

SENATE BILL No. 175

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-223.7; IC 16-21-10.

Synopsis: Hospital employee influenza immunization. Requires hospitals to annually administer immunizations against the influenza virus to certain hospital employees.

Effective: July 1, 2011.

Miller

January 5, 2011, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 175



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, AS AMENDED BY P.L.29-2009,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 223.7. "Medically contraindicated", for purposes
4 of IC 16-28-14, ~~and~~ IC 16-28-14.5, **and IC 16-21-10**, means that a
5 vaccine would be detrimental to an individual's health because of a
6 medical condition of the individual.

7 SECTION 2. IC 16-21-10 IS ADDED TO THE INDIANA CODE
8 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]:

- 10 **Chapter 10. Immunization of Hospital Employees**
11 **Sec. 1. This chapter applies to the following:**
12 **(1) A hospital licensed under any of the following:**
13 **(A) This article.**
14 **(B) IC 16-22.**
15 **(C) IC 16-23.**
16 **(D) IC 16-23.5.**
17 **(2) An employee of a hospital described in subdivision (1) who**



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has direct contact with a patient of the hospital.
Sec. 2. (a) Except as provided in section 4 of this chapter and subject to obtaining an employee's consent, a hospital shall annually administer or make available to be administered immunizations against the influenza virus to the employees of the hospital.

(b) A hospital shall conduct immunizations under this section in accordance with the recommendations established by the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention that are in effect at the time the hospital conducts the immunizations.

Sec. 3. A hospital shall annually administer or make available to be administered the immunization required under this chapter to an employee described in section 1(2) of this chapter and who is employed by the hospital during the period beginning October 1 and ending February 1 of the following year.

Sec. 4. (a) A hospital is not required to provide or make available to the hospital's employees an annual immunization against the influenza virus if the state department determines that the necessary vaccine is not in adequate supply.

(b) A hospital shall not require an employee to receive an immunization under this chapter if:

- (1) the hospital:
 - (A) has written documentation from the employee's physician or other health care provider indicating the date and place that the individual received an immunization required under this chapter; and
 - (B) determines that no additional immunization is required;
- (2) the immunization is medically contraindicated for the employee;
- (3) receiving the immunization is against the employee's religious beliefs; or
- (4) the employee refuses to permit the immunization after being fully informed of the health risks.

Sec. 5. The state department may adopt rules under IC 4-22-2 to administer this chapter.

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