

HOUSE BILL 1161

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3lr2206

By: **Delegates Szeliga, Arikan, Chisholm, Grammer, M. Morgan, Nawrocki, and Reilly**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Human Papillomavirus Vaccine – Information and Informed**
3 **Consent**
4 **(Christina’s Law)**

5 FOR the purpose of requiring a health care provider, before each administration of a human
6 papillomavirus (HPV) vaccine, to provide an individual or an individual’s parent or
7 guardian with a certain information sheet and obtain written consent on a certain
8 form; and generally relating to information on, and informed consent regarding, the
9 human papillomavirus vaccine.

10 BY adding to

11 Article – Health – General

12 Section 18–342 through 18–344 to be under the new part “Part VII. Human
13 Papillomavirus”

14 Annotated Code of Maryland

15 (2019 Replacement Volume and 2022 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 **18–340. RESERVED.**

20 **18–341. RESERVED.**

21 **PART VII. HUMAN PAPILOMAVIRUS.**

22 **18–342.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "ADVERSE EVENT" MEANS ANY ILLNESS, DISABILITY, INCAPACITY,
4 HOSPITALIZATION, DEATH, OR IMPAIRMENT OF MENTAL, EMOTIONAL, BEHAVIORAL,
5 OR PHYSICAL FUNCTIONING OR DEVELOPMENT, THE FIRST MANIFESTATION OF
6 WHICH APPEARS AFTER THE DATE OF ADMINISTRATION OF AN HPV VACCINE.

7 (C) "HEALTH CARE PROVIDER" MEANS A LICENSED HEALTH CARE
8 PROFESSIONAL, ORGANIZATION, OR INSTITUTION, WHETHER PUBLIC OR PRIVATE,
9 UNDER WHOSE AUTHORITY AN HPV VACCINE IS ADMINISTERED.

10 (D) "HPV" MEANS THE HUMAN PAPILLOMAVIRUS.

11 (E) "HPV VACCINE" MEANS ANY VACCINE THAT CONTAINS MATERIALS
12 INTENDED TO PREVENT THE OCCURRENCE OF HPV, WHETHER THE MATERIALS ARE
13 ADMINISTERED SEPARATELY OR IN CONJUNCTION WITH OTHER MATERIALS
14 INTENDED TO PREVENT THE OCCURRENCE OF OTHER DISEASES.

15 (F) "MARYLAND SUPPLEMENTAL INFORMATION SHEET" MEANS A
16 DOCUMENT THAT PROVIDES A POTENTIAL HPV VACCINE RECIPIENT OR THE
17 PARENT OR GUARDIAN OF A POTENTIAL HPV VACCINE RECIPIENT WITH
18 ADDITIONAL INFORMATION THAT IS NECESSARY FOR MAKING AN INFORMED
19 DECISION WHETHER OR NOT TO CONSENT TO INOCULATIONS WITH AN HPV
20 VACCINE.

21 18-343.

22 (A) (1) BEFORE EACH ADMINISTRATION OF AN HPV VACCINE, A HEALTH
23 CARE PROVIDER SHALL:

24 (I) PROVIDE TO THE INDIVIDUAL OR THE INDIVIDUAL'S
25 PARENT OR GUARDIAN A MARYLAND SUPPLEMENTAL INFORMATION SHEET; AND

26 (II) OBTAIN A SIGNED MARYLAND HPV VACCINE CONSENT
27 FORM.

28 (2) THE MARYLAND SUPPLEMENTAL INFORMATION SHEET
29 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE, AT A
30 MINIMUM, THE FOLLOWING STATEMENTS RELATING TO HPV AND HPV VACCINES:

31 (I) HPV IS A VERY COMMON VIRAL INFECTION THAT IS

1 TRANSMITTED PRIMARILY THROUGH SEXUAL CONTACT;

2 (II) RISKS ASSOCIATED WITH HPV VACCINES INCLUDE:

3 1. DEATH;

4 2. SWOLLEN GLANDS;

5 3. PULMONARY EMBOLISM;

6 4. NAUSEA;

7 5. PANCREATITIS;

8 6. VOMITING;

9 7. EXTREME FATIGUE;

10 8. DIZZINESS;

11 9. AUTOIMMUNE DISORDERS;

12 10. BRONCHOSPASM;

13 11. HIVES;

14 12. RASH;

15 13. ANAPHYLACTIC REACTION;

16 14. JOINT AND MUSCLE PAIN AND WEAKNESS;

17 15. ENCEPHALOMYELITIS;

18 16. HEADACHE;

19 17. GUILLAIN-BARRE SYNDROME;

20 18. DIFFICULTY BREATHING;

21 19. HEART ARRHYTHMIA;

22 20. MOTOR NEURON DISEASE;

- 1 21. PARALYSIS;
- 2 22. PREMATURE OVARIAN FAILURE;
- 3 23. SEIZURES;
- 4 24. SYNCOPE;
- 5 25. TRANSVERSE MYELITIS;
- 6 26. CELLULITIS; AND
- 7 27. IDIOPATHIC THROMBOCYTOPENIA; AND

8 (III) ADVERSE EVENTS FOLLOWING HPV VACCINATION CAN
9 OCCUR MINUTES, HOURS, DAYS, WEEKS, OR MONTHS AFTER HPV VACCINATION.

10 (3) THE MARYLAND SUPPLEMENTAL INFORMATION SHEET
11 REQUIRED TO BE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
12 INCLUDE INFORMATION ON THE INDIVIDUAL'S RIGHTS IF THE INDIVIDUAL IS
13 HARMED BY AN HPV VACCINE, INCLUDING:

14 (i) THAT AN INDIVIDUAL WHO IS INJURED BY AN HPV VACCINE
15 CANNOT SUE THE PHARMACEUTICAL COMPANY OR THE PROVIDER OF THE HPV
16 VACCINE;

17 (ii) CONTACT INFORMATION FOR THE NATIONAL VACCINE
18 INJURY COMPENSATION PROGRAM;

19 (iii) THAT THERE IS NO GUARANTEE OF COMPENSATION EVEN IF
20 AN INDIVIDUAL SUFFERS HARM FROM AN HPV VACCINE;

21 (iv) THE TIME LIMIT FOR FILING A SUIT AGAINST A HEALTH
22 CARE PROVIDER, AS PROVIDED IN § 5-109 OF THE COURTS ARTICLE; AND

23 (v) THAT THE INDIVIDUAL MAY FILE A COMPLAINT WITH THE
24 DEPARTMENT.

25 (B) (1) A HEALTH CARE PROVIDER SHALL OBTAIN THE WRITTEN
26 CONSENT OF AN INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN ON A
27 MARYLAND HPV VACCINE CONSENT FORM DEVELOPED BY THE DEPARTMENT:

1 (I) BEFORE THE ADMINISTRATION OF A MARYLAND HPV
2 VACCINE; AND

3 (II) AFTER FULFILLING THE REQUIREMENTS OF SUBSECTION
4 (A) OF THIS SECTION.

5 (2) THE MARYLAND HPV VACCINE CONSENT FORM SHALL INCLUDE:

6 (I) A STATEMENT THAT THE INDIVIDUAL OR THE INDIVIDUAL'S
7 PARENT OR GUARDIAN HAS BEEN INFORMED BY THE PROVIDER THAT THE
8 INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN HAS A RIGHT TO DECLINE
9 ANY HPV VACCINE;

10 (II) A STATEMENT THAT THE INDIVIDUAL HAS RECEIVED A
11 COPY OF THE MARYLAND SUPPLEMENTAL INFORMATION SHEET AND HAS HAD THE
12 OPPORTUNITY TO READ IT AND ASK QUESTIONS;

13 (III) A STATEMENT THAT THE INDIVIDUAL HAS BEEN INFORMED
14 THAT THERE HAVE BEEN NO LONG-TERM HEALTH-OUTCOME STUDIES REGARDING
15 THE SAFETY OF CONCOMITANT VACCINATION;

16 (IV) A STATEMENT THAT THE INDIVIDUAL UNDERSTANDS THAT
17 IF THE INDIVIDUAL OR THE INDIVIDUAL'S CHILD IS HARMED BY THE VACCINE, THE
18 INDIVIDUAL CANNOT SUE THE PROVIDER OR THE MANUFACTURER;

19 (V) A STATEMENT THAT THE INDIVIDUAL UNDERSTANDS THAT
20 THERE IS NO GUARANTEE THAT BY RECEIVING THE VACCINE THE INDIVIDUAL OR
21 THE INDIVIDUAL'S CHILD WILL BE PROTECTED FROM THE DISEASE THE VACCINE IS
22 ALLEGED TO PREVENT; AND

23 (VI) DATED SIGNATURES OF THE INDIVIDUAL, OR THE
24 INDIVIDUAL'S PARENT OR GUARDIAN, AND THE PROVIDER.

25 (C) A HEALTH CARE PROVIDER ACTING IN GOOD FAITH MAY NOT BE HELD
26 LIABLE IN ANY CAUSE OF ACTION FOR PROVIDING AN INDIVIDUAL OR AN
27 INDIVIDUAL'S PARENT OR GUARDIAN WITH THE MARYLAND SUPPLEMENTAL
28 INFORMATION SHEET UNDER SUBSECTION (A) OF THIS SECTION.

29 18-344.

30 THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING:

31 (1) THE CONTENT OF THE MARYLAND SUPPLEMENTAL INFORMATION

1 SHEET;

2 (2) THE CONTENT OF THE MARYLAND HPV VACCINE CONSENT
3 FORM;

4 (3) PROCEDURES TO DISTRIBUTE COPIES OF THE MARYLAND
5 SUPPLEMENTAL INFORMATION SHEET AND MARYLAND HPV VACCINE CONSENT
6 FORM IN MULTIPLE LANGUAGES;

7 (4) PROCEDURES TO NOTIFY PROVIDERS OF THE CONTENT OF THE
8 MARYLAND SUPPLEMENTAL INFORMATION SHEET AND MARYLAND HPV VACCINE
9 CONSENT FORM; AND

10 (5) PROCEDURES PERIODICALLY TO REVISE AND UPDATE THE
11 INFORMATION REQUIRED UNDER § 18-343 OF THIS SUBTITLE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2023.