

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations to permit a minor, 11 years of age or older, to receive a vaccine, if the minor is capable of meeting the informed consent standard and the vaccination is recommended by the United States Advisory Committee on Immunization Practices and provided in accordance with United States Advisory Committee on Immunization Practices' recommended vaccinations schedule, to establish how a minor shall be deemed to meet the informed consent standard, to require the Department of Health to produce age-appropriate alternative vaccine information sheets, and to prohibit an insurer from sending an Explanation of Benefits, to allow a minor access to the minor's immunization records; and to amend the Student Health Care Act of 1985 to require a physician to submit the immunization record directly to the minor's school if the parent is utilizing a religious exemption or is opting out of receiving the Human Papillomavirus vaccine.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Minor Consent for Vaccinations Amendment Act of 2020".

Sec. 2. Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations (22-B DCMR § 600) is amended by adding a new subsection 600.9 to read as follows:

“600.9 (a) A minor, 11 years of age or older, may consent to receive a vaccine if the minor is capable of meeting the informed consent standard, the vaccine is recommended by the United States Advisory Committee on Immunization Practices (“ACIP”), and will be provided in accordance with ACIP’s recommended immunization schedule.

“(b) For the purposes of this subsection, a minor shall be deemed to meet the informed consent standard if the minor is able to comprehend the need for, the nature of, and any significant risks ordinarily inherent in the medical care.

“(c) The Department of Health shall produce one or more age-appropriate alternative vaccine information sheets, which shall be made available before vaccination of minors to support providers for use in the informed consent process.

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“(d)(1) Providers who administer immunizations under the authority of this subsection shall seek reimbursement, without parental consent, directly from the insurer, which may be Medicaid, Alliance, or private insurance. The provider shall notify the insurer that the immunization has been provided under the authority of this section.

“(2) Insurers shall not send an Explanation of Benefits for services provided under the authority of this subsection.

“(e) A minor who receives services provided under the authority of this subsection shall have access to the minor’s immunization records without parental consent.”.

Sec. 3. Section 3(a) of the Student Health Care Act of 1985, effective December 2, 1985 (D.C. Law 6-66; D.C. Official Code § 38-602(a)), is amended as follows:

(a) The existing text is designated as paragraph (1).

(b) A new paragraph (2) is added to read as follows:

“(2) If a minor student is utilizing a religious exemption for vaccinations or is opting out of receiving the Human Papillomavirus vaccine, but the minor student is receiving vaccinations under section 600.9 of Title 22-B of the District of Columbia Municipal Regulations (22-B DCMR § 600.9), the health care provider shall leave blank part 3 of the immunization record, and submit the immunization record directly to the minor student’s school. The school shall keep the immunization record received from the health care provider confidential; except, that the school may share the record with the Department of Health or the school-based health center.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia