

## 2020 SESSION

LEGISLATION NOT PREPARED BY DLS  
INTRODUCED

20105366D

### HOUSE BILL NO. 1489

Offered January 8, 2020

Prefiled January 8, 2020

A *BILL to amend and reenact § 32.1-46 of the Code of Virginia, relating to disease prevention and control; immunizations.*

Patron—Hudson

Referred to Committee on Health, Welfare and Institutions

#### 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 seventh grade.

5. A booster dose of tetanus toxoid, diphtheria toxoid, and acellular pertussis (Tdap) shall be administered prior to entry into the seventh grade.

5-6. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.

6-7. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.

7-8. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.

8-9. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.

9-10. All children born on and after January 1, 1997, shall be required to have one dose Two doses of properly spaced varicella vaccine on or after. One dose shall be administered at age 12 months or older.

10-11. 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.

11-12. 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.

12-13. ThreeTwo doses of properly spaced human papillomavirus (HPV) vaccine for females. The first dose shall be administered before the child enters the sixth seventh grade.

The parent, guardian or person standing in loco parentis may have such child immunized by a physician, physician assistant, nurse practitioner, registered nurse, or licensed practical nurse, or a pharmacist who administers pursuant to a valid prescription, 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 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

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59 purposes of this section, the Department shall be deemed a participating provider with a managed care  
60 health insurance plan as defined in § 32.1-137.1.

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

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

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

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

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

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

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

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