

FIRST REGULAR SESSION

SENATE BILL NO. 267

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time February 14, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1539S.011

AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to immunizations for hospital employees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be known as section 197.800, to read as follows:

197.800. 1. Except as provided in subsection 3 of this section and subject to obtaining an employee's consent, a hospital licensed under this chapter shall annually administer or make available to be administered immunizations against the influenza virus to employees who have direct contact with a patient of the hospital. The hospital shall administer or make the immunizations available during the period beginning September first and ending March first of the following year.

2. A hospital shall conduct the immunization required under this section in accordance with recommendations established by the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention that are in effect at the time the hospital conducts the immunizations.

3. A hospital is not required to provide or make available to the hospital's employees an annual immunization against the influenza virus if the department of health and senior services determines that the necessary vaccine is not in adequate supply. A hospital shall not require an employee to receive an immunization under this section if:

(1) The hospital has written documentation from the employee's physician or other health care provider indicating the date and place that the individual received an immunization required under this

22 section and determines that no additional immunization is required;

23 (2) The immunization is medically contraindicated for the
24 employee;

25 (3) Receiving the immunization is against the employee's
26 religious beliefs; or

27 (4) The employee declines in writing the immunization after
28 receiving education on the risks and benefits of an immunization
29 against the influenza.

30 4. The department of health and senior services shall promulgate
31 rules to develop the provisions of this section. Any rule or portion of
32 a rule, as that term is defined in section 536.010 that is created under
33 the authority delegated in this section shall become effective only if it
34 complies with and is subject to all of the provisions of chapter 536, and,
35 if applicable, section 536.028. This section and chapter 536 are
36 nonseverable and if any of the powers vested with the general assembly
37 pursuant to chapter 536, to review, to delay the effective date, or to
38 disapprove and annul a rule are subsequently held unconstitutional,
39 then the grant of rulemaking authority and any rule proposed or
40 adopted after August 28, 2011, shall be invalid and void.

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