

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1076

H.P. 739

House of Representatives, March 24, 2015

An Act To Enact the Vaccine Consumer Protection Program

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative O'CONNOR of Berwick.
Cosponsored by Senator MASON of Androscoggin and
Representatives: FOLEY of Wells, MALABY of Hancock, SANDERSON of Chelsea,
SIROCKI of Scarborough, VACHON of Scarborough.

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

2 **Sec. 1. 22 MRSA §1067** is enacted to read:

3 **§1067. Vaccine Consumer Protection Program**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Health care provider" means a physician, nurse, clinic, hospital or other entity
7 licensed by this State to provide health care services that administers vaccines.

8 B. "Office" means the Vaccine Consumer Protection Office established in this
9 section.

10 C. "Program" means the Vaccine Consumer Protection Program established in this
11 section.

12 D. "Vaccine Injury Table" means the Vaccine Injury Table of covered vaccines and
13 associated injuries established by 42 Code of Federal Regulations, Section 100.3
14 (2000).

15 **2. Program established.** The Vaccine Consumer Protection Program is established
16 within the department. The Vaccine Consumer Protection Office is established within the
17 department to carry out the purposes of the program.

18 **3. Services.** Under the program, the office must provide information about vaccine
19 injuries and immunizations to health care providers and the public.

20 The office shall establish and implement procedures to:

21 A. Promote public awareness of the Vaccine Injury Table through development and
22 implementation of an educational outreach program that provides, at a minimum, the
23 information contained in the Vaccine Injury Table to any individual in the State who
24 requests information related to vaccine injuries or immunizations;

25 B. Educate health care providers on the contents of the Vaccine Injury Table to help
26 providers better screen for and diagnose adverse events caused by vaccines;

27 C. Require health care providers to use vaccine package inserts that describe the
28 warnings, precautions and adverse reactions potentially caused by a particular
29 vaccine during the screening and diagnosing of an illness, disability, injury or adverse
30 condition caused by vaccines;

31 D. Write and publicize a Maine Vaccine Information Statement. The statement must
32 include evidence-based information about vaccines and their potentially adverse side
33 effects, inform patients about their right to opt out of vaccine requirements based on
34 religious and philosophical grounds and offer a step-by-step explanation about how to
35 pursue legal recourse if an individual suspects a vaccine injury has occurred. When
36 drafting the statement, the department shall consult with nationally recognized
37 vaccine safety advocates and the families of Maine children who have been injured
38 by vaccines.

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- E. Investigate potential vaccine injuries;
- F. Evaluate vaccine injury claims;
- G. Review instances of potential coercion by health care providers related to the issuance of a vaccine and require health care providers who are suspected of coercion to retract any inaccurate statements or face discipline by the applicable professional licensing entity;
- H. Educate health care providers about the processes for handling vaccine injury claims that are brought against their practice;
- I. Provide individuals with referrals to health care providers that treat vaccine injuries and to attorneys that handle claims related to vaccine injuries; and
- J. Recoup funds that are spent on vaccine injury cases under the MaineCare Program established under chapter 855.

4. Rules. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

5. Repeal. Upon the repeal of the National Childhood Vaccine Injury Act of 1986, 42 United States Code, Sections 300aa-1 to 300aa-34, the department shall submit legislation repealing this section.

Sec. 2. Reference Manual. The Department of Health and Human Services shall add the Vaccine Injury Table of covered vaccines and associated injuries established by 42 Code of Federal Regulations, Section 100.3 (2000) to the Maine Immunization Program's Provider Reference Manual created by the department's division of infectious disease within the Maine Center for Disease Control and Prevention.

SUMMARY

This bill establishes the Vaccine Consumer Protection Program within the Department of Health and Human Services and describes the services provided under the program.