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# HOUSE BILL No. 1070

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2-128.7; IC 12-17.2-7.

**Synopsis:** Flu shots for child care center workers. Requires a child care center to make available influenza immunizations to employees who have direct contact with children at the child care center. Provides that the immunizations are not required if there is an inadequate supply of the vaccine. Provides that a child care center is prohibited from requiring an employee to receive an immunization under certain circumstances. Allows the division of family resources to adopt rules to administer the immunization requirements.

**Effective:** July 1, 2011.

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### Frizzell

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January 5, 2011, read first time and referred to Committee on Family, Children and Human Affairs.

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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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## HOUSE BILL No. 1070

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

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

1 SECTION 1. IC 12-7-2-128.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: **Sec. 128.7. "Medically**  
4 **contraindicated", for purposes of IC 12-17.2-7, has the meaning set**  
5 **forth in IC 12-17.2-7-2.**

6 SECTION 2. IC 12-17.2-7 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2011]:

9 **Chapter 7. Child Care Center Employee Immunizations**

10 **Sec. 1. This chapter applies only to the following:**

11 **(1) Child care centers that are licensed under IC 12-17.2-4 as**  
12 **comprehensive care facilities.**

13 **(2) Employees of child care centers described in subdivision**  
14 **(1) who have direct contact with the children who are enrolled**  
15 **in and in the care of the child care center.**

16 **Sec. 2. As used in this chapter, "medically contraindicated"**  
17 **means that a vaccine would be detrimental to an individual's health**



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because of a medical condition of the individual.

**Sec. 3. (a) Subject to section 5 of this chapter, a child care center shall, during the period of each year beginning October 1 of the year and ending February 1 of the following year, make available to the employees of the child care center immunizations against the influenza virus.**

**(b) A child care center that has a vaccine administered to an employee of the child care center under subsection (a) must have the vaccine administered:**

- (1) subject to the consent of the employee; and**
- (2) 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 child care center administers the vaccine.**

**Sec. 4. A child care center is not required to make available annual immunizations to the child care center's employees under section 3 of this chapter if the department determines that the necessary vaccine is not in adequate supply.**

**Sec. 5. Notwithstanding any other provision of this chapter, a child care center shall not require an employee to receive an immunization under this chapter if:**

- (1) the child care center:**
  - (A) has written documentation from the employee's physician or other health care provider indicating the date on which and the place where the employee received an immunization against the influenza virus; and**
  - (B) determines that no additional immunization under this chapter 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 of the immunization.**

**Sec. 6. The division may adopt rules under IC 4-22-2 to administer this chapter.**

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