

# HOUSE BILL 411

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By: ~~Delegate Kach~~ Delegates Kach, Hubbard, Montgomery, Oaks, Pena-Melnyk, V. Turner, Benson, and Donoghue

Introduced and read first time: January 29, 2010

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Statewide Advisory Commission on Immunizations – Membership, ~~Sunset~~**  
3 **~~Extension, and Study of HPV Vaccine~~ Duties, and Sunset Repeal**

4 FOR the purpose of adding a consumer member and a pharmacist to the Statewide  
5 Advisory Commission on Immunizations; ~~extending~~ repealing the termination  
6 date of the Commission; ~~requiring the Commission to study the safety of the~~  
7 ~~human papillomavirus (HPV) vaccine; requiring the Commission to include~~  
8 ~~certain components in the study, determine the need for certain information~~  
9 ~~and certain communication, make certain recommendations, and report the~~  
10 ~~results of its study;~~ requiring the Secretary of Health and Mental Hygiene, in  
11 consultation with MedChi, The Maryland State Medical Society, to appoint the  
12 chair of the Commission; establishing the terms of the appointed members of  
13 the Commission; specifying when the terms of certain members of the  
14 Commission expire; requiring the Commission to review certain factors and  
15 make recommendations on how to increase immunizations among certain  
16 individuals; repealing a provision that requires the Commission to study and  
17 make recommendations about immunizations required by children entering  
18 schools in times of vaccine shortage; requiring the Commission to study and  
19 make recommendations about a public campaign in the event of a public health  
20 emergency involving immunizations; requiring the Commission to study and  
21 make recommendations about the availability and affordability of adolescent  
22 vaccines; authorizing the Commission to recommend to the Department of  
23 Health and Mental Hygiene that certain information be communicated to health

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 care providers; making certain technical corrections and stylistic changes; and  
 2 generally relating to the Statewide Advisory Commission on Immunizations.

3 BY repealing and reenacting, with amendments,  
 4 Article – Health – General  
 5 Section 18–214  
 6 Annotated Code of Maryland  
 7 (2009 Replacement Volume)

8 BY repealing and reenacting, with amendments,  
 9 Chapter 337 of the Acts of the General Assembly of 2002, as amended by  
 10 Chapter 200 of the Acts of the General Assembly of 2005, ~~as amended by~~  
 11 and Chapter 504 of the Acts of the General Assembly of 2007  
 12 Section 2

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

15 **Article – Health – General**

16 18–214.

17 (a) In this section, “vaccine” means a product intended to elicit, in humans,  
 18 active or passive immunity against an infectious agent or product of an infectious  
 19 agent.

20 (b) There is a Statewide Advisory Commission on Immunizations.

21 (c) The Commission consists of ~~at least~~ the following members:

22 (1) One physician member of ~~the Medical and Chirurgical Faculty~~  
 23 ~~Public Health Council~~ **MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY;**

24 (2) The ~~chairperson~~ **CHAIR** of the Maryland Childhood Immunization  
 25 Partnership;

26 (3) Two physician members of the Maryland Chapter of the American  
 27 Academy of Pediatrics with experience in private practice and infectious diseases;

28 (4) One physician member of the Maryland Academy of Family  
 29 Physicians;

30 (5) One physician member of the American College of Physicians –  
 31 Internal Medicine Society of Maryland;

32 (6) The executive director of the Maryland Partnership for Prevention;

- 1 (7) One local health officer;
- 2 (8) One representative from the Department's Vaccines for Children  
3 Program;
- 4 (9) One representative ~~of~~ **FROM** the Maryland school system with  
5 knowledge of the immunizations required of children entering schools;
- 6 (10) The Maryland State Epidemiologist;
- 7 (11) One representative from a public health consumer advocacy group;
- 8 (12) One nurse practitioner; [and]
- 9 (13) One representative from a health insurance carrier; ~~AND~~
- 10 **(14) ONE CONSUMER; AND**
- 11 **(15) ONE PHARMACIST.**

12 (d) The Secretary ~~of the Department of Health and Mental Hygiene~~ shall  
13 appoint the membership of the Commission, based on the recommendation of the  
14 appropriate medical society or agency.

15 (e) **(1)** The ~~physician member of the Medical and Chirurgical Faculty~~  
16 ~~Public Health Council~~ **SECRETARY, IN CONSULTATION WITH MEDCHI, THE**  
17 **MARYLAND STATE MEDICAL SOCIETY,** shall:

18 ~~(1)~~ ~~Chair~~ **APPOINT THE CHAIR OF** the Commission; .

19 (2) **THE CHAIR OF THE COMMISSION SHALL:**

20 **(I)** Establish subcommittees to facilitate the work of the  
21 Commission; and

22 ~~(3)~~ **(II)** Appoint subcommittee chairs from among the Commission  
23 members.

24 **(F) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.**

25 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**  
26 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**  
27 **APPOINTED AND QUALIFIES.**

28 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**  
29 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1           **(4) A MEMBER MAY BE APPOINTED FOR MORE THAN ONE TERM.**

2           **(5) THE TERMS OF THE MEMBERS OF THE COMMISSION ARE**  
 3 **STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS OF THE**  
 4 **COMMISSION ON JUNE 1, 2010.**

5           ~~(G)~~ **(G)**       A member of the Commission may not receive compensation but is  
 6 entitled to reimbursement for expenses under the Standard State Travel Regulations,  
 7 as provided in the State budget.

8           ~~(H)~~ **(H)**       The Department of ~~Health and Mental Hygiene~~ shall provide the  
 9 staffing for the Commission.

10          ~~(I)~~ **(I)**       The Commission shall:

11                   (1) Determine where community vaccine shortages exist and which  
 12 vaccines are in short supply;

13                   (2) Develop a recommendation for a plan to effectuate the equitable  
 14 distribution of vaccines;

15           **(3) REVIEW:**

16                   **(i) POTENTIAL PROVIDER REIMBURSEMENT BARRIERS TO**  
 17 **INCREASING IMMUNIZATIONS;**

18                   **(ii) THE RELATIVE EFFECTIVENESS OF OUTREACH**  
 19 **PROGRAMS THAT EDUCATE THE PUBLIC ABOUT THE BENEFITS OF**  
 20 **IMMUNIZATIONS;**

21                   **(iii) POTENTIAL COST-SHIFTING OF IMMUNIZATION**  
 22 **EXPENSES FOR PRIVATELY INSURED PATIENTS WHO RECEIVE IMMUNIZATIONS**  
 23 **AT LOCAL HEALTH DEPARTMENTS; AND**

24                   **(iv) POTENTIAL ADMINISTRATIVE BURDENS ASSOCIATED**  
 25 **WITH STATE PURCHASING OF VACCINES;**

26                   **(4) BASED ON THE REVIEW REQUIRED UNDER ITEM (3) OF THIS**  
 27 **SUBSECTION, MAKE RECOMMENDATIONS ON HOW TO INCREASE**  
 28 **IMMUNIZATIONS, INCLUDING CATCH-UP IMMUNIZATIONS, AMONG ADULTS,**  
 29 **ADOLESCENTS, AND CHILDREN WHO ARE RECOMMENDED TO RECEIVE**  
 30 **IMMUNIZATIONS;** and

1           ~~(9)~~ **(5)** Study and make recommendations about other related  
2 issues as determined by the Commission, including ~~but not limited to:~~

3                   (i) Immunizations required of children entering schools ~~in~~  
4 ~~times of vaccine shortage;~~

5                   (ii) All available options for the purchasing of vaccines,  
6 including the development of a Universal Vaccine Purchasing System, or a similar  
7 program to increase access to necessary vaccines, for the State;

8                   (iii) An update on the status of the use of thimerosal in vaccines,  
9 including the availability and affordability of thimerosal-free vaccines, and any other  
10 issue related to the use of thimerosal in vaccines that is identified by the Commission;

11                   (iv) Elimination of any vaccine distribution disparities;

12                   (v) A public education campaign in the event of a vaccine  
13 shortage; **OR PUBLIC HEALTH EMERGENCY INVOLVING IMMUNIZATIONS; AND**

14                   (vi) The availability and affordability of adult, **ADOLESCENT,**  
15 and childhood vaccines; ~~and.~~

16                   ~~(vii) Strategies to increase immunizations among those adults  
17 and children recommended to receive immunizations, including catch-up  
18 immunizations.~~

19           **(J) THE COMMISSION MAY RECOMMEND TO THE DEPARTMENT THAT**  
20 **INFORMATION ON VACCINE SAFETY BE COMMUNICATED TO HEALTH CARE**  
21 **PROVIDERS.**

22           ~~(K)~~ **(K)** On or before December 15 of each year, the Commission shall submit a  
23 report on its findings and recommendations to the Governor and, in accordance with §  
24 2-1246 of the State Government Article, to the Senate Education, Health, and  
25 Environmental Affairs Committee and the House Health and Government Operations  
26 Committee.

27           **Chapter 337 of the Acts of 2002, as amended by Chapter 200 of the Acts of**  
28 **2005, ~~as amended by~~ and Chapter 504 of the Acts of 2007**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 June 1, 2002. ~~It shall remain effective for a period of [8] 10 years and, at the end of~~  
31 ~~May 31, [2010] 2012, with no further action required by the General Assembly, this~~  
32 ~~Act shall be abrogated and of no further force and effect.~~

33           ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

1           ~~(a) The Statewide Advisory Commission on Immunizations shall study the~~  
2 ~~safety of the human papillomavirus (HPV) vaccine.~~

3           ~~(b) As part of its study, the Commission shall:~~

4                     ~~(1) review the medical literature regarding the safety of the HPV~~  
5 ~~vaccine;~~

6                     ~~(2) review all information available from the federal Centers for~~  
7 ~~Disease Control and Prevention and Food and Drug Administration regarding the~~  
8 ~~safety of the HPV vaccine, including information reported through the Vaccine~~  
9 ~~Adverse Event Reporting System, the Vaccine Safety Datalink Project, and the~~  
10 ~~Clinical Immunization Safety Assessment Network;~~

11                    ~~(3) review the information that health care providers communicate to~~  
12 ~~their patients and family members of patients regarding the benefits and risks of the~~  
13 ~~HPV vaccine; and~~

14                    ~~(4) hold at least two public hearings, advertised to the public, on the~~  
15 ~~safety of the HPV vaccine, during which members of the public each receive a~~  
16 ~~reasonable amount of time to adequately describe their experience with and~~  
17 ~~perspective on the HPV vaccine.~~

18           ~~(e) (1) Based on its study, the Commission shall determine whether there~~  
19 ~~is a need for better information or better communication of information on the safety~~  
20 ~~of the HPV vaccine.~~

21                    ~~(2) If the Commission determines that there is a need for better~~  
22 ~~information or better communication of information on the safety of the HPV vaccine,~~  
23 ~~the Commission shall make recommendations for meeting the need, such as:~~

24                             ~~(i) continuing education for health care providers;~~

25                             ~~(ii) educational materials for patients and the public; or~~

26                             ~~(iii) actions by regulatory agencies.~~

27           ~~(d) (1) On or before January 1, 2011, the Commission shall report the~~  
28 ~~findings and recommendations resulting from its HPV vaccine study to the Governor~~  
29 ~~and, in accordance with § 2-1246 of the State Government Article, to the Senate~~  
30 ~~Education, Health, and Environmental Affairs Committee and the House Health and~~  
31 ~~Government Operations Committee.~~

32                    ~~(2) Instead of issuing a separate report on its HPV vaccine study, the~~  
33 ~~Commission may incorporate its HPV vaccine report in the annual report that is due~~  
34 ~~on December 15, 2010.~~

1            SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the  
2 appointed members of the Statewide Advisory Commission serving on June 1, 2010,  
3 shall expire as follows:

4                    (1)    three members in 2011;

5                    (2)    four members in 2012; and

6                    (3)    four members in 2013.

7            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 June 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.