



February 9, 1999

HOUSE BILL No. 1452

DIGEST OF HB 1452 (Updated February 3, 1999 1:13 pm - DI 97)

Citations Affected: IC 16-18; IC 16-28.

Synopsis: Health facility patient and employee immunization. Requires a health facility to provide immunizations to all patients against the influenza virus and pneumococcal disease if: (1) the patient has consented to the immunization; (2) the patient's physician has ordered the immunization; and (3) the vaccine is available. Establishes a procedure for obtaining consent. Provides certain exceptions.

Effective: July 1, 1999.

**Crosby, Goeglein, Brown C, Leuck,
Budak, Lawson, Becker, Duncan**

January 19, 1999, read first time and referred to Committee on Public Health.
February 8, 1999, amended, reported — Do Pass.

HB 1452—LS 7709/DI 98+



C
O
P
Y

February 9, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1452

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-223.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1999]: **Sec. 223.7. "Medically**
4 **contraindicated"**, for purposes of IC 16-28-14, has the meaning set
5 **forth in IC 16-28-14-1.**

6 SECTION 2. IC 16-28-14 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 1999]:

9 **Chapter 14. Patient Immunizations**

10 **Sec. 1. As used in this chapter, "medically contraindicated"**
11 **means that a vaccine would be detrimental to an individual's health**
12 **because of a medical condition of the individual.**

13 **Sec. 2. (a) A health facility shall attempt to obtain informed**
14 **consent from:**

15 **(1) a patient; or**

16 **(2) a patient's legal guardian;**

17 **for a patient to participate in immunization programs conducted**

HB 1452—LS 7709/DI 98+



C
O
P
Y

1 within the health facility while the patient is residing at the health
2 facility.

3 (b) A health facility shall attempt to obtain the consent required
4 under subsection (a):

5 (1) upon the patient's admission, if the patient's admission
6 occurs after June 30, 1999; or

7 (2) before an immunization is administered, if the patient's
8 admission occurred before July 1, 1999.

9 Sec. 3. (a) Subject to obtaining a patient's informed consent
10 under section 2(b) of this chapter and subject to obtaining an order
11 from the individual's physician to administer the immunizations,
12 a health facility shall immunize all patients of the health facility
13 against the following:

14 (1) Influenza virus.

15 (2) Pneumococcal disease.

16 (b) A health facility shall conduct the immunizations required
17 under subsection (a) in accordance with the recommendations
18 established by the Advisory Committee on Immunization Process
19 of the United States Centers for Disease Control and Prevention
20 that are in effect at the time the health facility conducts the
21 immunizations.

22 Sec. 4. Except as required by section 5 of this chapter, a health
23 facility shall administer or cause to be administered the
24 immunizations required under this chapter before December 1 of
25 each year if the vaccine is available.

26 Sec. 5. (a) This section applies to an individual who becomes a
27 patient of a health facility on or after December 1 and before April
28 1.

29 (b) A health facility shall attempt to determine the status of an
30 individual's immunization against the influenza virus and
31 pneumococcal disease upon the individual's admission to the health
32 facility.

33 (c) Subject to obtaining a patient's informed consent under
34 section 2(b) of this chapter if the health facility determines that an
35 individual's immunization status is deficient and subject to
36 obtaining an order from the individual's physician to administer
37 the immunizations the health facility shall, as soon as possible after
38 the individual's admission, administer or cause to be administered
39 the immunizations required under this chapter if the vaccine is
40 available.

41 Sec. 6. Notwithstanding any other provision of this chapter, a
42 health facility shall not require an individual to receive an



C
O
P
Y

- 1 **immunization under this chapter if:**
- 2 **(1) the health facility:**
- 3 **(A) has written documentation from the individual's**
- 4 **physician or other health care provider indicating the date**
- 5 **and place that the individual received an immunization**
- 6 **required under this chapter; and**
- 7 **(B) determines that no additional immunization is**
- 8 **required;**
- 9 **(2) the immunization is medically contraindicated as**
- 10 **described in the product labeling approved by the United**
- 11 **States Food and Drug Administration;**
- 12 **(3) receiving the immunization is against the individual's**
- 13 **religious beliefs; or**
- 14 **(4) the individual refuses to permit the immunization as**
- 15 **provided by state or federal law.**

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1452, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "and employee".

Page 1, line 13, after "shall" insert "**attempt to**".

Page 2, line 2, after "shall" insert "**attempt to**".

Page 2, delete lines 8 through 11.

Page 2, line 12, delete "4" and insert "3".

Page 2, line 13, after "chapter" insert "**and subject to obtaining an order from the individual's physician to administer the immunizations**".

Page 2, line 14, delete "and employees".

Page 2, line 24, delete "5" and insert "4".

Page 2, line 24, delete "6" and insert "5".

Page 2, line 25, after "administer" insert "**or cause to be administered**".

Page 2, line 26, after "year" insert "**if the vaccine is available**".

Page 2, line 27, delete "6" and insert "5".

Page 2, line 27, delete ":".

Page 2, line 28, delete "(1)".

Page 2, line 28, delete "; or".

Page 2, delete line 29.

Page 2, run in lines 27 through 30.

Page 2, line 31, after "shall" insert "**attempt to**".

Page 2, line 33, delete ":".

Page 2, line 34, delete "(1)".

Page 2, line 34, delete ", if the individual is a " and insert ".".

Page 2, run in lines 33 through 34.

Page 2, delete lines 35 through 36.

Page 2, line 39, after "deficient" insert "**and subject to obtaining an order from the individual's physician to administer the immunizations**".

Page 2, line 40, delete "immediately" and insert ", **as soon as possible after the individual's admission,**".

Page 2, line 40, after "administer" insert "**or cause to be administered**".

Page 2, line 41, after "chapter" insert "**if the vaccine is available**".

Page 2, line 42, delete "7" and insert "6".

Page 3, line 12, delete "or".

C
O
P
Y



Page 3, line 14, delete "." and insert "; or".

Page 3, after line 14, begin a new line block indented and insert:

"(4) the individual refuses to permit the immunization as provided by state or federal law."

and when so amended that said bill do pass.

(Reference is to HB 1452 as introduced.)

BROWN C, Chair

Committee Vote: yeas 9, nays 0.

C
o
p
y

