

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SMG
ROBS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: 5/30/19 Minority

L.D. 1616
(Filing No. H-405)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1168, L.D. 1616, Bill, "An Act To Establish the Vaccine Consumer Protection Program"

Amend the bill in section 1 in §1071 in subsection 4 in paragraph G in subparagraph (2) in the last line (page 3, line 17 in L.D.) by striking out the following: "and"

Amend the bill in section 1 in §1071 in subsection 4 in paragraph H in subparagraph (10) in the last line (page 4, line 10 in L.D.) by striking out the following: "1" and inserting the following: "; and"

Amend the bill in section 1 in §1071 in subsection 4 by inserting at the end a new paragraph to read:

'1. Review the forms submitted to the office under section 1082 and submit a report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding information received on the forms and any trends.'

Amend the bill in section 1 by striking out all of §1074 and inserting the following:

§1074. Vaccine death investigations

1. Authority to investigate. Upon the request of the next of kin of the deceased person, the office shall investigate a death that is suspected to have been caused by the administration of a vaccine.

2. Review of medical records. The office may have access to health care information of a deceased person upon the completion of an appropriate release by the next of kin of the deceased person. "Health care information" has the same meaning as in section 1711-C, subsection 1, paragraph E. Health care information obtained under this section is confidential, is not a public record as defined in Title 1, section 402, subsection 3 and may not be made available for inspection by the public.

3. Interviews. The office may conduct voluntary interviews with the family, medical providers of the deceased person upon the completion of an appropriate release

COMMITTEE AMENDMENT

ROPS

1 by the next of kin of the deceased person or any other individual involved in the deceased
2 person's care and health.

3 **4. Report.** The office shall provide the next of kin of a deceased person under
4 subsection 1 a detailed report regarding the investigation. The office shall post on a
5 publicly accessible website its report after removing all personally identifying
6 information of the deceased person.'

7 Amend the bill in section 1 by inserting after §1081 the following section to read:

8 **§1082. Form regarding recent vaccinations**

9 A health care provider who provides primary care to a child under 18 years of age
10 shall provide to the parent, guardian or custodian of the child a form for the parent,
11 guardian or custodian to complete. The form must include a request for the child's most
12 recent immunization and the date of that immunization. A parent, guardian or custodian
13 must complete the form to the best of the parent's, guardian's or custodian's ability. The
14 provider shall remove the personally identifying information of the child from the form
15 and submit it to the office.'

16 Amend the bill in section 1 to renumber the sections to read consecutively.

17 Amend the bill by adding after section 1 the following:

18 **'Sec. 2. PL 2019, c. 154 is repealed.'**

19 Amend the bill by adding after section 3 the following:

20 **'Sec. 4. Appropriations and allocations.** The following appropriations and
21 allocations are made.

22 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

23 **Maine Center for Disease Control and Prevention 0143**

24 Initiative: Provides funding for one Public Service Manager II position to be the vaccine
25 injury ombudsman, who receives and investigates vaccine injury complaints.

26	GENERAL FUND	2019-20	2020-21
27	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
28	Personal Services	\$106,018	\$110,247
29	All Other	\$10,646	\$10,646
30			
31	GENERAL FUND TOTAL	\$116,664	\$120,893

32 **Maine Center for Disease Control and Prevention 0143**

33 Initiative: Provides funding for one Public Health Physician position to establish
34 treatment guidelines and standards for health care practitioners and work with medical
35 boards, the American Academy of Pediatrics and other associations to change routine
36 practice for administering vaccinations.

COMMITTEE AMENDMENT "A" to H.P. 1168, L.D. 1616

ROFS

1	GENERAL FUND	2019-20	2020-21
2	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
3	Personal Services	\$158,869	\$165,444
4	All Other	\$10,646	\$10,646
5			
6	GENERAL FUND TOTAL	<u>\$169,515</u>	<u>\$176,090</u>

7 **Maine Center for Disease Control and Prevention 0143**

8 Initiative: Provides funding for one Planning and Research Associate II position to write

9 policies, write manuals, write a state vaccine information statement sheet, facilitate

10 continuing education and vaccine safety training every 3 years and provide a forum on

11 vaccine adverse events twice per year and perform many other tasks.

12	GENERAL FUND	2019-20	2020-21
13	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
14	Personal Services	\$79,558	\$82,355
15	All Other	\$10,646	\$10,646
16			
17	GENERAL FUND TOTAL	<u>\$90,204</u>	<u>\$93,001</u>

18 **Maine Center for Disease Control and Prevention 0143**

19 Initiative: Provides funding for one Health Program Manager position to oversee the daily

20 operations of the Vaccine Consumer Protection Program and ensure its implementation.

21	GENERAL FUND	2019-20	2020-21
22	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
23	Personal Services	\$94,491	\$98,111
24	All Other	\$10,646	\$10,646
25			
26	GENERAL FUND TOTAL	<u>\$105,137</u>	<u>\$108,757</u>

27 **Maine Center for Disease Control and Prevention 0143**

28 Initiative: Provides funding for one Office Associate II position for administrative

29 support of the Vaccine Consumer Protection Program.

30	GENERAL FUND	2019-20	2020-21
31	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
32	Personal Services	\$64,177	\$66,359
33	All Other	\$10,646	\$10,646
34			
35	GENERAL FUND TOTAL	<u>\$74,823</u>	<u>\$77,005</u>

36 **Maine Center for Disease Control and Prevention 0143**

COMMITTEE AMENDMENT

R.O.F.'S

COMMITTEE AMENDMENT "A" to H.P. 1168, L.D. 1616

1 Initiative: Provides funding for contracts to prepare and complete the 2 annual forums
2 required under the Vaccine Consumer Protection Program.

3	GENERAL FUND	2019-20	2020-21
4	All Other	\$20,000	\$20,000
5			
6	GENERAL FUND TOTAL	<u>\$20,000</u>	<u>\$20,000</u>

7 **Maine Center for Disease Control and Prevention 0143**

8 Initiative: Provides one-time funding for the development of a Vaccine Consumer
9 Protection Program database and website and annual ongoing funding to host the
10 database.

11	GENERAL FUND	2019-20	2020-21
12	All Other	\$31,445	\$5,000
13			
14	GENERAL FUND TOTAL	<u>\$31,445</u>	<u>\$5,000</u>

15 **HEALTH AND HUMAN SERVICES,**
16 **DEPARTMENT OF**
17 **DEPARTMENT TOTALS**

18		2019-20	2020-21
19	GENERAL FUND	\$607,788	\$600,746
20			
21	DEPARTMENT TOTAL - ALL FUNDS	<u>\$607,788</u>	<u>\$600,746</u>
22			

23 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
24 section number to read consecutively.

25 **SUMMARY**

26 This amendment, which is the minority report of the committee, clarifies the
27 activities of the Vaccine Consumer Protection Office in investigating a death that is
28 suspected to have been caused by the administration of a vaccine. It also requires a
29 health care provider who provides primary care to a child under the age of 18 to provide
30 to the parent, guardian or custodian of the child a form for the parent, guardian or
31 custodian to complete requesting the child's most recent immunization and the date of
32 that immunization and requires the health care provider to remove the personally
33 identifying information of the child from the form and submit it to the Vaccine Consumer
34 Protection Office. The Vaccine Consumer Protection Office is directed to submit a report
35 annually to the joint standing committee of the Legislature having jurisdiction over health
36 and human services matters regarding information received on the forms and any trends.
37 The amendment also repeals Public Law 2019, chapter 154, "An Act To Protect Maine

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to H.P. 1168, L.D. 1616

1
2
3
4
5
6
7
8
9
10
11
12
13
14

Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements."

The amendment retains the provisions in the bill that establish the Vaccine Consumer Protection Program; establish treatment and administration guidelines for vaccines; specify a health care provider's rights to refuse to administer a vaccine and a patient's right to refuse a vaccine; prohibit incentives to administer vaccines, vaccine administration without a prescription and vaccine prescription by standing order; require an annual report on adverse event reports; provide for religious and medical exemptions; add the vaccine injury table to a provider reference manual; and require health care provider licensing boards to amend their rules to conform to the provisions in the bill, among other provisions.

The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1616

LR 1276(02)

An Act To Establish the Vaccine Consumer Protection Program

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-405)
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$607,788	\$600,746	\$620,608	\$641,738
Appropriations/Allocations				
General Fund	\$607,788	\$600,746	\$620,608	\$641,738

Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$607,788 in fiscal year 2019-20 and \$600,746 in fiscal year 2020-21 for one Public Service Manager II position, one Public Health Physician position, one Planning and Research Associate II position, one Health Program Manager position and one Office Associate II position to run the new program. Additionally, the funding provides for contracts to prepare and complete the 2 annual forums and the development of a database and website and on-going funding to host the database.

Additional costs to the licensing boards within or affiliated with the Department of Professional and Financial Regulation that are responsible for the licensing of a health care provider associated with the rulemaking process can be absorbed within existing budgeted resources