

2020 Regular Session

HOUSE BILL NO. 467

BY REPRESENTATIVE AMEDEE

HEALTH SERVICES: Requires the provision of certain information to patients or parents of patients prior to administration of an immunization or a vaccine

1 AN ACT

2 To amend and reenact R.S. 37:1218(3) and 1218.1(A) and to enact R.S. 37:936, 980,  
3 1218(6), 1274.2, and 1360.31.1 and Part XIII-A of Chapter 11 of Title 40 of the  
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2199.11, relative to  
5 the administration of immunizations and vaccines; to require that certain healthcare  
6 providers and facilities furnish information to patients or parents of patients prior to  
7 the administration of an immunization or vaccine; to provide specifications for such  
8 information to be furnished to patients or parents of patients; and to provide for  
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:1218(3) and 1218.1(A) are hereby amended and reenacted and  
12 R.S. 37:936, 980, 1218(6), 1274.2, and 1360.31.1 are hereby enacted to read as follows:

13 §936. Administration of immunizations and vaccines; requirements

14 Prior to administering an immunization or a vaccine to a patient, a registered  
15 nurse shall provide to the patient, or, if the patient is a minor, the parent or guardian  
16 of the patient, thorough information in writing, verbally, or electronically concerning  
17 the immunization or vaccine that addresses, at minimum, all of the following:

18 (1) The diseases or conditions that the immunization or vaccine is intended  
19 to prevent or treat.

20 (2) The effectiveness of the immunization or vaccine.

1           (3) Any contraindications associated with the immunization or vaccine.

2           (4) The possible side effects of the immunization or vaccine.

3           (5) The ingredients of the immunization or vaccine.

4           (6) Instructions for submitting a report to the Vaccine Adverse Event  
5 Reporting System, the cooperative program of the United States Centers for Disease  
6 Control and Prevention and the United States Food and Drug Administration for  
7 vaccine safety, or its successor program.

8   \*       \*       \*

9           §980. Administration of immunizations and vaccines; requirements

10           Prior to administering an immunization or a vaccine to a patient, a practical  
11 nurse shall provide to the patient, or, if the patient is a minor, the parent or guardian  
12 of the patient, thorough information in writing, verbally, or electronically concerning  
13 the immunization or vaccine that addresses, at minimum, all of the following:

14           (1) The diseases or conditions that the immunization or vaccine is intended  
15 to prevent or treat.

16           (2) The effectiveness of the immunization or vaccine.

17           (3) Any contraindications associated with the immunization or vaccine.

18           (4) The possible side effects of the immunization or vaccine.

19           (5) The ingredients of the immunization or vaccine.

20           (6) Instructions for submitting a report to the Vaccine Adverse Event  
21 Reporting System, the cooperative program of the United States Centers for Disease  
22 Control and Prevention and the United States Food and Drug Administration for  
23 vaccine safety, or its successor program.

24   \*       \*       \*

25           §1218. Administration of influenza immunization

26           A pharmacist may administer an influenza immunization to any person seven  
27 years of age or older without a prescription or medical order contingent upon all of  
28 the following provisions:

29   \*       \*       \*

1 (3) The pharmacist shall report all adverse events he observes or which are  
 2 reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System (VAERS),  
 3 the cooperative program of the CDC and the United States Food and Drug  
 4 Administration for vaccine safety, or its successor program; and further, the  
 5 pharmacist shall refer the patient with an adverse event to the influenza  
 6 immunization for appropriate medical care.

7 \* \* \*

8 (6) Prior to administering an influenza immunization to a patient, the  
 9 pharmacist shall provide to the patient, or, if the patient is a minor, the parent or  
 10 guardian of the patient, thorough information in writing, verbally, or electronically  
 11 concerning the immunization that addresses, at minimum, all of the following:

- 12 (a) The effectiveness of the immunization.  
 13 (b) Any contraindications associated with the immunization.  
 14 (c) The possible side effects of the immunization.  
 15 (d) The ingredients of the immunization.  
 16 (e) Instructions for submitting a report to the Vaccine Adverse Event  
 17 Reporting System described in Paragraph (3) of this Section.

18 §1218.1. Administration of immunizations and vaccines other than influenza  
 19 immunizations

20 A. A pharmacist may administer to an individual age seventeen or older an  
 21 immunization or a vaccine without a patient-specific prescription or medical order  
 22 if the immunization or the vaccine is administered in conformance with the most  
 23 current immunization administration protocol as set forth by the United States  
 24 Centers for Disease Control and Prevention Advisory Committee on Immunization  
 25 Practice. At the time that a pharmacist administers an immunization or vaccine under  
 26 the provisions of this Section, the pharmacist shall also inform the individual that the  
 27 administration of an immunization or vaccine under this Section is not to be  
 28 construed as being in lieu of an annual checkup with the individual's primary care  
 29 or family physician. Additionally, in connection with the administration of

1       immunizations and vaccines, the pharmacist shall comply with all of the following  
2       requirements:

3               (1) The pharmacist shall report each immunization to the Louisiana  
4       Department of Health, office of public health's Louisiana Immunization Network for  
5       Kids Statewide at the time of the immunization or as soon as reasonably practicable  
6       thereafter, as this is the official state vaccination record.

7               (2) The pharmacist shall report all adverse events he observes or which are  
8       reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System, the  
9       cooperative program of the United States Centers for Disease Control and Prevention  
10      and the United States Food and Drug Administration for vaccine safety, or its  
11      successor program; and further, the pharmacist shall refer the patient with an adverse  
12      event to an immunization for appropriate medical care.

13              (3) The pharmacist shall maintain for at least two years a record of each  
14      immunization administered.

15              (4) The pharmacist shall obtain the appropriate credentials to administer  
16      immunizations from the board, as administratively defined, prior to administering  
17      any such immunization.

18              (5) The pharmacist shall request the name of a patient's primary care  
19      provider prior to the administering of any immunization. If the patient identifies  
20      such primary care provider to the pharmacist, the pharmacist shall notify the primary  
21      care provider, by written or electronic communication, as soon as reasonably  
22      possible thereafter that the immunization was administered.

23              (6) Prior to administering an immunization or a vaccine to a patient, the  
24      pharmacist shall provide to the patient, or, if the patient is a minor, the parent or  
25      guardian of the patient, thorough information in writing, verbally, or electronically  
26      concerning the immunization or vaccine that addresses, at minimum, all of the  
27      following:

28              (a) The diseases or conditions that the immunization or vaccine is intended  
29      to prevent or treat.

- 1           (b) The effectiveness of the immunization or vaccine.
- 2           (c) Any contraindications associated with the immunization or vaccine.
- 3           (d) The possible side effects of the immunization or vaccine.
- 4           (e) The ingredients of the immunization or vaccine.
- 5           (f) Instructions for submitting a report to the Vaccine Adverse Event
- 6           Reporting System described in Paragraph (2) of this Subsection.

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§1274.2. Administration of immunizations and vaccines; requirements

Prior to administering an immunization or a vaccine to a patient, a physician shall provide to the patient, or, if the patient is a minor, the parent or guardian of the patient, thorough information in writing, verbally, or electronically concerning the immunization or vaccine that addresses, at minimum, all of the following:

- 13           (1) The diseases or conditions that the immunization or vaccine is intended
- 14           to prevent or treat.
- 15           (2) The effectiveness of the immunization or vaccine.
- 16           (3) Any contraindications associated with the immunization or vaccine.
- 17           (4) The possible side effects of the immunization or vaccine.
- 18           (5) The ingredients of the immunization or vaccine.
- 19           (6) Instructions for submitting a report to the Vaccine Adverse Event
- 20           Reporting System, the cooperative program of the United States Centers for Disease
- 21           Control and Prevention and the United States Food and Drug Administration for
- 22           vaccine safety, or its successor program.

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§1360.31.1. Administration of immunizations and vaccines; requirements

Prior to administering an immunization or a vaccine to a patient, a physician assistant shall provide to the patient, or, if the patient is a minor, the parent or guardian of the patient, thorough information in writing, verbally, or electronically concerning the immunization or vaccine that addresses, at minimum, all of the following:

1           (1) The diseases or conditions that the immunization or vaccine is intended  
2           to prevent or treat.

3           (2) The effectiveness of the immunization or vaccine.

4           (3) Any contraindications associated with the immunization or vaccine.

5           (4) The possible side effects of the immunization or vaccine.

6           (5) The ingredients of the immunization or vaccine.

7           (6) Instructions for submitting a report to the Vaccine Adverse Event  
8           Reporting System, the cooperative program of the United States Centers for Disease  
9           Control and Prevention and the United States Food and Drug Administration for  
10           vaccine safety, or its successor program.

11           Section 2. Part XIII-A of Chapter 11 of Title 40 of the Louisiana Revised Statutes  
12 of 1950, comprised of R.S. 40:2199.11, is hereby enacted to read as follows:

13           PART XIII-A. IMMUNIZATIONS AND VACCINES ADMINISTERED

14                           AT LICENSED HEALTHCARE FACILITIES

15           §2199.11. Immunizations and vaccines administered at licensed healthcare  
16           facilities; requirements

17           A. Each healthcare facility licensed by the Louisiana Department of Health  
18           in accordance with the provisions of this Chapter at which immunizations or  
19           vaccines are administered shall ensure that prior to the administration of an  
20           immunization or a vaccine to a patient, the patient, or, if the patient is a minor, the  
21           parent or guardian of the patient, is provided thorough information in writing,  
22           verbally, or electronically concerning the immunization or vaccine that addresses,  
23           at minimum, all of the following:

24           (1) The diseases or conditions that the immunization or vaccine is intended  
25           to prevent or treat.

26           (2) The effectiveness of the immunization or vaccine.

27           (3) Any contraindications associated with the immunization or vaccine.

28           (4) The possible side effects of the immunization or vaccine.

29           (5) The ingredients of the immunization or vaccine.

1                   (6) Instructions for submitting a report to the Vaccine Adverse Event  
2                   Reporting System, the cooperative program of the United States Centers for Disease  
3                   Control and Prevention and the United States Food and Drug Administration for  
4                   vaccine safety, or its successor program.

5                   B. The Louisiana Department of Health shall promulgate all such rules in  
6                   accordance with the Administrative Procedure Act as are necessary to implement the  
7                   provisions of this Part.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 467 Original

2020 Regular Session

Amedee

**Abstract:** Requires the provision of information to patients, or parents of patients who are minors, prior to the administration of an immunization or a vaccine and provides specifications for such information.

Proposed law requires that prior to administering an immunization or a vaccine to a patient, the physician, physician assistant, registered nurse, practical nurse, or pharmacist administering the immunization or vaccine shall provide to the patient, or, if the patient is a minor, the parent or guardian of the patient, thorough information in writing, verbally, or electronically that addresses, at minimum, all of the following:

- (1) The diseases or conditions that the immunization or vaccine is intended to prevent or treat.
- (2) The effectiveness of the immunization or vaccine.
- (3) Any contraindications associated with the immunization or vaccine.
- (4) The possible side effects of the immunization or vaccine.
- (5) The ingredients of the immunization or vaccine.
- (6) Instructions for submitting a report to the federally managed Vaccine Adverse Event Reporting System.

Proposed law requires all healthcare facilities licensed by the La. Department of Health at which immunizations or vaccines are administered to ensure that prior to the administration of an immunization or a vaccine to a patient, the patient, or, if the patient is a minor, the parent or guardian of the patient, is provided thorough information in writing, verbally, or electronically concerning the immunization or vaccine that addresses, at minimum, all of the factors enumerated above.

(Amends R.S. 37:1218(3) and 1218.1(A); Adds R.S. 37:936, 980, 1218(6), 1274.2, and 1360.31.1 and R.S. 40:2199.11)