

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: HB824

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Marshall, R.G.

3. Committee: Appropriations

4. Title: HPV vaccine; Commonwealth liable

5. Summary: Provides that the Commonwealth shall assume liability for any injury resulting from administration of the human papillomavirus vaccine.

6. Budget Amendment Necessary: Yes.

7. Fiscal Impact Estimates: Preliminary. See item #8.

8. Fiscal Implications: The National Vaccine Injury Compensation Trust Fund, located within the U. S. Health Resources and Services Administration, currently provides vaccine related injury compensation through the National Vaccine Injury Compensation Program (VICP). The VICP provides compensation for vaccine-related injury or death claims for covered vaccines administered on or after October 1, 1988. The program is funded by an excise tax on vaccines recommended by the Centers for Disease Control and Prevention. The VICP is a no-fault alternative to the traditional tort system for resolving vaccine injury claims. HPV vaccine is a vaccine covered under this program and the Commonwealth has been charged the \$.75/dose excise tax for each dose of vaccine purchased.

The Virginia Department of Health staff has worked with the Department of Treasury and the Division of Risk Management to assess potential fiscal impact. According to the National Vaccine Adverse Event System, since the human papillomavirus (HPV) vaccine was licensed in 2006, there have been 459 suspected adverse events following the administration of the HPV vaccine reported in Virginia, with varying degrees of severity. This equals an average of 77 reported events per year. According to the Division of Risk Management, the Sovereign Immunity Law would limit the state's liability to \$100,000 per event. This would not include attorney fees and other associated legal and administrative costs. The fiscal impact of this bill cannot be determined at this time due to the unpredictable occurrence of adverse events following the administration of the HPV vaccine and the unknown number of successful liability claims against the Commonwealth.

9. Specific Agency or Political Subdivisions Affected: statewide

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/23/2012

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c: Secretary of Health and Human Resources