

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

**BILL:** CS/SB 2296

**INTRODUCER:** Health Regulation Committee and Senator Constantine

**SUBJECT:** Influenza Vaccine

**DATE:** March 25, 2009      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HR	<b>Fav/CS</b>
2.			CF	
3.			HA	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

The bill requires child care facilities, family day care homes, and large family child care homes to provide information regarding influenza immunizations to parents of children enrolled in the facility or home during the months of August and September of each year. The effective date of the bill is upon becoming a law.

This bill amends sections 402.305, 402.313, and 402.3131, Florida Statutes.

**II. Present Situation:**

**Influenza**

Influenza is a viral disease that is spread from person to person primarily via large-particle respiratory droplet transmission. Uncomplicated influenza may consist of onset of fever, headache, malaise, nonproductive cough, sore throat, and rhinitis and typically resolves after 3-7 days. Annual epidemics of influenza in the United States occur typically during the late fall

through early spring seasons.<sup>1</sup> Influenza viruses can cause disease among persons in any age group, but rates of infection are highest among children.<sup>2</sup> Rates of serious illness and death are highest among persons aged greater than 65 years, children aged less than 2 years, and persons of any age who have medical conditions that place them at increased risk for complications from influenza.<sup>3</sup> An annual average of approximately 36,000 deaths during 1990-1999 and 226,000 hospitalizations during 1979-2001 have been associated with influenza epidemics.<sup>4</sup>

The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP) provides annual recommendations for the prevention and control of influenza. For 2008-2009, the ACIP recommends annual vaccination for all children aged 16 months – 18 years. Vaccination to prevent influenza is important for persons who are at increased risk for severe complication from influenza, or at higher risk for influenza-associated clinic, emergency department, or hospital visits. Rates of influenza-associated hospitalization are substantially higher among infants and young children relative to older children.

### **Immunization as a Public Health Mission in Florida**

The Department of Health (DOH), under s. 381.0011(4), F.S., must administer and enforce laws and rules relating to sanitation, control of communicable diseases, illnesses and hazards to health among humans and from animals to humans, and the general health of the people of Florida. Under s. 381.003(1)(e), F.S., the DOH communicable disease program must include programs for the prevention and control of vaccine-preventable diseases. Immunization requirements for children are established by the DOH rule.<sup>5</sup> Under s. 381.005, F.S., the DOH must conduct a primary and preventive health care program as part of fulfilling its public health mission.

### **Influenza and Pneumococcal Bacteria Immunization**

The program required under s. 381.005, F.S., must include a program with Florida hospitals to offer immunization against influenza and pneumococcal bacteria to persons age 65 or older. Between October 1, or earlier if the vaccination is available, and February 1 of each year, subject to the availability of an adequate supply of the necessary vaccine, each Florida-licensed hospital must implement a program to offer immunizations against the influenza virus and pneumococcal bacteria to all patients age 65 or older. The influenza vaccine must be offered in accordance with the recommendations of the ACIP, subject to the clinical judgment of the responsible practitioner.

Pursuant to s. 400.141, F.S., every licensed nursing home facility in Florida, before November 30 of each year, subject to the availability of an adequate supply of the necessary vaccine, must provide for immunizations against influenza viruses to all its consenting residents. The vaccine must be provided in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications

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<sup>1</sup> “Prevention and Control of Influenza: Recommendations of the Advisory Committee on Immunization Practices, 2008” MORBIDITY MORTALITY WEEKLY REPORT, 57(RR07); 1-60 August 8, 2008.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See Rule 64D-3.046, Florida Administrative Code.

and religious or personal beliefs. Subject to these exemptions, any consenting person who becomes a resident of the facility after November 30 but before March 31 of the following year must be immunized within 5 working days after becoming a resident.

### **Child Care Facilities and Family Day Care Homes**

Section 402.305, F.S., requires the DCF to establish licensing standards that each child care facility must meet. This section requires the DCF to establish minimum standards, including requirements for immunizations. Family day care homes are licensed under s. 402.313, F.S., and large family child care homes are licensed under s. 402.3131, F.S.

Each child care facility, family day care home, and large family child care home must provide proof of immunization for the children in care. Each child care facility must obtain from the custodial parent or legal guardian of each child in care a current, complete, and properly executed DOH Florida Certificate of Immunization form.<sup>6</sup>

### **III. Effect of Proposed Changes:**

The bill requires child care facilities, family day care homes, and large family child care homes to provide information regarding influenza immunizations to parents of children enrolled in the facility or home during the months of August and September of each year.

The effective date of the bill is upon becoming a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

#### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

#### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>6</sup> See Rule 65C-22.006, F.A.C., which refers to several DOH immunization forms currently used by DCF licensed child care facilities.

**B. Private Sector Impact:**

Child care facilities, family day care homes, and large family child care homes will incur costs to provide information regarding influenza immunizations to parents of children enrolled in the facility or home during the months of August and September of each year.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Health Regulation Committee on March 25, 2009:**

The committee substitute no longer requires the influenza vaccine to be administered to children enrolled in child care facilities, family day care homes, and large family child care homes each year. The committee substitute requires child care facilities, family day care homes, and large family child care homes to provide information regarding influenza immunizations to parents of children enrolled in the facility or home during the months of August and September of each year. The effective date of the bill is changed from July 1, 2009 to effective upon becoming a law.

**B. Amendments:**

None.