

SENATE BILL 168

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2lr0052

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Health)**

Requested: October 5, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 1, 2022

CHAPTER _____

1 AN ACT concerning

2 **Department of Health – ImmuNet and Statewide Advisory Commission on**
3 **Immunizations**

4 FOR the purpose of repealing the exemption for certain health care providers or agents
5 from the requirement to provide individuals receiving vaccinations with certain
6 documents, notify the individuals or the parent or guardian of a minor of a certain
7 right, and report all vaccines administered to ImmuNet; altering the membership of
8 and term limits for members of the Statewide Advisory Commission on
9 Immunizations; and generally relating to ImmuNet and the Statewide Advisory
10 Commission on Immunizations.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 18–109(d)(6) and 18–214
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

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

18 **Article – Health – General**

19 18–109.

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 (d) (6) [(i) Except as provided in subparagraph (ii) of this paragraph, a] **A**
 2 health care provider who administers a vaccine, or the agent of the health care provider,
 3 shall:

4 [1.] **(I)** Provide the individual with a copy of the form and
 5 the brochure described in paragraphs (2) and (4) of this subsection;

6 [2.] **(II)** Notify the individual or the parent or guardian of a
 7 minor of the right to refuse to disclose to ImmuNet; and

8 [3.] **(III)** Report to ImmuNet all vaccines administered.

9 [(ii) Subparagraph (i) of this paragraph does not apply to a health
 10 care provider, or an agent of a health care provider, who administers a vaccine in a nursing
 11 facility, an assisted living program, a continuing care retirement community, or a medical
 12 day care program.]

13 18–214.

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

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

17 (c) The [Commission consists of the] following members **SHALL SERVE**
 18 **WITHOUT TERM LIMITS:**

19 (1) [One physician member of MedChi, The Maryland State Medical
 20 Society;] **THE STATE SUPERINTENDENT OF SCHOOLS OR THE STATE**
 21 **SUPERINTENDENT’S DESIGNEE WITH KNOWLEDGE OF THE IMMUNIZATIONS**
 22 **REQUIRED OF CHILDREN ENTERING SCHOOLS;**

23 ~~(2) The chair of the Maryland Childhood Immunization Partnership, OR~~
 24 ~~THE CHAIR’S DESIGNEE;~~

25 ~~(3)~~ **(2)** [Two physician members of the Maryland Chapter of the American
 26 Academy of Pediatrics with experience in private practice and infectious diseases;

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

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

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

1 (7)] One local health officer;

2 [(8)] ~~(4)~~ (3) One representative from the Department's Vaccines for
3 Children Program; AND

4 (9) One representative from the Maryland school system with knowledge
5 of the immunizations required of children entering schools;]

6 [(10)] ~~(5)~~ (4) The Maryland State Epidemiologist[;].

7 (D) **THE FOLLOWING MEMBERS ARE SUBJECT TO TERM LIMITS:**

8 [(11)] (1) One representative from a public health consumer advocacy
9 group;

10 [(12)] (2) One nurse practitioner;

11 [(13)] (3) One representative from a health insurance carrier;

12 [(14)] (4) One consumer; [and]

13 [(15)] (5) One pharmacist;

14 (6) **ONE PHYSICIAN MEMBER OF MEDCHI, THE MARYLAND STATE**
15 **MEDICAL SOCIETY;**

16 (7) **TWO PHYSICIAN MEMBERS OF THE MARYLAND CHAPTER OF THE**
17 **AMERICAN ACADEMY OF PEDIATRICS WITH EXPERIENCE IN PRIVATE PRACTICE**
18 **AND INFECTIOUS DISEASES;**

19 (8) **ONE PHYSICIAN MEMBER OF THE MARYLAND ACADEMY OF**
20 **FAMILY PHYSICIANS;**

21 (9) **ONE SCHOOL-BASED HEALTH CARE PROVIDER MEMBER OF THE**
22 **MARYLAND ASSEMBLY ON SCHOOL-BASED HEALTH CARE;**

23 (10) **ONE SCHOOL NURSE MEMBER OF THE MARYLAND ASSOCIATION**
24 **OF SCHOOL HEALTH NURSES OR THE MARYLAND NURSES ASSOCIATION;**

25 ~~(9)~~ (11) **ONE PHYSICIAN MEMBER OF THE AMERICAN COLLEGE OF**
26 **PHYSICIANS – INTERNAL MEDICINE SOCIETY OF MARYLAND; AND**

27 ~~(10)~~ (12) **UP TO THREE ADDITIONAL MEMBERS SELECTED BY THE**
28 **SECRETARY.**

1 **[(d)] (E)** **[The] EXCEPT FOR THE MEMBERS LISTED IN SUBSECTION (C)(1)**
2 **~~AND, (2), AND (4)~~ OF THIS SECTION, THE** Secretary shall appoint the membership of the
3 Commission, based on the recommendation of the appropriate medical society or agency.

4 **[(e)] (F)** (1) The Secretary, in consultation with MedChi, The Maryland State
5 Medical Society, shall appoint the chair of the Commission.

6 (2) The chair of the Commission shall:

7 (i) Establish subcommittees to facilitate the work of the
8 Commission; and

9 (ii) Appoint subcommittee chairs from among the Commission
10 members.

11 **[(f)] (G)** (1) **THIS SUBSECTION APPLIES ONLY TO MEMBERS WHO ARE**
12 **SUBJECT TO TERM LIMITS.**

13 (2) The term of an appointed member is **[3] 4** years.

14 **[(2)** A member who is appointed after a term has begun serves only for the
15 rest of the term and until a successor is appointed and qualifies.

16 (3) At the end of a term, a member continues to serve until a successor is
17 appointed and qualifies.

18 (4) A member may be appointed for more than one term.]

19 (3) **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A MEMBER**
20 **MAY SERVE TWO CONSECUTIVE TERMS.**

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

23 (5) **A MEMBER WHO SERVES TWO CONSECUTIVE FULL 4-YEAR TERMS**
24 **MAY NOT BE REAPPOINTED FOR 4 YEARS AFTER THE COMPLETION OF THOSE TERMS.**

25 **[(5)] (6)** The terms of the members of the Commission are staggered as
26 required by the terms provided for the members of the Commission on June 1, 2010.

27 (H) **IF A VACANCY FOR AN APPOINTED MEMBER OF THE COMMISSION**
28 **OCCURS, THE SECRETARY SHALL PROMPTLY APPOINT A SUCCESSOR.**

1 **[(g)] (I)** A member of the Commission may not receive compensation but is
2 entitled to reimbursement for expenses under the Standard State Travel Regulations, as
3 provided in the State budget.

4 **[(h)] (J)** The Department shall provide the staffing for the Commission.

5 **[(i)] (K)** The Commission shall:

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

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

10 (3) Review:

11 (i) Potential provider reimbursement barriers to increasing
12 immunizations;

13 (ii) The relative effectiveness of outreach programs that educate the
14 public about the benefits of immunizations;

15 (iii) Potential cost-shifting of immunization expenses for privately
16 insured patients who receive immunizations at local health departments; and

17 (iv) Potential administrative burdens associated with State
18 purchasing of vaccines;

19 (4) Based on the review required under item (3) of this subsection, make
20 recommendations on how to increase immunizations, including catch-up immunizations,
21 among adults, adolescents, and children who are recommended to receive immunizations;
22 and

23 (5) Study and make recommendations about other related issues as
24 determined by the Commission, including:

25 (i) Immunizations required of children entering schools;

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

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

32 (iv) Elimination of any vaccine distribution disparities;

1 (v) A public education campaign in the event of a vaccine shortage
2 or public health emergency involving immunizations; and

3 (vi) The availability and affordability of adult, adolescent, and
4 childhood vaccines.

5 **[(j)] (L)** The Commission may recommend to the Department that information
6 on vaccine safety be communicated to health care providers.

7 **[(k)] (M)** On or before December 15 of each year, the Commission shall submit a
8 report on its findings and recommendations to the Governor and, in accordance with §
9 2–1257 of the State Government Article, to the Senate Education, Health, and
10 Environmental Affairs Committee and the House Health and Government Operations
11 Committee.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.