

---

By: **Delegates Goldwater, Bronrott, and ~~Kopp~~ Kopp, and Mandel**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2000

---

CHAPTER \_\_\_\_\_

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:

1

**Article - Health - General**

2 18-404.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

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

8 (3) "RELATED INSTITUTION" HAS THE MEANING PROVIDED UNDER §  
9 19-301(O) OF THIS ARTICLE.

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

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

16 (2) BEFORE AN IMMUNIZATION IS ADMINISTERED, THE RELATED  
17 INSTITUTION SHALL OBTAIN WRITTEN CONSENT TO ADMINISTER THE  
18 IMMUNIZATION FROM:

19 (I) THE RESIDENT OR EMPLOYEE RECEIVING THE IMMUNIZATION;  
20 OR

21 (II) THE LEGAL GUARDIAN OF THE RESIDENT RECEIVING THE  
22 IMMUNIZATION.

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

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

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

31 (D) A RELATED INSTITUTION THAT ACCEPTS AN INDIVIDUAL AS A NEW  
32 RESIDENT OR ACCEPTS AN INDIVIDUAL AS A NEW EMPLOYEE AFTER DECEMBER 1  
33 BUT BEFORE APRIL 1 SHALL:

34 (1) DETERMINE THE INDIVIDUAL'S STATUS FOR INFLUENZA AND  
35 PNEUMOCOCCAL IMMUNIZATION; AND

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

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

3 (1) THE VACCINE IS MEDICALLY CONTRAINDICATED FOR THE RESIDENT  
4 OR EMPLOYEE;

5 (2) THE VACCINE IS AGAINST THE RESIDENT OR EMPLOYEE'S  
6 RELIGIOUS BELIEFS; OR

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

10 (F) (1) (I) EACH RELATED INSTITUTION SHALL DOCUMENT THE ANNUAL  
11 IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST  
12 PNEUMOCOCCAL DISEASE RECEIVED BY EACH RESIDENT IN THE RESIDENT'S  
13 MEDICAL RECORD.

14 (II) EACH RELATED INSTITUTION SHALL DOCUMENT THE ANNUAL  
15 IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST  
16 PNEUMOCOCCAL DISEASE RECEIVED BY EACH EMPLOYEE IN THE EMPLOYEE'S  
17 PERSONNEL FILE.

18 (2) IF A RESIDENT OR EMPLOYEE REFUSES TO BE IMMUNIZED, THE  
19 RELATED INSTITUTION SHALL DOCUMENT THE REFUSAL AND THE REASON FOR THE  
20 REFUSAL.

21 (G) EACH RELATED INSTITUTION SHALL:

22 (1) NOTIFY EACH PROSPECTIVE RESIDENT AND EACH PROSPECTIVE  
23 EMPLOYEE OF THE IMMUNIZATION REQUIREMENTS OF THIS SECTION AND REQUEST  
24 THAT THE RESIDENT OR EMPLOYEE AGREE TO BE IMMUNIZED AGAINST INFLUENZA  
25 VIRUS AND PNEUMOCOCCAL DISEASE IN ACCORDANCE WITH SUBSECTION (B)(2) OF  
26 THIS SECTION; AND

27 (2) MAKE AVAILABLE TO ALL RESIDENTS AND EMPLOYEES OF THE  
28 RELATED INSTITUTION EDUCATIONAL AND INFORMATIONAL MATERIALS RELATING  
29 TO IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST  
30 PNEUMOCOCCAL DISEASE.

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

