
By: **Delegates Goldwater, Bronrott, and Kopp**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

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

14 BY adding to
15 Article - Health - General
16 Section 18-404
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1999 Supplement)

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

21 **Article - Health - General**

22 18-404.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

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

1 (3) "RELATED INSTITUTION" HAS THE MEANING PROVIDED UNDER §
2 19-301(O) OF THIS ARTICLE.

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

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

9 (2) BEFORE AN IMMUNIZATION IS ADMINISTERED, THE RELATED
10 INSTITUTION SHALL OBTAIN WRITTEN CONSENT TO ADMINISTER THE
11 IMMUNIZATION FROM:

12 (I) THE RESIDENT OR EMPLOYEE RECEIVING THE IMMUNIZATION;
13 OR

14 (II) THE LEGAL GUARDIAN OF THE RESIDENT RECEIVING THE
15 IMMUNIZATION.

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

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

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

24 (D) A RELATED INSTITUTION THAT ACCEPTS AN INDIVIDUAL AS A NEW
25 RESIDENT OR ACCEPTS AN INDIVIDUAL AS A NEW EMPLOYEE AFTER DECEMBER 1
26 BUT BEFORE APRIL 1 SHALL:

27 (1) DETERMINE THE INDIVIDUAL'S STATUS FOR INFLUENZA AND
28 PNEUMOCOCCAL IMMUNIZATION; AND

29 (2) IF NECESSARY, PROVIDE OR ARRANGE FOR IMMUNIZATION.

30 (E) A RESIDENT OR EMPLOYEE IS NOT REQUIRED TO RECEIVE EITHER AN
31 INFLUENZA VACCINE OR A PNEUMOCOCCAL VACCINE IF:

32 (1) THE VACCINE IS MEDICALLY CONTRAINDICATED FOR THE RESIDENT
33 OR EMPLOYEE;

34 (2) THE VACCINE IS AGAINST THE RESIDENT OR EMPLOYEE'S
35 RELIGIOUS BELIEFS; OR

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

4 (F) (1) (I) EACH RELATED INSTITUTION SHALL DOCUMENT THE ANNUAL
5 IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST
6 PNEUMOCOCCAL DISEASE RECEIVED BY EACH RESIDENT IN THE RESIDENT'S
7 MEDICAL RECORD.

8 (II) EACH RELATED INSTITUTION SHALL DOCUMENT THE ANNUAL
9 IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST
10 PNEUMOCOCCAL DISEASE RECEIVED BY EACH EMPLOYEE IN THE EMPLOYEE'S
11 PERSONNEL FILE.

12 (2) IF A RESIDENT OR EMPLOYEE REFUSES TO BE IMMUNIZED, THE
13 RELATED INSTITUTION SHALL DOCUMENT THE REFUSAL AND THE REASON FOR THE
14 REFUSAL.

15 (G) EACH RELATED INSTITUTION SHALL:

16 (1) NOTIFY EACH PROSPECTIVE RESIDENT AND EACH PROSPECTIVE
17 EMPLOYEE OF THE IMMUNIZATION REQUIREMENTS OF THIS SECTION AND REQUEST
18 THAT THE RESIDENT OR EMPLOYEE AGREE TO BE IMMUNIZED AGAINST INFLUENZA
19 VIRUS AND PNEUMOCOCCAL DISEASE IN ACCORDANCE WITH SUBSECTION (B)(2) OF
20 THIS SECTION; AND

21 (2) MAKE AVAILABLE TO ALL RESIDENTS AND EMPLOYEES OF THE
22 RELATED INSTITUTION EDUCATIONAL AND INFORMATIONAL MATERIALS RELATING
23 TO IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST
24 PNEUMOCOCCAL DISEASE.

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