Food and Drug Administration, if the commissioner of
43 health in consultation with the commissioner determines that an immuni-
44 zation: (i) (A) may be safely administered by a licensed pharmacist
45 within their lawful scope of practice; and (B) is needed to prevent the
46 transmission of a reportable communicable disease that is prevalent in
47 New York state; or (ii) is a recommended immunization for such patients
48 who: (A) meet age requirements, (B) lack documentation of such immuni-
49 zation, (C) lack evidence of past infection, or (D) have an additional
50 risk factor or another indication as recommended by the advisory commit-
51 tee on immunization practices of the centers for disease control and
52 prevention or, in the alternative, recommendations made by the commis-
53 sioner of health pertaining to a vaccine that has been authorized by the
54 Food and Drug Administration. Nothing in this subdivision shall author-
55 ize unlicensed persons to administer immunizations, vaccines or other
56 drugs.

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

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

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

37 (ii) immunizations that have in effect a recommendation from the advi-
38 sory committee on immunization practices of the centers for disease
39 control and prevention or, in the alternative, a recommendation made by
40 the commissioner of health pertaining to a vaccine that has been author-
41 ized by the Food and Drug Administration, with respect to the individual
42 involved;

43 (v) all FDA-approved contraceptive drugs, devices, and other products,
44 including all over-the-counter contraceptive drugs, devices, and
45 products as prescribed or as otherwise authorized under state or federal
46 law; voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and
47 identified in the comprehensive guidelines supported by the health
48 resources and services administration and thereby incorporated in the
49 essential health benefits benchmark plan; patient education and coun-
50 seling on contraception; and follow-up services related to the drugs,
51 devices, products, and procedures covered under this [~~clause~~] item,
52 including, but not limited to, management of side effects, counseling
53 for continued adherence, and device insertion and removal. Except as
54 otherwise authorized under this [~~clause~~] item, a contract shall not
55 impose any restrictions or delays on the coverage required under this
56 [~~clause~~] item. However, where the FDA has approved one or more therapeu-

1 tic and pharmaceutical equivalent, as defined by the FDA, versions of a
2 contraceptive drug, device, or product, a contract is not required to
3 include all such therapeutic and pharmaceutical equivalent versions in
4 its formulary, so long as at least one is included and covered without
5 cost-sharing and in accordance with this ~~[clause]~~ item. If the covered
6 therapeutic and pharmaceutical equivalent versions of a drug, device, or
7 product are not available or are deemed medically inadvisable a contract
8 shall provide coverage for an alternate therapeutic and pharmaceutical
9 equivalent version of the contraceptive drug, device, or product without
10 cost-sharing. (a) This coverage shall include emergency contraception
11 without cost sharing when provided pursuant to a prescription, or order
12 under section sixty-eight hundred thirty-one of the education law or
13 when lawfully provided over-the-counter. (b) If the attending health
14 care provider, in ~~[his or her]~~ such provider's reasonable professional
15 judgment, determines that the use of a non-covered therapeutic or phar-
16 maceutical equivalent of a drug, device, or product is warranted, the
17 health care provider's determination shall be final. The superintendent
18 shall promulgate regulations establishing a process, including time-
19 frames, for an insured, an insured's designee or an insured's health
20 care provider to request coverage of a non-covered contraceptive drug,
21 device, or product. Such regulations shall include a requirement that
22 insurers use an exception form that shall meet criteria established by
23 the superintendent. (c) This coverage must allow for the dispensing of
24 up to twelve months worth of a contraceptive at one time. (d) For the
25 purposes of this ~~[clause]~~ item, "over-the-counter contraceptive
26 products" shall mean those products provided for in comprehensive guide-
27 lines supported by the health resources and services administration as
28 of January twenty-first, two thousand nineteen.

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

32 (ii) immunizations that have in effect a recommendation from the advi-
33 sory committee on immunization practices of the centers for disease
34 control and prevention or, in the alternative, a recommendation made by
35 the commissioner of health pertaining to a vaccine that has been author-
36 ized by the Food and Drug Administration, with respect to the individual
37 involved;

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

41 (B) immunizations that have in effect a recommendation from the advi-
42 sory committee on immunization practices of the centers for disease
43 control and prevention or, in the alternative, a recommendation made by
44 the commissioner of health pertaining to a vaccine that has been author-
45 ized by the Food and Drug Administration, with respect to the individual
46 involved;

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

50 (ii) immunizations that have in effect a recommendation from the advi-
51 sory committee on immunization practices of the centers for disease
52 control and prevention or, in the alternative, a recommendation made by
53 the commissioner of health pertaining to a vaccine that has been author-
54 ized by the Food and Drug Administration, with respect to the individual
55 involved;

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

4 c. Every person in parental relation to a child in this state entering
5 or having entered seventh grade and twelfth grade or a comparable age
6 level special education program with an unassigned grade on or after
7 September first, two thousand sixteen, shall have administered to such
8 child an adequate dose or doses of immunizing agents against meningococ-
9 cal disease [~~as recommended by the advisory committee on immunization
10 practices of the centers for disease control and prevention,~~] which
11 meets the standards approved by the United States public health service
12 for such biological products, and which is approved by the department
13 under such conditions as may be specified by the public health and plan-
14 ning council.

15 § 11. This act shall take effect immediately.