

2020 -- S 2652

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

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:

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

3 **23-1-44. Routine childhood and adult immunization vaccines.**

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

12 (b) The director of the department of health shall appoint an advisory committee that will
13 be convened after the ACIP makes a recommendation regarding immunization. The committee
14 will review the ACIP recommendations for the state; assess the vaccine cost and feasibility; and
15 advise the director of health and the office of the health insurance commissioner regarding
16 insurers and providers acting on the ACIP immunization recommendation. All recommendations
17 will be posted on the department of health website. The advisory committee membership shall
18 include, but not be limited to, a primary care provider, pharmacist, representatives of the nursing
19 home industry, the home healthcare industry and major insurers.

1 (c) ~~For the purpose of protecting patients' information, all personally identifiable~~
2 ~~information obtained pursuant to this section shall be subject to the privacy protections of chapter~~
3 ~~37.3 of title 5 and the Health Insurance Portability and Accountability Act of 1996, Pub. L. No.~~
4 ~~104-191 (HIPAA), as amended.~~ An adult person, parent, guardian, or other person having custody
5 of a minor child, may elect against vaccination for themselves or on behalf of the minor child,
6 where the immunization is for a non-casual contact disease transmitted by sexual contact between
7 individuals, by furnishing their decision in writing to the institution in question.

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

11 **16-38-2. Immunization.**

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

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

31 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH

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

6 This act would take effect upon passage.

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