

By Senator Ring

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

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Present subsections (6) through (11) of section  
31 1003.22, Florida Statutes, are renumbered as subsections (8)  
32 through (13), respectively, and new subsections (6) and (7) are  
33 added to that section, to read:

34 1003.22 School-entry health examinations; immunization  
35 against communicable diseases; exemptions; duties of Department  
36 of Health.—

37 (6) Before vaccinating a child, a pediatrician or attending  
38 physician must discuss the risks, benefits, and alternatives of  
39 each vaccination recommended for the child by the Centers for  
40 Disease Control and Prevention of the United States Department  
41 of Health and Human Services. Pursuant to s. 1003.22, a child  
42 must commence the required vaccination schedule before beginning  
43 kindergarten or initial entry into public or private school,  
44 whichever occurs earlier.

45 (7) (a) Before administering a vaccine for an immunization  
46 required by this section, a licensed health care provider must:

47 1. Provide to the child's parent, legal guardian, or other  
48 legal representative a copy of the current vaccine information  
49 statement published about the vaccine by the Centers for Disease  
50 Control and Prevention.

51 2. Obtain a signed statement from the child's parent, legal  
52 guardian, or other legal representative in substantially the  
53 following form:

54  
55 I have received a copy of the vaccine information statement  
56 published by the Centers for Disease Control and Prevention. I  
57 have read or have had explained to me information about the  
58 vaccine to be administered, the benefits and risks of the

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59 vaccine, how to report an adverse reaction, the availability of  
 60 the National Vaccine Injury Compensation Program, and how to  
 61 obtain more information about childhood diseases and vaccines. I  
 62 understand the benefits of the vaccine and ask that the vaccine  
 63 be administered to ...(name of child)..., for whom I am  
 64 authorized to make this request.

65 Signature: ...(signature)....

66 Name: ...(printed name of parent, legal guardian,  
 67 or other legal representative)....

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

70 3. Record a notation on the statement of the batch and lot  
 71 number for each vaccine administered to the child.

72 (b) The health care provider shall maintain a copy of the  
 73 signed statement in the child's permanent medical record.

74 (c) This subsection applies to each vaccine information  
 75 statement published by the Centers for Disease Control and  
 76 Prevention, regardless of whether the statement is covered by  
 77 the federal National Vaccine Injury Compensation Program, 42  
 78 U.S.C. s. 300aa-26. If the Centers for Disease Control and  
 79 Prevention publish a vaccine information statement that covers  
 80 multiple vaccines, the health care provider may have the child's  
 81 parent, legal guardian, or other legal representative sign a  
 82 single statement for all of the vaccines covered by the vaccine  
 83 information statement.

84 Section 2. Paragraph (e) of subsection (1) of section  
 85 381.003, Florida Statutes, is amended to read:

86 381.003 Communicable disease and AIDS prevention and  
 87 control.-

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88 (1) The department shall conduct a communicable disease  
89 prevention and control program as part of fulfilling its public  
90 health mission. A communicable disease is any disease caused by  
91 transmission of a specific infectious agent, or its toxic  
92 products, from an infected person, an infected animal, or the  
93 environment to a susceptible host, either directly or  
94 indirectly. The communicable disease program must include, but  
95 need not be limited to:

96 (e) Programs for the prevention and control of vaccine-  
97 preventable diseases, including programs to immunize school  
98 children as required by s. 1003.22 ~~s. 1003.22(3)-(11)~~ and the  
99 development of an automated, electronic, and centralized  
100 database or registry of immunizations. The department shall  
101 ensure that all children in this state are immunized against  
102 vaccine-preventable diseases. The immunization registry shall  
103 allow the department to enhance current immunization activities  
104 for the purpose of improving the immunization of all children in  
105 this state.

106 1. Except as provided in subparagraph 2., the department  
107 shall include all children born in this state in the  
108 immunization registry by using the birth records from the Office  
109 of Vital Statistics. The department shall add other children to  
110 the registry as immunization services are provided.

111 2. The parent or guardian of a child may refuse to have the  
112 child included in the immunization registry by signing a form  
113 obtained from the department, or from the health care  
114 practitioner or entity that provides the immunization, which  
115 indicates that the parent or guardian does not wish to have the  
116 child included in the immunization registry. The decision to not

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117 participate in the immunization registry must be noted in the  
118 registry.

119 3. The immunization registry shall allow for immunization  
120 records to be electronically transferred to entities that are  
121 required by law to have such records, including schools,  
122 licensed child care facilities, and any other entity that is  
123 required by law to obtain proof of a child's immunizations.

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

145 Section 3. Paragraph (a) of subsection (6) of section

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146 1002.42, Florida Statutes, is amended to read:

147 1002.42 Private schools.—

148 (6) IMMUNIZATIONS.—The governing authority of each private  
149 school shall:

150 (a) Require students to present a certification of  
151 immunization in accordance with the provisions of s. 1003.22 ~~s.~~  
152 ~~1003.22(3)–(11)~~.

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