

Regular Session, 2013

ACT No. 159

HOUSE BILL NO. 451

BY REPRESENTATIVES BARROW, BADON, BROSSETT, BROWN, CARTER, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JONES, NANCY LANDRY, MORENO, PRICE, SMITH, ST. GERMAIN, ALFRED WILLIAMS, AND WILLMOTT AND SENATORS BROOME AND MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 40:2022, relative to duties of licensed hospitals; to provide for
3 legislative intent relative to the health of newborns; to require hospitals to offer the
4 pertussis vaccine to parents of newborns; to provide for exceptions; to require
5 provision of certain health care information under specified conditions; to provide
6 for construction of provisions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2022 is hereby amended and reenacted to read as follows:

9 §2022. ~~Health care information; pertussis~~ Pertussis; offer of vaccine required;
10 exceptions

11 A. The legislature hereby finds that it is in the best interest of the children
12 born in this state that certain health care information be provided to parents of
13 newborns concerning the pertussis disease and that hospitals offer the pertussis
14 vaccine to parents of newborns in every instance practicable. Pertussis (whooping
15 cough) is a very contagious disease caused by a type of bacteria called Bordetella
16 pertussis and is one of the most commonly occurring vaccine-preventable diseases
17 in the United States.

18 B.(1) Except as provided in Subsection C of this Section, on ~~On~~ and after
19 January 1, 2012, every 2014, each licensed hospital in ~~the~~ this state of Louisiana
20 shall, prior to discharge, ~~provide parents of newborns~~ offer the pertussis vaccine to
21 each parent of a newborn infant.

1 (2) If a person who is offered the pertussis vaccine as required in Paragraph
2 (1) of this Subsection wishes to be vaccinated, then the hospital shall administer the
3 vaccine to the person.

4 (3)(a) If a person who is offered the pertussis vaccine as required in
5 Paragraph (1) of this Subsection declines the offer of the vaccine or indicates intent
6 to defer vaccination, then the hospital shall provide to the person educational
7 information ~~provided~~ issued by the Department of Health and Hospitals on the
8 pertussis disease and the availability of a vaccine to protect against contracting the
9 disease.

10 (b) The ~~Such~~ information required by this Paragraph shall include; but not
11 be limited to; information on the recommendation of the Centers for Disease Control
12 and Prevention that parents receive the Tetanus Toxoid, Reduced Diphtheria Toxoid
13 and Acellular Pertussis Vaccine Adsorbed (Tdap) vaccination during the postpartum
14 period to help protect their newborns from the transmission of pertussis.

15 C. A hospital shall not be required to offer the vaccine as provided in
16 Subsection A of this Section to any person who has already received the vaccine or
17 for whom such vaccination is medically inappropriate.

18 D. The Department of Health and Hospitals ~~shall, by January 1, 2012, is~~
19 hereby authorized to develop and disseminate to every each licensed hospital in the
20 state information consistent with the provisions of this Section.

21 ~~D. Nothing in this Section shall require any hospital or the office of public~~
22 ~~health within the Department of Health and Hospital to provide or pay for any~~
23 ~~vaccination against pertussis.~~

1 E. Nothing in this Section shall be construed to require any of the following:

2 (1) Administration of the pertussis vaccine, contingent upon its availability,
3 by a hospital if the hospital cannot be compensated for administration of the vaccine
4 at the normal or prevailing rate that is at least equal to the product cost plus any
5 administrative costs for delivering the immunization over and above the
6 reimbursement level for inpatient care.

7 (2) Provision of the pertussis vaccine to any person or health care provider
8 by the Department of Health and Hospitals.

9 (3) Financing of pertussis vaccine administration by the Department of
10 Health and Hospitals through any program or service of the department other than
11 one that may presently cover such vaccination.

12 (4) Obligation for payment by a person or his insurer for pertussis
13 vaccination.

14 Section 2. This Act shall become effective upon signature by the governor or, if not
15 signed by the governor, upon expiration of the time for bills to become law without signature
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
18 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.