A budget bill submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the education law, in relation to authorizing a
licensed pharmacist to administer influenza vaccine to
children between two and eighteen years of age pursuant to
a non-patient specific regimen; to amend chapter 563 of
the laws of 2008, amending the education law and the
public health law relating to immunizing agents to be
administered to adults by pharmacists, in relation to
making the provisions permanent; to amend chapter 116 of
the laws of 2012, amending the education law relating to
authorizing a licensed pharmacist and certified nurse
practitioner to administer certain immunizing agents, in
relation to making certain provisions permanent; and to
amend chapter 21 of the laws of 2011, amending the educa-
tion law relating to authorizing pharmacists to perform
collaborative drug therapy management with physicians in
certain settings, in relation to making certain provisions
permanent (Part _);

The People of the State of New York, represented in Senate and Assem-

bly, do enact as follows:

1 PART __

Section 1. Subdivisions 2 and 4 of section 6801 of the education law,
as amended by chapter 46 of the laws of 2015, are amended to read as
follows:

2. A licensed pharmacist may execute a non-patient specific regimen
prescribed or ordered by a physician licensed in this state or nurse
practitioner certified in this state, pursuant to rules and regulations
promulgated by the commissioner. When a licensed pharmacist administers
an immunizing agent, he or she shall:

(a) report such administration by electronic transmission or [fasci-
mile] facsimile to the patient's attending primary health care practi-
tioner or practitioners, if any, and, to the extent practicable, make himself or herself available to discuss the outcome of such immunization, including any adverse reactions, with the attending primary health care practitioner, or to the statewide immunization registry or the citywide immunization registry, as established pursuant to section twenty-one hundred sixty-eight of the public health law; and

(b) provide information to the patient or, where applicable, the person legally responsible for the patient, on the importance of having a primary health care practitioner, developed by the commissioner of health; and

(c) report such administration, absent of any individually identifiable health information, to the department of health in a manner required by the commissioner of health; and

(d) prior to administering the immunization, inform the patient or, where applicable, the person legally responsible for the patient, of the total cost of the immunization or immunizations, subtracting any health insurance subsidization, if applicable. In the case the immunization is not covered, the pharmacist must inform the patient or, where applicable, the person legally responsible for the patient, of the possibility that the immunization may be covered when administered by a primary care physician or practitioner; and

(e) administer the immunization or immunizations according to the most current recommendations by the advisory committee for immunization practices (ACIP), provided however, that a pharmacist may administer any immunization authorized under this section when specified by a patient specific order.
4. When administering an immunization in a pharmacy, the licensed pharmacist shall provide an area for the immunization that provides for a patient's privacy. The privacy area should include:

   a. a clearly visible posting of the most current "Recommended Adult Immunization Schedule" published by the advisory committee for immunization practices (ACIP); and

   b. education materials on influenza vaccinations for children as determined by the commissioner and the commissioner of health.

§ 2. Subdivision 22 of section 6802 of the education law, as amended by chapter 46 of the laws of 2015, is amended to read as follows:

22. "Administer", for the purpose of section sixty-eight hundred one of this article, means:

   a. 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, who has a practice site in the county or adjoining county in which the immunization is administered, for immunizations to prevent influenza, pneumococcal, acute herpes zoster, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis.

   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.

   b. the direct application of an immunizing agent to children between the ages of two and eighteen years of age, 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 physi-
cian or certified nurse practitioner, who has a practice site in the
county or adjoining county in which the immunization is administered,
for immunization to prevent influenza and medications required for emer-
gency treatment of anaphylaxis resulting from such immunization. If the
commissioner of health determines that there is an outbreak of influen-
za, or that there is the imminent threat of an outbreak of influenza,
then the commissioner of health may issue a non-patient specific regimen
applicable statewide.

§ 3. Section 8 of chapter 563 of the laws of 2008, amending the educa-
tion law and the public health law relating to immunizing agents to be
administered to adults by pharmacists, as amended by chapter 46 of the
laws of 2015, is amended to read as follows:

§ 8. This act shall take effect on the ninetieth day after it shall
have become a law [and shall expire and be deemed repealed July 1,
2019].

§ 4. Section 5 of chapter 116 of the laws of 2012, amending the educa-
tion law relating to authorizing a licensed pharmacist and certified
nurse practitioner to administer certain immunizing agents, as amended
by chapter 46 of the laws of 2015, is amended to read as follows:

§ 5. This act shall take effect on the ninetieth day after it shall
have become a law [and], provided, however, that the provisions of
sections one, two and four of this act shall expire and be deemed
repealed July 1, 2019 provided, that:

(a) the amendments to subdivision 7 of section 6527 of the education
law made by section one of this act shall not affect the repeal of such
subdivision and shall be deemed to be repealed therewith;
(b) the amendments to subdivision 7 of section 6909 of the education law, made by section two of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith;

(c) the amendments to subdivision 22 of section 6802 of the education law made by section three of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith; and

(d) the amendments to section 6801 of the education law made by section four of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

§ 5. Section 5 of chapter 21 of the laws of 2011, amending the education law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, as amended by chapter 238 of the laws of 2015, is amended to read as follows:

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law [and], provided, however, that the provisions of sections two, three, and four of this act shall expire 7 years after such effective date when upon such date the provisions of this act shall be deemed repealed; provided, however, that the amendments to subdivision 1 of section 6801 of the education law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 8 of chapter 563 of the laws of 2008, when upon such date the provisions of section one-a of this act shall take effect; provided, further, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

§ 6. This act shall take effect immediately.