

HOUSE BILL 140

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71r0159

By: **The Speaker (By Request – Administration) and Delegates Barnes, Busch, Haynes, and Morhaim**

Introduced and read first time: January 24, 2007

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2007

CHAPTER _____

1 AN ACT concerning

2 **Statewide Advisory Commission on Immunization – ~~Universal Vaccine~~**
3 **Purchasing System Duties and Sunset Extension**

4 FOR the purpose of expanding certain duties of the Statewide Advisory Commission
5 on Immunizations; including a representative from a health insurance carrier
6 on the Commission; extending the termination date of the Commission;
7 requiring the Commission to make certain recommendations in a certain annual
8 report by a certain date; providing for the termination of a certain provision of
9 this Act; and generally relating to the Statewide Advisory Commission on
10 Immunizations.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 18–214
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, with amendments,
17 Chapter 337 of the Acts of the General Assembly of 2002, as amended by
18 Chapter 200 of the Acts of the General Assembly of 2005

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 2

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Health – General**

5 18–214.

6 (a) In this section, “vaccine” means a product intended to elicit, in humans,
7 active or passive immunity against an infectious agent or product of an infectious
8 agent.

9 (b) There is a Statewide Advisory Commission on Immunizations.

10 (c) The Commission consists of at least the following members:

11 (1) One physician member of the Medical and Chirurgical Faculty
12 Public Health Council;

13 (2) The chairperson of the Maryland Childhood Immunization
14 Partnership;

15 (3) Two physician members of the Maryland Chapter of the American
16 Academy of Pediatrics with experience in private practice and infectious diseases;

17 (4) One physician member of the Maryland Academy of Family
18 Physicians;

19 (5) One physician member of the American College of Physicians –
20 Internal Medicine Society of Maryland;

21 (6) The executive director of the Maryland Partnership for Prevention;

22 (7) One local health officer;

23 (8) One representative from the Department’s Vaccines for Children
24 Program;

25 (9) One representative of the Maryland school system with knowledge
26 of the immunizations required of children entering schools;

27 (10) The Maryland State Epidemiologist;

1 (11) One representative from a public health consumer advocacy group;
2 ~~and~~

3 (12) One nurse practitioner; AND

4 (13) ONE REPRESENTATIVE FROM A HEALTH INSURANCE
5 CARRIER.

6 (d) The Secretary of the Department of Health and Mental Hygiene shall
7 appoint the membership of the Commission, based on the recommendation of the
8 appropriate medical society or agency.

9 (e) The physician member of the Medical and Chirurgical Faculty Public
10 Health Council shall:

11 (1) Chair the Commission;

12 (2) Establish subcommittees to facilitate the work of the Commission;
13 and

14 (3) Appoint subcommittee chairs from among the Commission
15 members.

16 (f) A member of the Commission may not receive compensation but is
17 entitled to reimbursement for expenses under the Standard State Travel Regulations,
18 as provided in the State budget.

19 (g) The Department of Health and Mental Hygiene shall provide the staffing
20 for the Commission.

21 (h) The Commission shall:

22 (1) Determine where community vaccine shortages exist and which
23 vaccines are in short supply;

24 (2) Develop a recommendation for a plan to effectuate the equitable
25 distribution of vaccines; and

26 (3) Study and make recommendations about other related issues as
27 determined by the Commission, including but not limited to:

1 (i) Immunizations required of children entering schools in
2 times of vaccine shortage;

3 (ii) All available options for the purchasing of vaccines,
4 **INCLUDING THE DEVELOPMENT OF A UNIVERSAL VACCINE PURCHASING**
5 **SYSTEM, OR A SIMILAR PROGRAM TO INCREASE ACCESS TO NECESSARY**
6 **VACCINES, FOR THE STATE;**

7 **(III) AN UPDATE ON THE STATUS OF THE USE OF**
8 **THIMEROSAL IN VACCINES, INCLUDING THE AVAILABILITY AND AFFORDABILITY**
9 **OF THIMEROSAL-FREE VACCINES, AND ANY OTHER ISSUE RELATED TO THE USE**
10 **OF THIMEROSAL IN VACCINES THAT IS IDENTIFIED BY THE COMMISSION;**

11 ~~(iii)~~ **(IV)** Elimination of any vaccine distribution disparities;

12 ~~(iv)~~ **(V)** A public education campaign in the event of a vaccine
13 shortage;

14 ~~(v)~~ **(VI)** The availability and affordability of adult and
15 childhood vaccines; and

16 ~~(vi)~~ **(VII)** Strategies to increase immunizations among those
17 adults and children recommended to receive immunizations, including catch-up
18 immunizations.

19 (i) On or before December 15 of each year, the Commission shall submit a
20 report on its findings and recommendations to the Governor and, in accordance with §
21 2-1246 of the State Government Article, to the Senate Education, Health, and
22 Environmental Affairs Committee and the House Health and Government Operations
23 Committee.

24 **Chapter 337 of the Acts of 2002, as amended by Chapter 200 of the Acts of**
25 **2005**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **June 1, 2002. It shall remain effective for a period of [6] 8 years and, at the end of**
28 **May 31, [2008,] 2010, with no further action required by the General Assembly, this**
29 **Act shall be abrogated and of no further force and effect.**

30 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

1 (a) The report of the Statewide Advisory Commission on Immunizations that
2 is due on December 15, 2007, shall contain recommendations on whether the State
3 should consider implementing a Universal Vaccine Purchasing System or take other
4 appropriate action to increase access to necessary vaccines.

5 (b) In developing its recommendations, the Commission shall:

6 (1) consult with all interested stakeholders;

7 (2) review the structure, cost, scope, success, and implementation
8 issues of similar programs in other states;

9 (3) consider any existing State or federal programs or funds, or any
10 other source of funds, that may be available to mitigate the cost and administrative
11 burden of any proposed new program; ~~and~~

12 (4) provide a range of policy, structure, cost, and scope options to be
13 considered in any proposed new program;

14 (5) consider the feasibility and advisability of requiring the
15 Department of Health and Mental Hygiene to reimburse for vaccine administration on
16 a per-antigen basis as an alternative to reimbursing on a per-dosage basis; and

17 (6) (i) consider all available options for requiring carriers to
18 reimburse providers adequately for the full cost of immunizations including
19 acquisition and overhead costs; and

20 (ii) consider the feasibility of publicizing a list of wholesale
21 vendors and the prices charged by each vendor for vaccines.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2007. Section 2 of this Act shall remain effective for a period of 1 year and 6
24 months and, at the end of December 31, 2008, with no further action required by the
25 General Assembly, Section 2 of this Act shall be abrogated and of no further force and
26 effect.