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SENATE BILL NO. 1445

Offered January 19, 2021

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

Patrons—Dunnavant, Kiggans, Barker, Bell, Boysko, Chase, Cosgrove, Deeds, DeSteph, Ebbin, Edwards, Favola, Hanger, Hashmi, Howell, Lewis, Locke, Lucas, Marsden, Mason, McClellan, McDougale, McPike, Morrissey, Newman, Norment, Obenshain, Peake, Petersen, Pillion, Reeves, Ruff, Saslaw, Spruill, Stanley, Stuart, Suetterlein, Surovell and Vogel; Delegates: Adams, D.M., Austin, Avoli, Batten, Cole, M.L., Davis, Edmunds, Fariss, Fowler, Hodges, Kilgore, McGuire, Mugler, Simonds, Tyler, Walker, Watts, Wiley, Wilt, Wright and Wyatt

Referred to Committee on Education and Health

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 engaged in a course of study approved by the Board of Medicine at a school in the Commonwealth, including but not limited to medical, pharmacy, dental, and nursing school, and who is in good academic standing with such student's school, provided that the school certifies that the student has been properly trained in the administration of vaccines. 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 submit any information requested by the Department, including licensure, certification, or registration type and status of the health care provider. When a health professions student volunteers to administer the COVID-19 vaccine pursuant to this act, such student's school shall report the information set out in clause (iii) certifying that such student is in good academic standing with the school and has been properly trained in the administration of vaccines. The Department and each local health department shall have access to the list of providers and may request that any health care provider administer the COVID-19 vaccine in such health care provider's locality or, in the case of a health professions student, in the locality in which the student attends school. 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 who administers the COVID-19 vaccine pursuant to this act shall not be liable for any injury or wrongful death or any civil cause of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus.

2. § 1. The Department of Health (the Department) shall establish a process on its website whereby 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 may register such entity's facilities as sites that the Commissioner of Health and the Department may jointly approve as sites where administration of the COVID-19 vaccine to citizens of the Commonwealth may occur. The approval and setting up of such 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 injury or wrongful death or any civil cause of action arising from any act or omission alleged to have resulted in the contraction of or exposure to the COVID-19 virus.

3. § 1. That a public institution of higher education or a private institution of higher education in the Commonwealth may volunteer to provide assistance to the Department of Health and local health

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54 departments for data processing, analytics, and program development related to the COVID-19 vaccine
55 through the use of its employees, students, technology, and facilities. Such assistance may include
56 collecting and organizing data on the administration of the COVID-19 vaccine and locations where the
57 vaccine is being administered and performing other nonclinical staffing responsibilities. In the absence
58 of gross negligence or willful misconduct, any institution or individual affiliated with an institution
59 acting pursuant to this act shall not be liable for any civil or criminal penalties.
60 **4. That an emergency exists and this act is in force from its passage.**