



NEW YORK STATE SENATOR  
Malcolm Smith

## Senate Passes Legislation To Protect Newborns From Flu

MALCOLM A. SMITH June 1, 2009

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### *Bill requires flu vaccine access in hospitals with neonatal intensive care units*

(Albany, NY)- Today, the New York State Senate passed legislation (S3911A) that would require any hospital with a neonatal intensive care unit (NICU) to offer flu vaccine to the parents and anticipated caregivers of newborns currently in the NICU.

Influenza mortality is greatest for infants younger than six months old and vaccination is recommended for healthcare providers, caretakers and all family members. Parents can transfer the infection to their newborns unintentionally because newborns cannot be vaccinated.

The legislation requires hospitals to adopt an influenza immunization policy to include but not be limited to: identifying the people who flu vaccine should be offered to, offering the vaccine, and ensuring that people who are offered vaccine also receive information on the risks and benefits of vaccination.

"We have taken an important step toward preventing influenza infections among one of our most vulnerable populations, infants," said Senate Health Committee Chair Thomas K. Duane, who was the lead sponsor of the bill. "In a time in which we are looking for ways to stay healthier through preventative care, this is a common sense way to reduce sickness and hospital stays for parents, children and healthcare workers."

Under this legislation, hospitals shall also develop a standing order policy and a system for documenting vaccine administration, contraindications, patient refusals and any adverse

events. The bill also allows the Commissioner of Health to waive requirements of this bill due to vaccine shortage. The vaccine would not be offered to anyone who has already received it or those medically inappropriate.

“Newborns are fragile and require a safe, healthy environment. This legislation provides for hospitals to administer flu vaccinations to parents and caregivers concerned about protecting the health of babies,” said Senate Majority Leader Malcolm A. Smith. “I strongly encourage parents and caregivers of newborns to be vaccinated against the flu, if their own health allows, while visiting the hospital neonatal intensive care unit.”

"It is important that parents of newborn babies have the opportunity to receive flu shots right in the neonatal intensive care unit. These parents are overcome with joy at the arrival of their new baby but they also need to be made aware of protecting themselves for the sake of the child," stated Senator Antoine M. Thompson (D-parts of Erie and Niagara Counties).

“This legislation is important to safeguarding newborns with fragile immune systems from contracting the flu,” said Senator Velmanette Montgomery (D-Brooklyn), chair of the Senate Committee on Children and Families.

“Newborns are very susceptible to influenza and vaccinations will be offered to their guardians before leaving the hospital,” said Senator Suzi Oppenheimer (D-Westchester County). “This legislation will help save lives and prevent many babies from developing lifelong disabilities that could be caused by the flu.”

The Senate passed this bill unanimously. It also passed in the Assembly (A876A/Gottfried) earlier this session and now awaits action by the Governor.