

By the Committee on Children, Families, and Elder Affairs; and
Senators Ring and Fasano

586-05178-09

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1 A bill to be entitled
2 An act relating to human vaccinations; amending s.
3 499.005, F.S.; prohibiting the sale, purchase,
4 manufacture, delivery, importation, administration,
5 and distribution of certain vaccines containing
6 organic or inorganic mercury compounds in excess of a
7 certain amount; amending s. 1003.22, F.S.; revising
8 requirements for the administration of certain
9 vaccines required for school entry; authorizing a
10 parent, legal guardian, or authorized person to choose
11 an alternative immunization schedule under certain
12 conditions; requiring licensed health care providers
13 to provide certain vaccine information statements to
14 parents, legal guardians, and legal representatives
15 before the administration of certain vaccines to
16 children; requiring health care providers to obtain a
17 signed statement from parents, legal guardians,
18 authorized persons, and legal representatives
19 documenting that the vaccine information statements
20 are provided; specifying the required contents of the
21 signed statement; requiring health care providers to
22 record the lot number of each vaccine on the signed
23 statement or a permanent office log; requiring health
24 care providers to maintain certain records; providing
25 for application of the act to certain vaccine
26 information statements; authorizing the use of a
27 single signed statement for the administration of
28 multiple vaccines under certain circumstances;
29 amending ss. 381.003 and 1002.42, F.S.; conforming

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30 cross-references; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsection (30) is added to section 499.005,
35 Florida Statutes, to read:

36 499.005 Prohibited acts.—It is unlawful for a person to
37 perform or cause the performance of any of the following acts in
38 this state:

39 (30) The sale, purchase, manufacture, delivery,
40 importation, administration, or distribution of any human
41 vaccine used for children under age 6 or pregnant women which
42 contains any organic or inorganic mercury compound in excess of
43 0.1 microgram per milliliter.

44 Section 2. Present subsections (6) through (11) of section
45 1003.22, Florida Statutes, are renumbered as subsections (8)
46 through (13), respectively, and new subsections (6) and (7) are
47 added to that section, to read:

48 1003.22 School-entry health examinations; immunization
49 against communicable diseases; exemptions; duties of Department
50 of Health.—

51 (6) In vaccinating his or her child, a parent, legal
52 guardian, or other authorized person, in consultation with his
53 or her pediatrician, has the right to choose an alternative
54 immunization schedule to the immunization schedule recommended
55 by the Centers for Disease Control and Prevention, as long as
56 the child completes the required immunizations before beginning
57 kindergarten or initial entry into a public or private school,
58 whichever occurs earlier.

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59 (7) Before administration of a vaccine for an immunization
60 required by this section, a licensed health care provider must:

61 (a) Provide the child's parent, legal guardian, or other
62 legal representative with a copy of the current vaccine
63 information statement published about the vaccine by the Centers
64 for Disease Control and Prevention of the United States
65 Department of Health and Human Services.

66 (b) Have the child's parent, legal guardian, authorized
67 person, or other legal representative sign a statement in
68 substantially the following form:

69
70 I have received a copy of the vaccine information statement
71 published by the Centers for Disease Control and Prevention. I
72 have read or have had explained to me information about the
73 vaccine to be administered, the benefits and risks of the
74 vaccine, how to report an adverse reaction, the availability of
75 the National Vaccine Injury Compensation Program, and how to
76 obtain more information about childhood diseases and vaccines. I
77 understand the benefits of the vaccine and ask that the vaccine
78 be administered to ...(name of child)..., for whom I am
79 authorized to make this request.

80 Signature: ...(signature)....

81 Name: ...(printed name of parent, legal guardian,
82 authorized person, or other legal representative)....

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

84
85 (c) Keep a copy of the parent's, legal guardian's,
86 authorized person's, or legal representative's signed statement
87 as part of the child's permanent medical record.

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88 (d) Record a notation on the statement or on a permanent
89 office log of the lot number for each vaccine administered to
90 the child.

91
92 This subsection applies to each vaccine information statement
93 published by the Centers for Disease Control and Prevention,
94 whether or not the statement is covered by the federal National
95 Vaccine Injury Compensation Program, 42 U.S.C. s. 300aa-26. If
96 the Centers for Disease Control and Prevention publish a vaccine
97 information statement that covers multiple vaccines, the health
98 care provider may have the child's parent, legal guardian,
99 authorized person, or other legal representative sign a single
100 statement for the vaccines covered by the vaccine information
101 statement.

102 Section 3. Paragraph (e) of subsection (1) of section
103 381.003, Florida Statutes, is amended to read:

104 381.003 Communicable disease and AIDS prevention and
105 control.—

106 (1) The department shall conduct a communicable disease
107 prevention and control program as part of fulfilling its public
108 health mission. A communicable disease is any disease caused by
109 transmission of a specific infectious agent, or its toxic
110 products, from an infected person, an infected animal, or the
111 environment to a susceptible host, either directly or
112 indirectly. The communicable disease program must include, but
113 need not be limited to:

114 (e) Programs for the prevention and control of vaccine-
115 preventable diseases, including programs to immunize school
116 children as required by s. 1003.22 ~~s. 1003.22(3)-(11)~~ and the

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117 development of an automated, electronic, and centralized
118 database or registry of immunizations. The department shall
119 ensure that all children in this state are immunized against
120 vaccine-preventable diseases. The immunization registry shall
121 allow the department to enhance current immunization activities
122 for the purpose of improving the immunization of all children in
123 this state.

124 1. Except as provided in subparagraph 2., the department
125 shall include all children born in this state in the
126 immunization registry by using the birth records from the Office
127 of Vital Statistics. The department shall add other children to
128 the registry as immunization services are provided.

129 2. The parent or guardian of a child may refuse to have the
130 child included in the immunization registry by signing a form
131 obtained from the department, or from the health care
132 practitioner or entity that provides the immunization, which
133 indicates that the parent or guardian does not wish to have the
134 child included in the immunization registry. The decision to not
135 participate in the immunization registry must be noted in the
136 registry.

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

142 4. Any health care practitioner licensed under chapter 458,
143 chapter 459, or chapter 464 in this state who complies with
144 rules adopted by the department to access the immunization
145 registry may, through the immunization registry, directly access

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146 immunization records and update a child's immunization history
147 or exchange immunization information with another authorized
148 practitioner, entity, or agency involved in a child's care. The
149 information included in the immunization registry must include
150 the child's name, date of birth, address, and any other unique
151 identifier necessary to correctly identify the child; the
152 immunization record, including the date, type of administered
153 vaccine, and vaccine lot number; and the presence or absence of
154 any adverse reaction or contraindication related to the
155 immunization. Information received by the department for the
156 immunization registry retains its status as confidential medical
157 information and the department must maintain the confidentiality
158 of that information as otherwise required by law. A health care
159 practitioner or other agency that obtains information from the
160 immunization registry must maintain the confidentiality of any
161 medical records in accordance with s. 456.057 or as otherwise
162 required by law.

163 Section 4. Paragraph (a) of subsection (6) of section
164 1002.42, Florida Statutes, is amended to read:

165 1002.42 Private schools.—

166 (6) IMMUNIZATIONS.—The governing authority of each private
167 school shall:

168 (a) Require students to present a certification of
169 immunization in accordance with the provisions of s. 1003.22 ~~s.~~
170 ~~1003.22(3)–(11)~~.

171 Section 5. This act shall take effect July 1, 2009.