

CHAPTER 504

(Senate Bill 105)

AN ACT concerning

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

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

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

BY repealing and reenacting, with amendments,
Chapter 337 of the Acts of the General Assembly of 2002, as amended by
Chapter 200 of the Acts of the General Assembly of 2005
Section 2

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

Article – Health – General

18–214.

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

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

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

- (1) One physician member of the Medical and Chirurgical Faculty Public Health Council;
- (2) The chairperson of the Maryland Childhood Immunization Partnership;
- (3) Two physician members of the Maryland Chapter of the American Academy of Pediatrics with experience in private practice and infectious diseases;
- (4) One physician member of the Maryland Academy of Family Physicians;
- (5) One physician member of the American College of Physicians – Internal Medicine Society of Maryland;
- (6) The executive director of the Maryland Partnership for Prevention;
- (7) One local health officer;
- (8) One representative from the Department's Vaccines for Children Program;
- (9) One representative of the Maryland school system with knowledge of the immunizations required of children entering schools;
- (10) The Maryland State Epidemiologist;
- (11) One representative from a public health consumer advocacy group;
- (12) One nurse practitioner; **AND**
- (13) **ONE REPRESENTATIVE FROM A HEALTH INSURANCE CARRIER.**

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

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

(1) Chair the Commission;

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

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

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

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

(h) The Commission shall:

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

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

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

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

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

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

- ~~(iii)~~ **(IV)** Elimination of any vaccine distribution disparities;
- ~~(iv)~~ **(V)** A public education campaign in the event of a vaccine shortage;
- ~~(v)~~ **(VI)** The availability and affordability of adult and childhood vaccines; and
- ~~(vi)~~ **(VII)** Strategies to increase immunizations among those adults and children recommended to receive immunizations, including catch-up immunizations.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

- (a) The report of the Statewide Advisory Commission on Immunizations that is due on December 15, 2007, shall contain recommendations on whether the State should consider implementing a Universal Vaccine Purchasing System or take other appropriate action to increase access to necessary vaccines.
- (b) In developing its recommendations, the Commission shall:
 - (1) consult with all interested stakeholders;
 - (2) review the structure, cost, scope, success, and implementation issues of similar programs in other states;

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

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

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

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

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

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

Approved by the Governor, May 17, 2007.