

HOUSE BILL 846

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J3

2000 Regular Session
(01r0386)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Goldwater, Bronrott, and ~~Kopp~~ Kopp, and Mandel**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 420

1 AN ACT concerning

2 **Related Institutions - Immunizations - Influenza Virus and Pneumococcal**
3 **Disease**

4 FOR the purpose of requiring certain related institutions to immunize certain
5 individuals against the influenza virus and certain individuals against the
6 pneumococcal disease and the influenza virus in accordance with certain
7 standards and within certain time frames; requiring certain related institutions
8 to obtain certain consent from certain individuals prior to administering an
9 immunization; requiring certain related institutions to document certain
10 information; requiring certain related institutions to provide certain
11 information to certain individuals; establishing certain exemptions; defining
12 certain terms; and generally relating to certain related institutions immunizing
13 certain individuals against the influenza virus and certain individuals against
14 the pneumococcal disease and the influenza virus.

15 BY adding to
16 Article - Health - General

1 Section 18-404
2 Annotated Code of Maryland
3 (1994 Replacement Volume and 1999 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Health - General**

7 18-404.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED FULL-TIME OR
11 PART-TIME DIRECTLY, THROUGH CONTRACT WITH ANOTHER ENTITY, OR AS AN
12 INDEPENDENT CONTRACTOR, BY A RELATED INSTITUTION.

13 (3) "RELATED INSTITUTION" HAS THE MEANING PROVIDED UNDER §
14 19-301(O) OF THIS ARTICLE.

15 (4) "MEDICALLY CONTRAINDICATED" MEANS THAT A MEDICAL
16 TREATMENT IS POTENTIALLY DETRIMENTAL TO THE HEALTH OF THE INDIVIDUAL
17 INTENDED TO BE TREATED.

18 (B) (1) SUBJECT TO SUBSECTION (E) OF THIS SECTION, EACH RELATED
19 INSTITUTION IN THE STATE SHALL IMMUNIZE RESIDENTS ~~AND EMPLOYEES~~ AGAINST
20 THE INFLUENZA VIRUS AND PNEUMOCOCCAL DISEASE.

21 (2) SUBJECT TO SUBSECTION (E) OF THIS SECTION, EACH RELATED
22 INSTITUTION IN THE STATE SHALL IMMUNIZE EMPLOYEES AGAINST THE
23 INFLUENZA VIRUS.

24 (2) (3) BEFORE AN IMMUNIZATION UNDER THIS SECTION IS
25 ADMINISTERED, THE RELATED INSTITUTION SHALL OBTAIN WRITTEN CONSENT TO
26 ADMINISTER THE IMMUNIZATION FROM:

27 (I) THE RESIDENT OR EMPLOYEE RECEIVING THE IMMUNIZATION;
28 OR

29 (II) THE LEGAL GUARDIAN OF THE RESIDENT RECEIVING THE
30 IMMUNIZATION.

31 (C) EACH RELATED INSTITUTION SHALL CONDUCT THE IMMUNIZATIONS
32 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION:

33 (1) IN ACCORDANCE WITH THE RECOMMENDATIONS ESTABLISHED BY
34 THE ADVISORY COMMITTEE ON IMMUNIZATION PROCESS OF THE UNITED STATES
35 CENTERS FOR DISEASE CONTROL AND PREVENTION THAT ARE IN EFFECT AT THE
36 TIME THE RELATED INSTITUTION CONDUCTS THE IMMUNIZATIONS; AND

1 (2) BY DECEMBER 1 OF EACH YEAR THAT THE IMMUNIZATION IS
2 REQUIRED.

3 (D) A RELATED INSTITUTION THAT ACCEPTS AN INDIVIDUAL AS A NEW
4 RESIDENT OR ACCEPTS AN INDIVIDUAL AS A NEW EMPLOYEE AFTER DECEMBER 1
5 BUT BEFORE APRIL 1 SHALL:

6 (1) DETERMINE THE INDIVIDUAL'S STATUS FOR ~~INFLUENZA AND~~
7 ~~PNEUMOCOCCAL~~ IMMUNIZATION AS REQUIRED UNDER SUBSECTION (B) OF THIS
8 SECTION; AND

9 (2) IF NECESSARY, PROVIDE OR ARRANGE FOR ~~IMMUNIZATION AN~~
10 IMMUNIZATION AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

11 (E) A RESIDENT OR EMPLOYEE IS NOT REQUIRED TO RECEIVE ~~EITHER AN~~
12 ~~INFLUENZA VACCINE OR A PNEUMOCOCCAL~~ A VACCINE UNDER THIS SECTION IF:

13 (1) THE VACCINE IS MEDICALLY CONTRAINDICATED FOR THE RESIDENT
14 OR EMPLOYEE;

15 (2) THE VACCINE IS AGAINST THE RESIDENT OR EMPLOYEE'S
16 RELIGIOUS BELIEFS; OR

17 (3) AFTER BEING FULLY INFORMED BY THE RELATED INSTITUTION OF
18 THE HEALTH RISKS ASSOCIATED WITH NOT RECEIVING AN ~~INFLUENZA VACCINE OR~~
19 ~~A PNEUMOCOCCAL~~ A VACCINE, THE RESIDENT OR EMPLOYEE REFUSES THE
20 VACCINE.

21 (F) (1) (I) EACH RELATED INSTITUTION SHALL DOCUMENT THE ANNUAL
22 IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST
23 PNEUMOCOCCAL DISEASE RECEIVED BY EACH RESIDENT IN THE RESIDENT'S
24 MEDICAL RECORD.

25 (II) EACH RELATED INSTITUTION SHALL DOCUMENT THE ANNUAL
26 IMMUNIZATION AGAINST INFLUENZA VIRUS ~~AND IMMUNIZATION AGAINST~~
27 ~~PNEUMOCOCCAL DISEASE~~ RECEIVED BY EACH EMPLOYEE IN THE EMPLOYEE'S
28 PERSONNEL FILE.

29 (2) IF A RESIDENT OR EMPLOYEE REFUSES TO BE IMMUNIZED AS
30 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE RELATED INSTITUTION
31 SHALL DOCUMENT THE REFUSAL AND THE REASON FOR THE REFUSAL.

32 (G) EACH RELATED INSTITUTION SHALL:

33 (1) NOTIFY EACH PROSPECTIVE RESIDENT AND EACH PROSPECTIVE
34 EMPLOYEE OF THE IMMUNIZATION REQUIREMENTS OF THIS SECTION AND REQUEST
35 THAT THE RESIDENT OR EMPLOYEE AGREE TO BE IMMUNIZED ~~AGAINST INFLUENZA~~
36 ~~VIRUS AND PNEUMOCOCCAL DISEASE~~ IN ACCORDANCE WITH SUBSECTION ~~(B)(2)~~
37 (B)(3) OF THIS SECTION; AND

1 (2) MAKE AVAILABLE TO ALL RESIDENTS AND EMPLOYEES OF THE
2 RELATED INSTITUTION EDUCATIONAL AND INFORMATIONAL MATERIALS RELATING
3 TO IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST
4 PNEUMOCOCCAL DISEASE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2000.