

Adopted Rejected

COMMITTEE REPORT

YES: 9
NO: 4

MR. SPEAKER:

Your Committee on Public Health, to which was referred House Bill 1475, 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:

- 1 Page 2, after line 38, begin a new paragraph and insert:
- 2 "SECTION 3. IC 16-38-5-2, AS AMENDED BY P.L.161-2009,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 2. (a) A provider, a physician's designee, or a
- 5 pharmacist's designee ~~may~~ **shall** provide immunization data **not more**
- 6 **than three (3) business days after administering an immunization**
- 7 **to a patient** to the immunization data registry in a manner prescribed
- 8 by the state department and for the purposes allowed under this chapter
- 9 unless:
- 10 (1) the patient; or
- 11 (2) the patient's parent or guardian, if the patient is less than
- 12 eighteen (18) years of age;
- 13 has completed and filed with the provider, physician's designee, or
- 14 pharmacist's designee a written immunization data exemption form.
- 15 (b) The state department shall create and provide copies of
- 16 immunization data exemption forms to:

- 1 (1) providers who are:
 2 (A) licensed under IC 25; and
 3 (B) authorized within the provider's scope of practice to
 4 administer immunizations; and
 5 (2) individuals;
 6 who request the form.

7 (c) The state department shall distribute to providers, upon request,
 8 written information to be disseminated to patients that describes the
 9 immunization data registry. The written information must include the
 10 following:

- 11 (1) That the provider may report immunization data to the
 12 immunization data registry.
 13 (2) That the patient or the patient's parent or guardian, if the
 14 patient is less than eighteen (18) years of age, has a right to
 15 exempt disclosure of immunization data to the registry and may
 16 prevent disclosure by signing an immunization data exemption
 17 form.
 18 (3) That the patient or the patient's parent or guardian, if the
 19 patient is less than eighteen (18) years of age, may have the
 20 individual's information removed from the immunization data
 21 registry.
 22 (4) Instructions on how to have the information removed.

23 SECTION 4. IC 20-34-7 IS ADDED TO THE INDIANA CODE AS
 24 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2011]:

26 **Chapter 7. Immunization of School Corporation Employees**

27 **Sec. 1. This chapter applies to the following:**

- 28 (1) **A school corporation, including a charter school.**
 29 (2) **An employee of a school corporation described in**
 30 **subdivision (1) who has direct contact with students of the**
 31 **school corporation.**

32 **Sec. 2. (a) Except as provided in section 4 of this chapter and**
 33 **subject to obtaining an employee's consent, a school corporation**
 34 **shall annually make available to be administered immunizations**
 35 **against the influenza virus to the employees of the school**
 36 **corporation.**

37 (b) **A school corporation shall make available the immunization**
 38 **required in this section in accordance with the recommendations**

1 established by the Advisory Committee on Immunization Practices
2 of the United States Centers for Disease Control and Prevention
3 that are in effect at the time the school corporation makes available
4 the immunizations.

5 **Sec. 3.** A school corporation shall annually make available to be
6 administered the immunization required under this chapter to an
7 employee described in section 1(2) of this chapter and who is
8 employed by the school corporation during the period beginning
9 September 1 and ending March 1 of the following year.

10 **Sec. 4. (a)** A school corporation is not required to make
11 available to the school corporation's employees an annual
12 immunization against the influenza virus if the state department
13 determines that the necessary vaccine is not in adequate supply.

14 **(b)** A school corporation shall not require an employee to
15 receive an immunization under this chapter if:

16 **(1)** the school corporation:

17 **(A)** has written documentation from the employee's
18 physician or other health care provider indicating the date
19 and place that the individual received an immunization
20 required under this chapter; and

21 **(B)** determines that no additional immunization is
22 required;

23 **(2)** the immunization is medically contraindicated (as defined
24 by IC 16-18-2-223.7) for the employee;

25 **(3)** receiving the immunization is against the employee's
26 religious beliefs; or

27 **(4)** the employee declines in writing the immunization after
28 receiving education on the risks and benefits of an
29 immunization against the influenza.

1 **Sec. 5. The state department and state board may jointly adopt**
2 **rules under IC 4-22-2 to administer this chapter."**

3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1475 as introduced.)

and when so amended that said bill do pass.

Representative Brown T