



State of New York

Executive Chamber

No. 52

EXECUTIVE ORDER

DECLARING A DISASTER IN THE STATE OF NEW YORK DUE TO FEDERAL ACTIONS RELATED TO VACCINE ACCESS

WHEREAS, the federal government recently has taken a series of actions that appear contrary to public health, including with respect to the administration of the Department of Health and Human Services, the Food and Drug Administration, and the Centers for Disease Control and Prevention, and such entities' vital functions in protecting public health, including with respect to the administration of federal law concerning vaccines;

WHEREAS, COVID-19 continues to cause significant morbidity and mortality in children and adults;

WHEREAS, historically COVID-19 surges in the fall and winter months, causing increased morbidity and mortality from COVID-19 concurrent with respiratory syncytial virus (RSV), influenza, and other seasonal viruses, along with increased absenteeism from school and the workforce, and increased utilization of the hospital system, putting strain on the healthcare workforce, particularly given the coinciding seasons for influenza and RSV;

WHEREAS, vaccination against COVID-19 remains the most effective defense to prevent severe COVID-19 disease outcomes;

WHEREAS, vaccination remains a critical tool to prevent severe illness and transmission, especially among children, and the vast majority of child and adolescent hospitalizations due to COVID-19 occur in individuals who have not received an up-to-date COVID-19 vaccine;

WHEREAS, for acute COVID-19 illness, in a 2023 systematic review and metanalysis that included 17 studies involving 10 million vaccinated and 2.6 million unvaccinated children aged 5 to 11 years, two-dose vaccination compared with no vaccination was associated with lower risks of infection, symptomatic infection, hospitalizations, and Multi-system Inflammatory Syndrome in Children;

WHEREAS, New Yorkers have overwhelmingly turned to their local pharmacy throughout the COVID-19 pandemic to become vaccinated, and in some communities the local pharmacy is the only provider that offers access to the COVID-19 vaccine;

WHEREAS, the federal government has taken actions to limit the availability of the COVID-19 vaccine in a manner that is clearly inconsistent with scientific evidence and the recommendations of respected scientific organizations such as the Academy of American Pediatrics and the American College of Obstetricians and Gynecologists, causing confusion amongst providers and patients and posing a threat to public health and safety;

WHEREAS, as a result of these actions by the federal government, pharmacies in New York State are imposing restrictions on the administration of the COVID-19 vaccine; and

WHEREAS, restricted access to the COVID-19 vaccine significantly impacts the State's ability to support public health and safety through prevention;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York and by Section 28 of Article 2-B of the Executive Law, hereby declare a Statewide Disaster Emergency effective September 5, 2025 for the entire State of New York. This executive order shall be in effect through October 5, 2025; and

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law, I hereby temporarily suspend or modify for the period from the date of this Executive Order through October 5, 2025 the following laws and regulations:

- Subdivision 7 of section 6527 of the Education Law to the extent necessary to authorize a licensed physician to prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist to administer immunizations to prevent COVID-19 to patients three years of age or older, in accordance with guidelines to be issued by the Commissioner of Health;
- Subparagraph (1) of paragraph a of subdivision 22 of section 6802 of the Education Law, paragraph e of subdivision 2 of section 6801 of the Education Law, and section 63.9 of Title 8 of NYCRR to the extent necessary to authorize pharmacists to administer the direct application of an immunizing agent to individuals three years of age or older 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 for COVID-19, in accordance with guidelines issued by the Commissioner of Health;
- Subdivision 7 of section 6909 of the Education Law to the extent necessary to authorize a certified nurse practitioner to prescribe and order a patient specific order or non-patient specific regimen to a licensed pharmacist to administer immunizations to prevent COVID-19 to patients three years of age or older in accordance with guidelines issued by the Commissioner of Health; and
- Subdivision 1 of section 6801 of the Education Law to the extent necessary to authorize a pharmacist to prescribe and order a patient-specific order for immunizations to prevent COVID-19 to patients three years of age or older in accordance with guidelines issued by the Commissioner of Health.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this 5th day of September in the year two thousand twenty-five.

Kathy Hochul

BY THE GOVERNOR

[Signature]
Secretary to the Governor