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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 signed statements 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 statements; requiring
13 health care providers to record the batch and lot number
14 of each vaccine on the signed statements; 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:

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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 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,

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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:

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

143 Section 4. This act shall take effect July 1, 2010.