

## Chapter 672

(House Bill 411)

AN ACT concerning

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

FOR the purpose of adding a consumer member and a pharmacist to the Statewide Advisory Commission on Immunizations; ~~extending~~ repealing the termination date of the Commission; ~~requiring the Commission to study the safety of the human papillomavirus (HPV) vaccine; requiring the Commission to include certain components in the study, determine the need for certain information and certain communication, make certain recommendations, and report the results of its study;~~ requiring the Secretary of Health and Mental Hygiene, in consultation with MedChi, The Maryland State Medical Society, to appoint the chair of the Commission; establishing the terms of the appointed members of the Commission; specifying when the terms of certain members of the Commission expire; requiring the Commission to review certain factors and make recommendations on how to increase immunizations among certain individuals; repealing a provision that requires the Commission to study and make recommendations about immunizations required by children entering schools in times of vaccine shortage; requiring the Commission to study and make recommendations about a public campaign in the event of a public health emergency involving immunizations; requiring the Commission to study and make recommendations about the availability and affordability of adolescent vaccines; authorizing the Commission to recommend to the Department of Health and Mental Hygiene that certain information be communicated to health care providers; making certain technical corrections and stylistic changes; and generally relating to the Statewide Advisory Commission on Immunizations.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 18–214

Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 337 of the Acts of the General Assembly of 2002, as amended by

Chapter 200 of the Acts of the General Assembly of 2005, ~~as amended by~~

and Chapter 504 of the Acts of the General Assembly of 2007

Section 2

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

**Article – Health – General**

18–214.

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

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

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

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

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

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

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

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

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

(7) One local health officer;

(8) One representative from the Department’s Vaccines for Children Program;

(9) One representative ~~of~~ **FROM** the Maryland school system with knowledge of the immunizations required of children entering schools;

(10) The Maryland State Epidemiologist;

(11) One representative from a public health consumer advocacy group;

(12) One nurse practitioner; **[and]**

(13) One representative from a health insurance carrier; ~~AND~~

(14) ONE CONSUMER; AND

(15) ONE PHARMACIST.

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

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

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

(2) THE CHAIR OF THE COMMISSION SHALL:

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

~~(2)~~ (II) Appoint subcommittee chairs from among the Commission members.

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

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

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

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

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

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

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

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

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

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

**(3) REVIEW:**

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

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

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

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

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

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

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

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

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

(iv) Elimination of any vaccine distribution disparities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~(i) continuing education for health care providers;~~
- ~~(ii) educational materials for patients and the public; or~~
- ~~(iii) actions by regulatory agencies.~~

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

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

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

- (1) three members in 2011;
- (2) four members in 2012; and
- (3) four members in 2013.

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

**Approved by the Governor, May 20, 2010.**