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Interim Commissioner

DATE: December 15, 2020

TO: Pharmacists Administering COVID-19 Vaccine

**Certification Pursuant to Chapter 110 of the Laws of 2020 that
Pharmacists Administering the COVID-19 Vaccine
is in the Best Interest of Public Health**

Chapter 110 of the Laws of 2020 permits licensed physicians and certified nurse practitioners to issue a non-patient specific order to pharmacists for the administration of COVID-19 vaccine, and permits pharmacists to execute such an order, provided that the New York State Commissioner of Health and the Commissioner of Education jointly certify that the administration of COVID-19 vaccine is in the best interest of public health.

On December 11, 2020, the U.S. Food & Drug Administration (FDA) issued an Emergency Use Authorization (“EUA”) for emergency use of the first COVID-19 vaccine approved for use in the United States.¹ Further, on December 13, 2020, the Advisory Committee on Immunization Practices (ACIP) issued its Interim Recommendation for use of the vaccine.² On December 14, 2020, New York’s COVID-19 Clinical Advisory Task Force unanimously recommended that the vaccine be distributed to New York State health care providers for administration consistent with these authorities and the New York State Department of Health’s COVID-19 vaccine allocation plans.

Having reviewed such determinations and recommendations, and having evaluated the benefits to public health, the New York State Commissioner of Health and the Commissioner of Education hereby jointly certify that the administration of the COVID-19 vaccine by pharmacists is in the best interest of public health.

Please be advised that the provision of Chapter 110 of the Laws of 2020 stating that such law will take effect 90 days after the approval of a vaccine by the U.S. Food & Drug Administration was suspended by Executive Order 202.82, on December 13, 2020, such that pharmacists may administer this vaccine on and after the date of this certification. Accordingly, this certification shall serve as notice to the Legislative Bill Drafting Commission that this law is now effective.

Howard A. Zucker, M.D., J.D.
Commissioner of Health

Dr. Betty A. Rosa
Interim Commissioner of Education

¹ <https://www.fda.gov/media/144412/download>

² https://www.cdc.gov/mmwr/volumes/69/wr/mm6950e2.htm?s_cid=mm6950e2_x