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SENATE BILL NO. 1083

Senate Amendments in [] — February 5, 2015

A *BILL to amend and reenact § 32.1-46 of the Code of Virginia, relating to immunization; meningococcal vaccines.*

Patron Prior to Engrossment—Senator Vogel

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-46 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-46. Immunization of patients against certain diseases.

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized in accordance with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center shall be those set forth in the State Board of Health Regulations for the Immunization of School Children. The Board's regulations shall at a minimum require:

1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).

2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday.

3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday.

4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into the sixth grade.

5. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.

6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.

7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.

8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.

9. All children born on and after January 1, 1997, shall be required to have one dose of varicella vaccine on or after 12 months.

10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if the three dose primary series consisted of a combination of OPV and IPV.

11. One to four doses, dependent on age at first dose, of properly spaced pneumococcal conjugate (PCV) vaccine for children up to 60 months of age.

12. Three doses of properly spaced human papillomavirus (HPV) vaccine for females. The first dose shall be administered before the child enters the sixth grade.

13. *One dose of quadrivalent (A, C, Y, W-135) meningococcal conjugate vaccine (MCV4) before the child enters the sixth grade. Two age-appropriate doses of MCV4 before the child enters the twelfth grade unless the child's first dose was administered after his sixteenth birthday, then only one dose is required.*

The parent, guardian or person standing in loco parentis may have such child immunized by a physician or registered nurse or may present the child to the appropriate local health department, which shall administer the vaccines required by the State Board of Health Regulations for the Immunization of School Children without charge to the parent of or person standing in loco parentis to the child if (i) the child is eligible for the Vaccines for Children Program or (ii) the child is eligible for coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), or 10 U.S.C. § 1071 et seq. (CHAMPUS). In all cases in which a child is covered by a health carrier, Medicare, Medicaid, CHIP, or CHAMPUS, the Department shall seek reimbursement from the health carrier, Medicare, Medicaid, CHIP, or CHAMPUS for all allowable costs associated with the provision of the vaccine. For the purposes of this section, the Department shall be deemed a participating provider with a managed care health insurance plan as defined in § 32.1-137.1.

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60 B. A physician, registered nurse or local health department administering a vaccine required by this
61 section shall provide to the person who presents the child for immunizations a certificate that shall state
62 the diseases for which the child has been immunized, the numbers of doses given, the dates when
63 administered and any further immunizations indicated.

64 C. The vaccines required by this section shall meet the standards prescribed in, and be administered
65 in accordance with, regulations of the Board.

66 D. The provisions of this section shall not apply if:

67 1. The parent or guardian of the child objects thereto on the grounds that the administration of
68 immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of
69 disease has been declared by the Board;

70 2. The parent or guardian presents a statement from a physician licensed to practice medicine in
71 Virginia, a licensed nurse practitioner, or a local health department that states that the physical condition
72 of the child is such that the administration of one or more of the required immunizing agents would be
73 detrimental to the health of the child; or

74 3. Because the human papillomavirus is not communicable in a school setting, a parent or guardian,
75 at the parent's or guardian's sole discretion, may elect for the parent's or guardian's child not to receive
76 the human papillomavirus vaccine, after having reviewed materials describing the link between the
77 human papillomavirus and cervical cancer approved for such use by the Board.

78 E. For the purpose of protecting the public health by ensuring that each child receives
79 age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed
80 institutional health care provider, local or district health department, the Virginia Immunization
81 Information System, and the Department of Health may share immunization and patient locator
82 information without parental authorization, including, but not limited to, the month, day, and year of
83 each administered immunization; the patient's name, address, telephone number, birth date, and social
84 security number; and the parents' names. The immunization information; the patient's name, address,
85 telephone number, birth date, and social security number; and the parents' names shall be confidential
86 and shall only be shared for the purposes set out in this subsection.

87 F. The State Board of Health shall review this section annually and make recommendations for
88 revision by September 1 to the Governor, the General Assembly, and the Joint Commission on Health
89 Care.

90 **[2. That the provisions of this act shall not become effective unless reenacted by the 2016 Session**
91 **of the General Assembly.]**