

2021 SESSION

LEGISLATION NOT PREPARED BY DLS
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21103579D

HOUSE BILL NO. 2328

Offered January 22, 2021

A *BILL* to facilitate the administration of the COVID-19 vaccine; emergency.

Patrons—Byron, Avoli, Batten, Cole, M.L., Edmunds, Fowler, Gilbert, Head, Hodges, Kilgore, Miyares, Orrock, Runion, Walker, Wiley, Wilt and Wyatt; Senators: Peake, Ruff, Stanley and Stuart

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Health (the Department) shall establish a process whereby any health care provider in the Commonwealth as set out in this act who is qualified and available to administer the COVID-19 vaccine may volunteer to administer the COVID-19 vaccine to citizens of the Commonwealth. Such health care providers shall consist of the following individuals who are trained in the administration of vaccines: (i) any person licensed, registered, or certified by a health regulatory board within the Department of Health Professions whose license, registration, or certification is in good standing, or was in good standing within five years or less prior and only lapsed because such person retired; (ii) any emergency medical services provider certified or licensed by the Department whose certification or licensing is in good standing, or was in good standing within five years or less prior and only lapsed because such person retired; and (iii) any health professions student enrolled in an accredited program in the Commonwealth who is in good academic standing with such student's school and provided that the school certifies that the student has been properly trained in the administration of vaccines. To facilitate volunteering, the Department shall place a volunteer link on its website's home page in the same visible location as other links, such as "GET COVIDWISE," to make the process to volunteer as a health care provider easily accessible. While the Department shall ensure there are adequate staff members at each COVID-19 vaccine administration location who are cardiopulmonary resuscitation (CPR) certified, a CPR certificate within the last two years shall not be required of each provider in order to volunteer to vaccinate. Students may be supervised by any fully licensed health care professional, and it shall not be required that the supervisor be licensed in the same profession for which the student is studying. For the purposes of volunteering to administer the COVID-19 vaccine, the Medical Reserve Corps training and orientation requirements shall be waived, except that the Department may require such individuals to participate in an approved in-person or online training program on intramuscular injection best practices and injection information, including contraindications and side effects. Any health care provider who wishes to volunteer to administer the COVID-19 vaccine shall register with the Department and complete any training required by the Department. When a health professions student volunteers to administer the COVID-19 vaccine pursuant to this act, such student shall provide information from his school to the Department that is required under this act. The Department, each local health department, and hospitals operating community vaccination clinics shall have access to the list of providers and may request that any health care provider administer the COVID-19 vaccine in clinics operated by the Department, local health department, or hospital. Information contained in the list of providers shall not be used for any other purpose and shall no longer be used after the expiration or revocation of all states of emergency declared by the Governor related to the COVID-19 pandemic.

In the absence of gross negligence or willful misconduct, any health care provider or entity overseeing any health care provider who administers the COVID-19 vaccine pursuant to this act shall not be liable for any actual or alleged injury or wrongful death or any civil cause of action arising from any act or omission arising out of, related to, or alleged to have resulted from the administration of the COVID-19 vaccine.

2. § 1. That the Department of Health (the Department) shall establish on its website's home page a link making a process easily accessible for entities to volunteer as sites that the Commissioner of Health (the Commissioner) and the Department may jointly approve as sites where administration of the COVID-19 vaccine to citizens of the Commonwealth may occur. Such entities shall include medical care facilities, hospitals, hospital systems, corporations, businesses, pharmacies, public and private institutions of higher education, and any other professional or community entities operating in the Commonwealth. The approval and setting up of such entities' facilities for vaccine administration shall be conducted through a joint collaboration between the Commissioner, the Department, and local health departments. In the absence of gross negligence or willful misconduct, any institution, business, corporation, or other entity at which the COVID-19 vaccine is legally administered shall not be liable for any actual or alleged injury or wrongful death or any civil cause of action arising from any act or omission arising out of,

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58 *related to, or alleged to have resulted from the administration of the COVID-19 vaccine.*

59 **3. § 1.** *That a public institution of higher education or a private institution of higher education in the*
60 *Commonwealth may volunteer to provide assistance to the Department of Health and local health*
61 *departments for data processing, analytics, and program development related to the COVID-19 vaccine*
62 *through the use of its employees, students, technology, and facilities. Such assistance may include*
63 *collecting and organizing data on the administration of the COVID-19 vaccine and locations where the*
64 *vaccine is being administered and performing other nonclinical staffing responsibilities. In the absence*
65 *of gross negligence or willful misconduct, any institution or individual affiliated with an institution*
66 *acting pursuant to this act shall not be liable for any civil or criminal penalties.*

67 **4. That an emergency exists and this act is in force from its passage.**