

## SENATE BILL No. 133

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-21-13; IC 34-30-2-66.6.

**Synopsis:** Hospital employee immunizations. Requires a hospital, beginning January 1, 2018, to administer or make available to be administered certain immunizations to hospital employees or contractors who routinely have direct contact with any patient of the hospital. Allows a hospital to elect to annually administer or make available certain immunizations to health care professionals, other employees, and contractors. Provides for exceptions. Requires a hospital to administer or make influenza immunizations available at certain times during the year. Allows a hospital to establish a process for determining whether the tenets of the religion relied upon for an exemption prohibit an individual from receiving an immunization. Authorizes a hospital, if the hospital has a written policy in place before an individual's failure to receive an immunization, to: (1) impose, as a condition of employment or a contract, a requirement that an individual have an immunization; and (2) terminate an employee or contractor for not obtaining the immunization if the employee or contractor does not qualify for an exemption. Provides for immunity for the hospital.

**Effective:** July 1, 2017; January 1, 2018.

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## Mrvan

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January 4, 2017, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## SENATE BILL No. 133

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-162, AS AMENDED BY P.L.212-2005,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 162. **(a) "Health care professional", for  
4 purposes of IC 16-21-13, has the meaning set forth in  
5 IC 16-21-13-2.**

6 ~~(a)~~ **(b)** "Health care professional", for purposes of IC 16-27-1 and  
7 IC 16-27-4, has the meaning set forth in IC 16-27-1-1.

8 ~~(b)~~ **(c)** "Health care professional", for purposes of IC 16-27-2, has  
9 the meaning set forth in IC 16-27-2-1.

10 SECTION 2. IC 16-18-2-223.7, AS AMENDED BY P.L.29-2009,  
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2017]: Sec. 223.7. "Medically contraindicated", for purposes  
13 of **IC 16-21-13**, IC 16-28-14, and IC 16-28-14.5, means that a vaccine  
14 would be detrimental to an individual's health because of a medical  
15 condition of the individual.

16 SECTION 3. IC 16-21-13 IS ADDED TO THE INDIANA CODE  
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2017]:
- 2 **Chapter 13. Hospital Employee Immunizations**
- 3 **Sec. 1. (a) This chapter is effective beginning January 1, 2018.**
- 4 **(b) This chapter applies to the following:**
- 5 **(1) A hospital licensed under IC 16-21-2.**
- 6 **(2) An employee or a contractor of a hospital described in**
- 7 **subdivision (1) who routinely has direct contact with any**
- 8 **patient of the hospital.**
- 9 **(3) An employee or a contractor of a hospital described in**
- 10 **subdivision (1) who does not routinely have direct contact**
- 11 **with any patient of the hospital.**
- 12 **Sec. 2. (a) As used in this chapter, "health care professional"**
- 13 **means any individual who provides services for a hospital,**
- 14 **including the following:**
- 15 **(1) Physicians.**
- 16 **(2) Volunteers.**
- 17 **(3) Residents.**
- 18 **(4) Temporary workers.**
- 19 **(5) Students.**
- 20 **(6) Vendors.**
- 21 **(b) As used in this chapter, "routinely has direct contact with**
- 22 **any patient" means routinely having any of the following:**
- 23 **(1) Face-to-face interaction with any patient of the hospital.**
- 24 **(2) A physical presence inside any patient room or any**
- 25 **enclosed, noncommon area of the hospital that is used**
- 26 **exclusively for medical examinations, treatments, or**
- 27 **procedures.**
- 28 **Sec. 3. (a) Subject to sections 4 and 5 of this chapter, a hospital**
- 29 **shall annually administer or make available to be administered to**
- 30 **an individual described in section 1(b)(2) of this chapter an**
- 31 **immunization against the following:**
- 32 **(1) Influenza.**
- 33 **(2) Varicella.**
- 34 **(3) Measles, mumps, and rubella.**
- 35 **(4) Tetanus, diphtheria, and pertussis.**
- 36 **(5) Other communicable diseases determined by the hospital.**
- 37 **(b) Subject to section 5 of this chapter, a hospital may elect to**
- 38 **annually administer or make available to be administered to a**
- 39 **health care professional or an individual described in section**
- 40 **1(b)(3) of this chapter an immunization against any of the**
- 41 **following:**
- 42 **(1) Influenza.**



1           (2) Varicella.

2           (3) Measles, mumps, and rubella.

3           (4) Tetanus, diphtheria, and pertussis.

4           A hospital that makes an election under this subsection may  
5 determine to whom, of the health care professionals and  
6 individuals described in section 1(b)(3) of this chapter, the hospital  
7 will administer or make available an immunization.

8           (c) A hospital shall conduct immunizations under this section in  
9 accordance with the recommendations established by the Advisory  
10 Committee on Immunization Practices of the United States Centers  
11 for Disease Control and Prevention that are in effect at the time the  
12 hospital conducts the immunizations.

13          (d) A hospital may do any of the following:

14           (1) Impose, as a condition of employment or a contract with  
15 the hospital, a requirement that an individual have an  
16 immunization specified in this section.

17           (2) Terminate the employment or contract of an individual, or  
18 otherwise discipline the employee or contractor if:

19           (A) the individual:

20           (i) did not receive the immunization listed in this section;  
21 and

22           (ii) did not qualify for or seek an exemption under  
23 section 5 of this chapter at the time the immunization  
24 was to be administered or made available to the  
25 individual by the hospital; and

26           (B) the hospital had an adopted written policy in place  
27 before the individual's failure to receive the immunization  
28 that permits the hospital to terminate or discipline the  
29 individual.

30          (e) A hospital and an employee or agent acting on behalf of the  
31 hospital is immune from any liability arising from or concerning  
32 the termination or discipline of an individual under this chapter if  
33 the hospital has complied with subsection (d)(2) before the  
34 termination or discipline of the individual.

35          Sec. 4. A hospital shall administer or make available to be  
36 administered an influenza immunization required under section 3  
37 of this chapter during the period beginning October 1 of each year  
38 and ending February 1 of the following year.

39          Sec. 5. (a) A hospital is not required to provide or make  
40 available to an individual described in section 1 of this chapter an  
41 immunization if the state department determines that the  
42 necessary vaccine is not in adequate supply.



1           **(b) A hospital shall not require an individual described in**  
 2 **section 1 of this chapter to receive an immunization under this**  
 3 **chapter if:**

4           **(1) the hospital:**

5           **(A) has written documentation from the individual's**  
 6 **physician or other health care provider indicating the date**  
 7 **and place that the individual received an immunization**  
 8 **described in section 3 of this chapter; and**

9           **(B) determines that no additional immunization is**  
 10 **required;**

11           **(2) the immunization is medically contraindicated for the**  
 12 **individual; or**

13           **(3) receiving the immunization is against the individual's**  
 14 **religious beliefs.**

15           **(c) A hospital may establish a process for determining whether**  
 16 **the tenets of the religion relied upon by an individual for purposes**  
 17 **of the exemption in subsection (b)(3) prohibit the individual from**  
 18 **receiving an immunization listed in section 3 of this chapter.**

19           SECTION 4. IC 34-30-2-66.6 IS ADDED TO THE INDIANA  
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JANUARY 1, 2018]: **Sec. 66.6. IC 16-21-13-3(e)**  
 22 **(Concerning hospitals and immunizations).**

