

SENATE BILL 857

J3, J1

2lr2825

By: **Senator Klausmeier**

Introduced and read first time: February 7, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Hospital Flu Vaccines**

3 FOR the purpose of requiring hospitals to immunize patients against the influenza virus
4 and pneumococcal disease except under certain circumstances; providing for the
5 manner of obtaining consent for and conducting the immunizations for a hospital
6 patient; and generally relating to offering immunizations to hospital patients.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 18–404
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 18–404.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Employee” means an individual employed full–time or part–time
18 directly, through contract with another entity, or as an independent contractor, by a related
19 institution.

20 (3) “HOSPITAL” HAS THE MEANING STATED IN § 19–301 OF THIS
21 ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ~~[(3)] (4)~~ “Medically contraindicated” means that a medical treatment is
2 potentially detrimental to the health of the individual intended to be treated.

3 ~~[(4)] (5)~~ “Related institution” has the meaning provided under § 19–301
4 of this article.

5 (b) (1) Subject to subsection (e) of this section, each related institution in the
6 State shall immunize residents against the influenza virus and pneumococcal disease.

7 (2) Subject to subsection (e) of this section, each related institution in the
8 State shall immunize employees against the influenza virus.

9 **(3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, EACH HOSPITAL**
10 **IN THE STATE SHALL IMMUNIZE PATIENTS AGAINST INFLUENZA VIRUS AND**
11 **PNEUMOCOCCAL DISEASE.**

12 ~~[(3)] (4)~~ Before an immunization under this section is administered, the
13 **HOSPITAL OR** related institution shall obtain written consent to administer the
14 immunization from:

15 (i) The resident **[or]**, employee, **OR PATIENT** receiving the
16 immunization; or

17 (ii) The **PARENT OR** legal guardian of the resident **OR PATIENT**
18 receiving the immunization.

19 (c) Each **HOSPITAL OR** related institution shall conduct the immunizations
20 required under subsection (b) of this section:

21 (1) In accordance with the recommendations established by the Advisory
22 Committee on Immunization Process of the United States Centers for Disease Control and
23 Prevention that are in effect at the time the **HOSPITAL OR** related institution conducts the
24 immunizations; and

25 (2) ~~[By]~~ **FOR A RELATED INSTITUTION, BY** December 1 of each year that
26 the immunization is required.

27 (d) A **HOSPITAL THAT ACCEPTS AN INDIVIDUAL AS A NEW PATIENT OR**
28 related institution that accepts an individual as a new resident or accepts an individual as
29 a new employee after December 1 but before April 1 shall:

30 (1) Determine the individual’s status for immunization as required under
31 subsection (b) of this section; and

32 (2) If necessary, provide or arrange for an immunization as required under
33 subsection (b) of this section.

1 (e) A resident [or], employee, **OR PATIENT** is not required to receive a vaccine
2 under this section if:

3 (1) The vaccine is medically contraindicated for the resident [or],
4 employee, **OR PATIENT**;

5 (2) The vaccine is against the resident's [or], employee's, **OR PATIENT'S**
6 religious beliefs; or

7 (3) After being fully informed by the **HOSPITAL OR** related institution of
8 the health risks associated with not receiving a vaccine, the resident [or], employee, **OR**
9 **PATIENT** refuses the vaccine.

10 (f) (1) (i) Each related institution shall document the annual
11 immunization against influenza virus and immunization against pneumococcal disease
12 received by each resident in the resident's medical record.

13 (ii) Each related institution shall document the annual
14 immunization against influenza virus received by each employee in the employee's
15 personnel file.

16 **(III) EACH HOSPITAL SHALL DOCUMENT THE ANNUAL**
17 **IMMUNIZATION AGAINST INFLUENZA VIRUS AND IMMUNIZATION AGAINST**
18 **PNEUMOCOCCAL DISEASE RECEIVED BY EACH PATIENT IN THE PATIENT'S MEDICAL**
19 **RECORD.**

20 (2) If a resident [or], employee, **OR PATIENT** refuses to be immunized as
21 required under subsection (b) of this section, the **HOSPITAL OR** related institution shall
22 document the refusal and the reason for the refusal.

23 (g) Each **HOSPITAL AND** related institution shall:

24 (1) Notify each prospective resident [and], each prospective employee, **AND**
25 **EACH PROSPECTIVE PATIENT** of the immunization requirements of this section and
26 request that the resident [or], employee, **OR PATIENT** agree to be immunized in accordance
27 with subsection (b)(3) of this section; and

28 (2) Make available to all residents [and], employees, **AND PATIENTS** of the
29 **HOSPITAL OR** related institution educational and informational materials relating to
30 immunization against influenza virus and immunization against pneumococcal disease.

31 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
32 October 1, 2022.