§ 613. State aid; immunization. 1. (a) The commissioner shall develop and supervise the execution of a program of immunization, surveillance and testing, to raise to the highest reasonable level the immunity of the children of the state against communicable diseases including, but not limited to, influenza, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type b (Hib), diphtheria, pertussis, tetanus, varicella, hepatitis B, pneumococcal disease, and the immunity of adults of the state against diseases identified by the commissioner, including but not limited to influenza, smallpox, hepatitis and such other diseases as the commissioner may designate through regulation. Municipalities in the state shall maintain local programs of immunization to raise the immunity of the children and adults of each municipality to the highest reasonable level, in accordance with an application for state aid submitted by the municipality and approved by the commissioner. Such programs shall include assurance of provision of vaccine, serological testing of individuals and educational efforts to inform health care providers and target populations or their parents, if they are minors, of the facts relative to these diseases and immunizations to prevent their occurrence.

(b) In connection with efforts to raise the immunity of children against influenza, the commissioner shall administer a program of influenza education to the families of children ages six months to eighteen years of age who attend licensed and registered day care programs, nursery schools, pre-kindergarten, kindergarten, school age child care programs, public schools or non-public schools. Such program shall include educational materials on influenza and the benefits of influenza immunizations to be made available on the department's website in anticipation of times of highest risk for contraction of influenza as determined by the commissioner. The office of children and family services, the department of education, and the New York city department of health and mental hygiene shall, as part of their routine notification processes, notify licensed and registered day care programs, nursery schools, pre-kindergarten programs, kindergarten programs, school age child care programs, public schools and non-public schools that the information regarding immunizations for influenza is free and accessible on the department's website and such information shall be posted in such licensed and registered day care programs,

nursery schools, pre-kindergartens, kindergartens, school age child care programs, public schools and non-public schools in plain view in anticipation of such times of highest risk for contraction of influenza as determined by the commissioner.

(c) The commissioner shall invite and encourage the active assistance and cooperation in such education activities of: the medical societies, organizations of other licensed health personnel, hospitals, corporations subject to article forty-three of the insurance law, trade unions, trade associations, parents and teachers and their associations, organizations of child care resource and referral agencies, the media of mass communication, and such other voluntary groups and organizations of citizens as he or she shall deem appropriate. The public health and health planning council, the department of education, the department of family assistance, and the department of mental hygiene shall provide the commissioner with such assistance in carrying out the program as he or she shall request. All other state agencies shall also render such assistance as the commissioner may reasonably require for this program. Nothing in this subdivision shall authorize mandatory immunization of adults or children, except as provided in sections twenty-one hundred sixty-four and twenty-one hundred sixty-five of this chapter.

2. The commissioner shall set such standards as he shall deem necessary for the proper, safe, and efficient administration of the program. He shall direct an annual survey to determine the immunization level of children entering school, and shall conduct annually an audit of such survey and an audit of the immunization level of children attending school. State aid provided by this article shall be reduced by ten percent, provided however that state aid for essential public health activities shall not be reduced, unless a municipality has submitted, in cooperation with local school districts, a plan within ninety days after the commissioner shall have certified to such municipality the results of his survey of the immunization level of children entering schools in such local school districts. Such plan shall be submitted for the next ensuing school year and a subsequent plan shall be submitted annually thereafter for assuring that immunizing agents are administered to pre-school children within a reasonable time prior to but, in any event, no later than their entrance into school, and to students generally, as

required pursuant to section twenty-one hundred sixty-four of this chapter. Such plan shall include the manner in which immunization activities are coordinated among the local health authority and the school districts. Such reduction in state aid and the requirement that a municipality submit an immunization plan shall not be applicable to any municipality where ninety percent or more of its children entering school are immunized. The determination of the percentage of immunization shall be made by the commissioner based upon his audit of immunization surveys.

3. The commissioner shall expend such funds as the legislature shall make available for the purpose of adult and child immunization programs, including quality assurance and immunization education:

(a) directly through the department;

(b) by allocation to municipalities with qualifying programs for reimbursement in accordance with provisions of this section; or

(c) by contract.

4. The commissioner shall expend such funds as the legislature shall make available for the purchase of the vaccines described in subdivision one of this section. Vaccines purchased with funds made available under this section shall be made available without charge to licensed private physicians, hospitals, clinics and such others as the commissioner shall determine, and no charge shall be made to any patient for such vaccines.