

SENATE BILL 788

Unofficial Copy  
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2002 Regular Session  
(2lr2555)

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senators Conway and Hollinger**

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.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Statewide Advisory Commission on Immunizations**

3 FOR the purpose of establishing the Statewide Advisory Commission on  
4 Immunizations; providing for the composition of the Commission; requiring the  
5 Secretary of the Department of Health and Mental Hygiene to appoint the  
6 members of the Commission; requiring a certain member to chair the  
7 Commission, establish certain subcommittees, and appoint certain  
8 subcommittee chairs; ~~providing for the terms of the members~~; prohibiting a  
9 member from receiving compensation but allowing members to be reimbursed  
10 for expenses; requiring the Department to provide staffing for the Commission;  
11 ~~requiring the Commission to study and recommend whether the State should~~  
12 ~~adopt a certain vaccine program by a certain date; requiring the Commission to~~  
13 ~~continuously monitor the status of certain vaccines and develop a~~  
14 ~~recommendation on a certain plan; requiring the Commission to develop and~~  
15 ~~publish certain recommendations regarding skipped or postponed dosages of~~  
16 ~~vaccines and to develop a certain form to be used by certain schools; requiring~~  
17 ~~the Commission to develop and implement a certain process to delay certain~~

1 school requirements under certain circumstances; requiring the Commission to  
 2 develop a certain communications campaign; requiring the Commission to  
 3 create a plan for a certain infrastructure to be used under certain  
 4 circumstances; determining where certain vaccine shortages exist and which  
 5 vaccines are in short supply; developing a certain plan for the equitable  
 6 distribution of vaccines; studying certain other related issues; requiring the  
 7 Commission to submit ~~certain reports~~ a certain report; altering the process to be  
 8 used for adopting certain regulations relating to immunizations and certain  
 9 blood tests of children; *providing for the termination of this Act*; and generally  
 10 relating to the Statewide Advisory Commission on Immunizations.

11 BY adding to

12 Article - Health - General  
 13 Section 18-214  
 14 Annotated Code of Maryland  
 15 (2000 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article - Education  
 18 Section 7-403(a)(1)  
 19 Annotated Code of Maryland  
 20 (2001 Replacement Volume)

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

23 **Article - Health - General**

24 18-214.

25 (A) IN THIS SECTION, "VACCINE" MEANS A PRODUCT INTENDED TO ELICIT, IN  
 26 HUMANS, ACTIVE OR PASSIVE IMMUNITY AGAINST AN INFECTIOUS AGENT OR  
 27 PRODUCT OF AN INFECTIOUS AGENT.

28 ~~(A)~~ (B) THERE IS A STATEWIDE ADVISORY COMMISSION ON  
 29 IMMUNIZATIONS.

30 ~~(B)~~ (C) THE COMMISSION CONSISTS OF AT LEAST THE FOLLOWING  
 31 MEMBERS:

32 (1) ONE PHYSICIAN MEMBER OF THE MEDICAL AND CHIRURGICAL  
 33 FACULTY PUBLIC HEALTH COUNCIL;

34 ~~(2) ONE PHYSICIAN MEMBER OF THE MARYLAND CHAPTER OF THE~~  
 35 ~~AMERICAN ACADEMY OF PEDIATRICS WHO SPECIALIZES IN INFECTIOUS DISEASES~~  
 36 THE CHAIRPERSON OF THE MARYLAND AND CHILDHOOD IMMUNIZATION  
 37 PARTNERSHIP;

1           (3)     ~~ONE TWO~~ PHYSICIAN ~~MEMBER~~ MEMBERS OF THE MARYLAND  
2 CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS WITH EXPERIENCE IN  
3 PRIVATE ~~PRACTICE~~; PRACTICE AND INFECTIOUS DISEASES;

4           (4)     ONE PHYSICIAN MEMBER OF THE MARYLAND ACADEMY OF FAMILY  
5 PHYSICIANS;

6           (5)     ONE PHYSICIAN MEMBER OF THE AMERICAN COLLEGE OF  
7 PHYSICIANS - INTERNAL MEDICINE SOCIETY OF MARYLAND;

8           (6)     ~~FOUR PHYSICIANS WHO ADMINISTER VACCINES~~ THE EXECUTIVE  
9 DIRECTOR OF THE MARYLAND PARTNERSHIP FOR PREVENTION;

10          (7)     ONE LOCAL HEALTH OFFICER;

11          (8)     ~~ONE REPRESENTATIVE FROM THE DEPARTMENT'S CENTER FOR~~  
12 ~~IMMUNIZATIONS~~;

13          (9)     (8)     ONE REPRESENTATIVE FROM THE DEPARTMENT'S VACCINES  
14 FOR CHILDREN PROGRAM; ~~AND~~

15          (10)    (9)     ~~ONE REPRESENTATIVE OF THE MARYLAND SCHOOL SYSTEM,~~  
16 ~~NOMINATED BY THE STATE SUPERINTENDENT OF SCHOOLS~~ THE MARYLAND STATE  
17 EPIDEMIOLOGIST; ONE REPRESENTATIVE OF THE MARYLAND SCHOOL SYSTEM WITH  
18 KNOWLEDGE OF THE IMMUNIZATIONS REQUIRED OF CHILDREN ENTERING  
19 SCHOOLS;

20          (11)    (10)    ~~THE MARYLAND STATE PUBLIC HEALTH VETERINARIAN~~  
21 ~~EPIDEMIOLOGIST~~;

22          (12)    ~~ONE REPRESENTATIVE FROM THE VACCINE PRODUCTION AND~~  
23 ~~MANUFACTURING INDUSTRY~~;

24          (13)    (11)    ~~ONE REPRESENTATIVE FROM A PUBLIC HEALTH CONSUMER~~  
25 ~~ADVOCACY GROUP~~; ~~AND~~

26          (14)    (12)    ~~ONE NURSE PRACTITIONER~~;

27    (Ⓒ)    (D)     THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL  
28 HYGIENE SHALL APPOINT THE MEMBERSHIP OF THE COMMISSION, BASED ON THE  
29 RECOMMENDATION OF THE APPROPRIATE MEDICAL SOCIETY OR AGENCY;

30    (Ⓓ)    (E)     THE PHYSICIAN MEMBER OF THE MEDICAL AND CHIRURGICAL  
31 FACULTY PUBLIC HEALTH COUNCIL SHALL:

32           (1)     CHAIR THE COMMISSION;

33           (2)     ESTABLISH SUBCOMMITTEES TO FACILITATE THE WORK OF THE  
34 COMMISSION; AND

1 (3) APPOINT SUBCOMMITTEE CHAIRS FROM AMONG THE COMMISSION  
2 MEMBERS.

3 ~~(E)~~ ~~(1)~~ ~~THE TERM OF A MEMBER IS 4 YEARS.~~

4 ~~(2)~~ ~~A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.~~

5 ~~(F)~~ ~~(E)~~ (F) A MEMBER OF THE COMMISSION MAY NOT RECEIVE  
6 COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
7 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

8 ~~(G)~~ ~~(F)~~ (G) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL  
9 PROVIDE THE STAFFING FOR THE COMMISSION.

10 ~~(H)~~ ~~(G)~~ (H) THE COMMISSION SHALL:

11 ~~(1)~~ ~~STUDY AND RECOMMEND ON OR BEFORE DECEMBER 15, 2003~~  
12 ~~WHETHER THE STATE SHOULD ADOPT A PROGRAM TO PURCHASE VACCINES FOR ALL~~  
13 ~~CHILDREN, KNOWN AS UNIVERSAL PURCHASE THROUGH POOLED FUNDING FROM~~  
14 ~~THE FEDERAL VACCINES FOR CHILDREN PROGRAM, INSURERS, AND OTHER~~  
15 ~~CURRENT FUNDERS OF VACCINE;~~

16 ~~(2)~~ ~~CONTINUOUSLY MONITOR THE INVENTORY OF VACCINES IN THE~~  
17 ~~STATE INCLUDING:~~

18 ~~(I)~~ ~~DETERMINING WHERE COMMUNITY VACCINE SHORTAGES~~  
19 ~~EXIST AND WHICH VACCINES ARE IN SHORT SUPPLY;~~

20 ~~(II)~~ ~~DEVELOPING A RECOMMENDATION ON A PLAN FOR THE~~  
21 ~~EQUITABLE DISTRIBUTION OF VACCINES; AND~~

22 ~~(III)~~ ~~REPORTING ANY FINDINGS TO THE DEPARTMENT IN A TIMELY~~  
23 ~~MANNER;~~

24 ~~(3)~~ ~~DEVELOP AND PUBLISH UNIFORM AND CONSISTENT STATE~~  
25 ~~SPONSORED RECOMMENDATIONS FOR SKIPPED OR POSTPONED DOSAGES OF~~  
26 ~~VACCINES AND DEVELOP A FORM THAT SHALL BE USED BY SCHOOLS IN THE STATE;~~

27 ~~(4)~~ ~~DEVELOP AND IMPLEMENT A UNIFORM PROCESS FOR SUSPENDING~~  
28 ~~SCHOOL ENTRY VACCINATION REQUIREMENTS WHEN VACCINE SHORTAGES DELAY~~  
29 ~~IMMUNIZATION OF CHILDREN;~~

30 ~~(5)~~ ~~DEVELOP A COMMUNICATIONS CAMPAIGN TO INFORM THE~~  
31 ~~GENERAL PUBLIC IN THE EVENT OF A VACCINE SHORTAGE; AND~~

32 ~~(6)~~ ~~CREATE A PLAN FOR AN INFRASTRUCTURE THAT CAN EQUITABLY~~  
33 ~~DISTRIBUTE VACCINATIONS IN THE EVENT OF A BIOTERRORISM EMERGENCY.~~

34 (1) DETERMINE WHERE COMMUNITY VACCINE SHORTAGES EXIST AND  
35 WHICH VACCINES ARE IN SHORT SUPPLY;

1                   (2)     DEVELOP A RECOMMENDATION FOR A PLAN TO EFFECTUATE THE  
2 EQUITABLE DISTRIBUTION OF VACCINES; AND

3                   (3)     STUDY AND MAKE RECOMMENDATIONS ABOUT OTHER RELATED  
4 ISSUES AS DETERMINED BY THE COMMISSION, INCLUDING BUT NOT LIMITED TO:

5                             (I)     IMMUNIZATIONS REQUIRED OF CHILDREN ENTERING  
6 SCHOOLS IN TIMES OF VACCINE SHORTAGE;

7                             (II)    ALL AVAILABLE OPTIONS FOR THE PURCHASING OF VACCINES;

8                             (III)   ELIMINATION OF ANY VACCINE DISTRIBUTION DISPARITIES;

9                             (IV)   A PUBLIC EDUCATION CAMPAIGN IN THE EVENT OF A VACCINE  
10 SHORTAGE;

11                            (V)     THE AVAILABILITY AND AFFORDABILITY OF ADULT AND  
12 CHILDHOOD VACCINES; AND

13                            (VI)    STRATEGIES TO INCREASE IMMUNIZATIONS AMONG THOSE  
14 ADULTS AND CHILDREN RECOMMENDED TO RECEIVE IMMUNIZATIONS, INCLUDING  
15 CATCH-UP IMMUNIZATIONS.

16     (I)     ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE COMMISSION SHALL  
17 SUBMIT A REPORT ON ~~THE STATUS OF VACCINE SHORTAGES AND IMMUNIZATION~~  
18 ~~RATES IN THE STATE, ITS FINDINGS AND RECOMMENDATIONS~~ TO THE GOVERNOR  
19 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE  
20 SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE  
21 ENVIRONMENTAL MATTERS COMMITTEE.

22   **Article - Education**

23 7-403.

24     (a)     (1)     In cooperation with the State Board and the [Medical and  
25 Chirurgical Faculty of Maryland] STATEWIDE ADVISORY COMMISSION ON  
26 IMMUNIZATIONS, the Department of Health and Mental Hygiene shall adopt rules  
27 and regulations regarding the immunizations and blood tests for lead poisoning  
28 required of children entering schools.

29     ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December~~  
30 ~~15, 2003, the Commission shall report on the Commission's recommendations~~  
31 ~~regarding the universal purchase of vaccine described in § 18-214(h)(1) of the Health~~  
32 ~~General Article, as enacted by Section 1 of this Act, to the Governor and, in~~  
33 ~~accordance with § 2-1246 of the State Government Article, to the Senate Education,~~  
34 ~~Health, and Environmental Affairs Committee and the Environmental Matters~~  
35 ~~Committee.~~

36     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 October June 1, 2002. It shall remain effective for a period of 3 years and, at the end of

1 ~~September 30~~ May 31, 2005, with no further action required by the General Assembly,  
2 this Act shall be abrogated and of no further force and effect.

3 SECTION 3. ~~2.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect ~~October 1, 2002.~~