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RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH

Introduced By: Senators Metts, Morgan, and de la Cruz

Date Introduced: February 27, 2020

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

SECTION 1. Section 23-1-44 of the General Laws in Chapter 23-1 entitled "Department of Health" is hereby amended to read as follows:

23-1-44. Routine childhood and adult immunization vaccines.

(a) The department of health shall include in the department's immunization program those vaccines for routine childhood immunization as recommended by the Advisory Committee for Immunization Practices (ACIP) and the Academy of Pediatrics (AAP), and for routine adult immunization as recommended by the ACIP, to the extent permitted by available funds. The immunization program includes administrative and quality assurance services and the Rhode Island Child and Adult Immunization Registry (RICAIR), a confidential, computerized information system that is used to manage statewide immunizations, for all persons in Rhode Island.

(b) The director of the department of health shall appoint an advisory committee that will be convened after the ACIP makes a recommendation regarding immunization. The committee will review the ACIP recommendations for the state; assess the vaccine cost and feasibility; and advise the director of health and the office of the health insurance commissioner regarding insurers and providers acting on the ACIP immunization recommendation. All recommendations will be posted on the department of health website. The advisory committee membership shall include, but not be limited to, a primary care provider, pharmacist, representatives of the nursing home industry, the home healthcare industry and major insurers.
For the purpose of protecting patients' information, all personally identifiable information obtained pursuant to this section shall be subject to the privacy protections of chapter 37.3 of title 5 and the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191 (HIPAA), as amended. An adult person, parent, guardian, or other person having custody of a minor child, may elect against vaccination for themselves or on behalf of the minor child, where the immunization is for a non-casual contact disease transmitted by sexual contact between individuals, by furnishing their decision in writing to the institution in question.

SECTION 2. Section 16-38-2 of the General Laws in Chapter 16-38 entitled "Offenses Pertaining to Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended to read as follows:

16-38-2. Immunization.

(a) Every person upon entering any public or private school including any college or university in this state as a pupil shall furnish to the administrative head of the school evidence that the person has been immunized against any diseases that may from time to time be prescribed by regulation of the director of health and tested for tuberculosis, or a certificate from a licensed physician stating that the person is not a fit subject for immunization for medical reasons, or a certificate signed by the pupil, if over eighteen (18) years of age, or by the parent or guardian stating that immunization and/or testing for communicable diseases is contrary to that person's religious beliefs. Where the immunization is for a non-casual contact disease transmitted by sexual contact between individuals, an adult person, parent, guardian, or other person having custody of a minor child, may elect against vaccination for themselves or on behalf of the minor child, by furnishing their decision in writing to the school. All consent forms or other correspondence sent to parents and guardians with respect to vaccinations shall affirmatively notify them of the option to opt out of participation in the vaccination program. It shall be the responsibility of the administrative head of the school to secure compliance with these regulations.

(b) Every child more than twenty-four (24) months of age, resident in the state of Rhode Island, shall be eligible to receive the immunization against meningococcal disease. The Department of Health shall include meningococcal vaccine in the department's immunization program, established by § 23-1-44.

SECTION 3. This act shall take effect upon passage.
This act would amend the provisions of the general laws relating to vaccines by allowing adults, parents, guardians, or persons in custody of a child to opt out of vaccines for non-casual contact diseases transmitted by sexual contact between individuals and would require all correspondence to parents relating to vaccinations to contain notification about the option to opt out.

This act would take effect upon passage.