

# HOUSE BILL No. 1452

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-223.7; IC 16-28-14.

**Synopsis:** Health facility patient and employee immunization. Requires a health facility to immunize all patients and employees against the influenza virus and pneumococcal disease. Establishes a procedure for obtaining consent. Provides certain exceptions.

**Effective:** July 1, 1999.

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**Crosby, Goeglein, Brown C, Leuck**

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January 19, 1999, read first time and referred to Committee on Public Health.

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Introduced

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.

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## 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 and Employee 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 obtain informed consent from:**  
14 **(1) a patient; or**  
15 **(2) a patient's legal guardian;**  
16 **for a patient to participate in immunization programs conducted**  
17 **within the health facility while the patient is residing at the health**



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facility.

(b) A health facility shall obtain the consent required under subsection (a):

- (1) upon the patient's admission, if the patient's admission occurs after June 30, 1999; or
- (2) before an immunization is administered, if the patient's admission occurred before July 1, 1999.

**Sec. 3.** A health facility shall require an employee, as a condition of employment, to participate in all immunization programs conducted within the health facility while the employee is employed at the health facility.

**Sec. 4. (a)** Subject to obtaining a patient's informed consent under section 2(b) of this chapter, a health facility shall immunize all patients and employees of the health facility against the following:

- (1) Influenza virus.
- (2) Pneumococcal disease.

(b) A health facility shall conduct the immunizations required under subsection (a) 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 health facility conducts the immunizations.

**Sec. 5.** Except as required by section 6 of this chapter, a health facility shall administer the immunizations required under this chapter before December 1 of each year.

**Sec. 6. (a)** This section applies to an individual who becomes:

- (1) a patient; or
- (2) an employee;

of a health facility on or after December 1 and before April 1.

(b) A health facility shall determine the status of an individual's immunization against the influenza virus and pneumococcal disease upon the individual's:

- (1) admission to the health facility, if the individual is a patient; or
- (2) date of hire, if the individual is an employee.

(c) Subject to obtaining a patient's informed consent under section 2(b) of this chapter if the health facility determines that an individual's immunization status is deficient, the health facility shall immediately administer the immunizations required under this chapter.

**Sec. 7.** Notwithstanding any other provision of this chapter, a

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- 1 health facility shall not require an individual to receive an
- 2 immunization under this chapter if:
- 3 (1) the health facility:
- 4 (A) has written documentation from the individual's
- 5 physician or other health care provider indicating the date
- 6 and place that the individual received an immunization
- 7 required under this chapter; and
- 8 (B) determines that no additional immunization is
- 9 required;
- 10 (2) the immunization is medically contraindicated as
- 11 described in the product labeling approved by the United
- 12 States Food and Drug Administration; or
- 13 (3) receiving the immunization is against the individual's
- 14 religious beliefs.

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