

1                   A bill to be entitled  
2           An act relating to childhood vaccinations; amending s.  
3           1003.22, F.S.; revising requirements for the  
4           administration of certain vaccines required for school  
5           entry; requiring licensed health care providers to provide  
6           certain vaccine information statements to parents, legal  
7           guardians, and legal representatives before administration  
8           of certain vaccines to children; requiring health care  
9           providers to obtain a signed statement from parents, legal  
10          guardians, and legal representatives documenting that the  
11          vaccine information statements are provided; specifying  
12          the required contents of the signed statement; requiring  
13          health care providers to record the batch and lot number  
14          of each vaccine on the signed statement; requiring health  
15          care providers to maintain certain records; providing for  
16          application of the act to certain vaccine information  
17          statements; authorizing the use of a single signed  
18          statement for administration of multiple vaccines under  
19          certain circumstances; amending ss. 381.003 and 1002.42,  
20          F.S.; conforming cross-references; providing an effective  
21          date.

22  
23   Be It Enacted by the Legislature of the State of Florida:

24  
25           Section 1. Subsections (6) through (11) of section  
26           1003.22, Florida Statutes, are renumbered as subsections (7)  
27           through (12), respectively, and a new subsection (6) is added to  
28           that section, to read:

29 | 1003.22 School-entry health examinations; immunization  
 30 | against communicable diseases; exemptions; duties of Department  
 31 | of Health.--

32 | (6) Before administration of a vaccine for an immunization  
 33 | required by this section, a licensed health care provider must:

34 | (a) Provide the child's parent, legal guardian, or other  
 35 | legal representative with a copy of the current vaccine  
 36 | information statement published about the vaccine by the Centers  
 37 | for Disease Control and Prevention of the United States  
 38 | Department of Health and Human Services.

39 | (b) Have the child's parent, legal guardian, or other  
 40 | legal representative sign a statement in substantially the  
 41 | following form:

42 |  
 43 | I have received a copy of the vaccine information  
 44 | statement published by the Centers for Disease Control and  
 45 | Prevention. I have read or have had explained to me  
 46 | information about the vaccine to be administered, the  
 47 | benefits and risks of the vaccine, how to report an  
 48 | adverse reaction, the availability of the National Vaccine  
 49 | Injury Compensation Program, and how to get more  
 50 | information about childhood diseases and vaccines. I  
 51 | understand the benefits of the vaccine and ask that the  
 52 | vaccine be administered to ...(name of child)..., for whom  
 53 | I am authorized to make this request.

54 | Signature: ...(signature)....

55 | Name: ...(printed name of parent, legal guardian,  
 56 | or other legal representative)....

Date: ... (date)....

(c) Keep a copy of the parent's, legal guardian's, or legal representative's signed statement as part of the child's permanent medical record.

(d) Record a notation on the statement of the batch and lot number for each vaccine administered to the child.

This subsection applies to each vaccine information statement published by the Centers for Disease Control and Prevention, whether or not the statement is covered by the federal National Childhood Vaccine Injury Act of 1986, 42 U.S.C. s. 300aa-26. If the Centers for Disease Control and Prevention publish a vaccine information statement that covers multiple vaccines, the health care provider may have the child's parent, legal guardian, or other legal representative sign a single statement for the vaccines covered by the vaccine information statement.

Section 2. Paragraph (e) of subsection (1) of section 381.003, Florida Statutes, is amended to read:

381.003 Communicable disease and AIDS prevention and control.--

(1) The department shall conduct a communicable disease prevention and control program as part of fulfilling its public health mission. A communicable disease is any disease caused by transmission of a specific infectious agent, or its toxic products, from an infected person, an infected animal, or the environment to a susceptible host, either directly or

84 indirectly. The communicable disease program must include, but  
85 need not be limited to:

86 (e) Programs for the prevention and control of vaccine-  
87 preventable diseases, including programs to immunize school  
88 children as required by s. 1003.22 ~~s. 1003.22(3)-(11)~~ and the  
89 development of an automated, electronic, and centralized  
90 database or registry of immunizations. The department shall  
91 ensure that all children in this state are immunized against  
92 vaccine-preventable diseases. The immunization registry shall  
93 allow the department to enhance current immunization activities  
94 for the purpose of improving the immunization of all children in  
95 this state.

96 1. Except as provided in subparagraph 2., the department  
97 shall include all children born in this state in the  
98 immunization registry by using the birth records from the Office  
99 of Vital Statistics. The department shall add other children to  
100 the registry as immunization services are provided.

101 2. The parent or guardian of a child may refuse to have  
102 the child included in the immunization registry by signing a  
103 form obtained from the department, or from the health care  
104 practitioner or entity that provides the immunization, which  
105 indicates that the parent or guardian does not wish to have the  
106 child included in the immunization registry. The decision to not  
107 participate in the immunization registry must be noted in the  
108 registry.

109 3. The immunization registry shall allow for immunization  
110 records to be electronically transferred to entities that are  
111 required by law to have such records, including schools,

CS/HB 33

2009

112 licensed child care facilities, and any other entity that is  
113 required by law to obtain proof of a child's immunizations.

114 4. Any health care practitioner licensed under chapter  
115 458, chapter 459, or chapter 464 in this state who complies with  
116 rules adopted by the department to access the immunization  
117 registry may, through the immunization registry, directly access  
118 immunization records and update a child's immunization history  
119 or exchange immunization information with another authorized  
120 practitioner, entity, or agency involved in a child's care. The  
121 information included in the immunization registry must include  
122 the child's name, date of birth, address, and any other unique  
123 identifier necessary to correctly identify the child; the  
124 immunization record, including the date, type of administered  
125 vaccine, and vaccine lot number; and the presence or absence of  
126 any adverse reaction or contraindication related to the  
127 immunization. Information received by the department for the  
128 immunization registry retains its status as confidential medical  
129 information and the department must maintain the confidentiality  
130 of that information as otherwise required by law. A health care  
131 practitioner or other agency that obtains information from the  
132 immunization registry must maintain the confidentiality of any  
133 medical records in accordance with s. 456.057 or as otherwise  
134 required by law.

135 Section 3. Paragraph (a) of subsection (6) of section  
136 1002.42, Florida Statutes, is amended to read:

137 1002.42 Private schools.--

138 (6) IMMUNIZATIONS.--The governing authority of each  
139 private school shall:

CS/HB 33

2009

140 (a) Require students to present a certification of  
141 immunization in accordance with the provisions of s. 1003.22 ~~s.~~  
142 ~~1003.22(3)-(11)~~.

143 Section 4. This act shall take effect July 1, 2009.