

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1153

S.P. 425

In Senate, March 25, 2009

**An Act To Require the Department of Health and Human Services  
To Procure an Equal Supply of Vaccine from Each Manufacturer of  
That Vaccine under Certain Circumstances**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MARRACHÉ of Kennebec.

Cosponsored by Representatives: LEWIN of Eliot, PERRY of Calais, SANBORN of Gorham.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 22 MRSA §1066 is enacted to read:

3 **§1066. Procurement of equivalent vaccines**

4 **1. Definition.** As used in this section, unless the context otherwise indicates,  
5 "equivalent vaccines" means 2 or more vaccines, excluding the influenza vaccine, that  
6 protect a recipient of a vaccine against the same infection, that require the same number  
7 of doses, that have similar safety and efficacy profiles and that are recommended for  
8 comparable populations.

9 **2. Equal supply required.** Except as provided by subsection 4, when 2 or more  
10 manufacturers produce equivalent vaccines, the department shall procure an equal supply  
11 of the vaccine from each manufacturer.

12 **3. Equivalent vaccine.** An equivalent vaccine procured by the department must be:

13 **A. Approved by the United States Food and Drug Administration;**

14 **B. Recommended by the United States Department of Health and Human Services,**  
15 **Centers for Disease Control and Prevention, Advisory Committee on Immunization**  
16 **Practices; and**

17 **C. Made available to the department by the United States Department of Health and**  
18 **Human Services, Centers for Disease Control and Prevention.**

19 **4. Cost.** The department shall procure an equal supply of an equivalent vaccine  
20 under subsection 2 only if the cost to the department of providing the equivalent vaccine  
21 is not more than 110% of the lowest-priced equivalent vaccine.

22 **SUMMARY**

23 This bill requires the Department of Health and Human Services to procure an equal  
24 supply of vaccine from each manufacturer of that vaccine if 2 or more manufacturers  
25 produce equivalent vaccines and the cost to the department of providing each equivalent  
26 vaccine is not more than 110% of the lowest-priced equivalent vaccine.