SENATE BILL 857

By: Senator Klausmeier
Introduced and read first time: February 7, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Hospital Flu Vaccines

FOR the purpose of requiring hospitals to immunize patients against the influenza virus and pneumococcal disease except under certain circumstances; providing for the manner of obtaining consent for and conducting the immunizations for a hospital patient; and generally relating to offering immunizations to hospital patients.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–404
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

18–404.

(a) (1) In this section the following words have the meanings indicated.

(2) “Employee” means an individual employed full–time or part–time directly, through contract with another entity, or as an independent contractor, by a related institution.

(3) “HOSPITAL” has the meaning stated in § 19–301 of this ARTICLE.
“Medically contraindicated” means that a medical treatment is potentially detrimental to the health of the individual intended to be treated.

“Related institution” has the meaning provided under § 19–301 of this article.

(b) (1) Subject to subsection (e) of this section, each related institution in the State shall immunize residents against the influenza virus and pneumococcal disease.

(2) Subject to subsection (e) of this section, each related institution in the State shall immunize employees against the influenza virus.

(3) Subject to subsection (e) of this section, each hospital in the State shall immunize patients against influenza virus and pneumococcal disease.

Before an immunization under this section is administered, the hospital or related institution shall obtain written consent to administer the immunization from:

(i) The resident [or], employee, OR PATIENT receiving the immunization; or

(ii) The PARENT OR legal guardian of the resident OR PATIENT receiving the immunization.

(c) Each hospital or related institution shall conduct the immunizations required under subsection (b) of this section:

(1) In accordance with the recommendations established by the Advisory Committee on Immunization Process of the United States Centers for Disease Control and Prevention that are in effect at the time the hospital or related institution conducts the immunizations; and

(2) By FOR A RELATED INSTITUTION, BY December 1 of each year that the immunization is required.

(d) A hospital that accepts an individual as a new patient or related institution that accepts an individual as a new resident or accepts an individual as a new employee after December 1 but before April 1 shall:

(1) Determine the individual’s status for immunization as required under subsection (b) of this section; and

(2) If necessary, provide or arrange for an immunization as required under subsection (b) of this section.
(e) A resident [or], employee, OR PATIENT is not required to receive a vaccine under this section if:

(1) The vaccine is medically contraindicated for the resident [or], employee, OR PATIENT;

(2) The vaccine is against the resident’s [or], employee’s, OR PATIENT’S religious beliefs; or

(3) After being fully informed by the HOSPITAL OR related institution of the health risks associated with not receiving a vaccine, the resident [or], employee, OR PATIENT refuses the vaccine.

(f) (1) (i) Each related institution shall document the annual immunization against influenza virus and immunization against pneumococcal disease received by each resident in the resident’s medical record.

(ii) Each related institution shall document the annual immunization against influenza virus received by each employee in the employee’s personnel file.

(III) EACH HOSPITAL SHALL DOCUMENT THE ANNUAL IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST PNEUMOCOCCAL DISEASE RECEIVED BY EACH PATIENT IN THE PATIENT’S MEDICAL RECORD.

(2) If a resident [or], employee, OR PATIENT refuses to be immunized as required under subsection (b) of this section, the HOSPITAL OR related institution shall document the refusal and the reason for the refusal.

(g) Each HOSPITAL AND related institution shall:

(1) Notify each prospective resident [and], each prospective employee, AND EACH PROSPECTIVE PATIENT of the immunization requirements of this section and request that the resident [or], employee, OR PATIENT agree to be immunized in accordance with subsection (b)(3) of this section; and

(2) Make available to all residents [and], employees, AND PATIENTS of the HOSPITAL OR related institution educational and informational materials relating to immunization against influenza virus and immunization against pneumococcal disease.

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