

2020 Regular Session

SENATE BILL NO. 325

BY SENATOR BARROW

HEALTH CARE. Provides relative to immunizations. (8/1/20)

AN ACT

To amend and reenact R.S. 17:170.2, R.S. 22:1030, R.S. 37:1218, R.S. 40:2023, and R.S. 46:1428, relative to immunizations; to provide for immunization information; to provide for immunization coverage; to provide for administration of certain immunizations by pharmacists; to provide for the availability of immunizations recommended by the Centers for Disease Control and Prevention; to provide for influenza information; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:170.2 is hereby amended and reenacted to read as follows:

§170.2. Immunization information; meningococcal disease

A. Each city, parish, and other local public school board that provides information relative to immunizations shall provide each student's parent or legal guardian with information relative to the risks associated with meningococcal disease and the availability, effectiveness, and known contraindications of immunization against such disease. ~~Such information~~ **Information** shall include the causes and symptoms of ~~such~~ **the** disease, the means by which ~~such~~ **the** disease is

1 spread, and the places where a parent or legal guardian may obtain additional
2 information and where a student may be immunized against ~~such~~ the disease. ~~Such~~
3 ~~information~~ **Information** shall be updated annually if new information on such
4 disease is available.

5 B.(1) The Louisiana Department of Health shall develop and provide ~~such~~
6 the information to the state Department of Education. The state Department of
7 Education shall provide ~~such~~ the information to each city, parish, and other local
8 public school board that provides information relative to immunizations, which shall
9 provide ~~such~~ the information to each student's parent or legal guardian pursuant to
10 Subsection A of this Section.

11 (2) The Louisiana Department of Health, the state Department of Education,
12 and each such city, parish, and other local public school board shall determine
13 respectively the most cost-effective and efficient means of distributing ~~such~~ the
14 information.

15 C. The Louisiana Department of Health, in consultation with the state
16 Department of Education, shall establish by rules and regulations all guidelines and
17 procedures for carrying out the provisions of this Section in accordance with the
18 Administrative Procedure Act.

19 D. Nothing in this Section shall be construed to require any city, parish, or
20 other local public school board, the state Department of Education, or the Louisiana
21 Department of Health to provide or pay for immunizations against meningococcal
22 disease.

23 Section 2. R.S. 22:1030 is hereby amended and reenacted to read as follows:

24 §1030. Immunizations; coverage

25 A. Any hospital, health, or medical expense insurance policy, hospital or
26 medical service contract, employee welfare benefit plan, health and accident
27 insurance policy, or any other insurance contract of this type, including a group
28 insurance plan and a self-insurance plan, which is delivered or issued for delivery in
29 this state ~~on or after January 1, 1993,~~ shall include benefits payable for

1 immunizations for dependent children from birth to age six. These benefits shall be
2 payable under the same circumstances and conditions as benefits are paid under
3 those policies, contracts, benefit plans, agreements, or programs for all other
4 diagnoses, treatments, illnesses, or accidents.

5 B. The immunizations covered shall include the complete basic immunization
6 series for children up to age six as defined by the state health officer and required for
7 school entry.

8 C. This Section shall apply to ~~any new~~ **every** policy, contract, program, or
9 plan issued ~~on or after January 1, 1993~~ **in Louisiana**. ~~Any policy, contract, or plan~~
10 ~~in effect prior to January 1, 1993, shall convert to conform to the provisions of this~~
11 ~~Section on or before the renewal date thereof but in no event later than January 1,~~
12 ~~1994. Any policy affected by this Section shall only be required to provide coverage~~
13 ~~for children born after August 21, 1992.~~

14 D. The provisions of this Section shall not apply to limited benefit health
15 insurance policies or contracts.

16 E. Any coverage required under the provisions of this Section shall not be
17 subject to any policy or health coverage plan deductible amount. The provision in
18 this Subsection shall apply to any new policy, contract, program, or plan issued on
19 or after January 1, 2005. Any policy, contract, or plan in effect prior to January 1,
20 2005, shall convert to conform to the provision of this Subsection on or before the
21 renewal date thereof but in no event later than January 1, 2006.

22 Section 3. R.S. 37:1218 is hereby amended and reenacted to read as follows:

23 §1218. Administration of influenza immunization

24 A pharmacist may administer an influenza immunization to any person seven
25 years of age or older without a prescription or medical order ~~contingent upon~~ **if** all
26 of the following provisions **are complied with**:

27 (1) The pharmacist shall administer **an** influenza immunizations in
28 conformance with the most current annual influenza vaccination administration
29 protocol as set forth by the United States Centers for Disease Control and Prevention

(CDC) Advisory Committee on Immunization Practice (ACIP).

(2) The pharmacist shall report each influenza immunization to the Louisiana Office of Public Health Immunization Registry at the time of the immunization or as soon as reasonably practicable ~~thereafter~~.

(3) The pharmacist shall report all adverse events he observes or which are reported to him to the Vaccine Adverse Events Reporting System (VAERS), the cooperative program of the CDC and the United States Food and Drug Administration for vaccine safety, or its successor program; and ~~further~~, the pharmacist shall refer the patient with an adverse event to the influenza immunization for appropriate medical care.

(4) The pharmacist shall maintain ~~for at least two years~~ a record of each influenza immunization administered **for at least two years**.

(5) The pharmacist shall obtain the appropriate credential to administer influenza immunizations from the board, as administratively defined, prior to administering any such immunization.

Section 4. R.S. 40:2023 is hereby amended and reenacted to read as follows:

§2023. Availability of immunizations recommended by the Centers for Disease

Control and Prevention

~~Beginning October 1, 2012, and each year thereafter, each~~ **Each** general hospital licensed under this Chapter shall, during the period from October first through March first of the following calendar year, in accordance with the latest recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention, offer the following immunizations to all inpatients sixty-five years of age and older, prior to discharge, unless contraindicated for a patient and contingent upon the availability of a specific payment in addition to the normal or prevailing level of payment, that is at least equal to the product costs and the administrative costs for the immunization over and above the reimbursement for in-patient care and contingent upon the availability of the vaccine:

(1) Immunization against influenza.

1 (2) Immunization against pneumococcal diseases if ordered by the patient's
2 attending physician.

3 Section 5. R.S. 46:1428 is hereby amended and reenacted to read as follows:

4 §1428. Immunization information; influenza

5 A. Each licensed specialized provider or child-placing agency, ~~before~~
6 ~~November first of each year~~, shall make available to each child's parent or legal
7 guardian and to each youth aged eighteen or above information relative to the risks
8 associated with influenza and the availability, effectiveness, known
9 contraindications, and possible side effects of the influenza immunization **before**
10 **November first of each year**. Such information shall include the causes and
11 symptoms of influenza, the means by which influenza is spread, and the places
12 where a parent or legal guardian may obtain additional information and where a child
13 or youth may be immunized against influenza. Such information shall be updated
14 annually if new information on such disease is available.

15 B.(1) The Louisiana Department of Health shall develop and provide
16 information on influenza immunization to the Department of Children and Family
17 Services. The Department of Children and Family Services shall provide ~~such~~ **the**
18 information to each licensed specialized provider or child-placing agency, which
19 shall make the information available to each child's parent or legal guardian and to
20 each youth aged eighteen or above pursuant to Subsection A of this Section.

21 (2) The Louisiana Department of Health and the Department of Children and
22 Family Services shall determine respectively the most cost-effective and efficient
23 means of distributing ~~such~~ **the** information.

24 C. The Department of Children and Family Services, in consultation with the
25 Louisiana Department of Health, shall establish by rules and regulations all
26 guidelines and procedures for carrying out the provisions of this Section in
27 accordance with the Administrative Procedure Act.

28 D. Nothing in this Section shall be construed to require any specialized
29 provider or child-placing agency, the Department of Children and Family Services,

1 or the Louisiana Department of Health to provide or pay for immunizations against
2 influenza.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christine Arbo Peck.

	DIGEST	
SB 325 Original	2020 Regular Session	Barrow

Present law provides for immunization information, immunization coverage, administration of certain immunizations by pharmacists, availability of immunizations recommended by the Centers for Disease Control and Prevention, and influenza information.

Proposed law makes technical changes to present law.

Effective August 1, 2020.

(Amends R.S. 17:170.2, R.S. 22:1030, R.S. 37:1218, R.S. 40:2023, and R.S. 46:1428)