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## **An Act To Address Potential Shortages of Influenza Immunizing Agents in Maine**

**Emergency preamble. Whereas,** acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** certain segments of the Maine public are at high risk of contracting the flu, and the flu can be deadly to these specific risk groups, which include the elderly, the very young and those suffering chronic illnesses; and

**Whereas,** in recent years, there have been shortages of influenza immunizing agents and delays in receiving influenza immunizing agents, and the availability of the influenza immunizing agents has varied widely both geographically and by the type of health care provider obtaining them; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §1065** is enacted to read:

### **§ 1065. Influenza immunizing agent distribution report**

A manufacturer or distributor that ships or distributes influenza immunizing agents to or within this State shall report information on the distribution of such agents to the Maine Center for Disease Control and Prevention as provided in this section.

**1. Report timing and content.** A manufacturer or distributor shall report the following information on the distribution of influenza immunizing agents in this State every 2 weeks during influenza season and on a monthly basis thereafter:

- A. Contact name, company name, address, phone number and e-mail address of the manufacturer or distributor that is shipping or distributing influenza immunizing agents;
- B. Contact name, business name, type of provider, address, phone number and e-mail address of the licensed health care provider or facility that will receive influenza immunizing agents;
- C. The date that the manufacturer or distributor ships or distributes influenza immunizing agents and date that the delivery is received by the licensed health care provider or facility that ordered influenza immunizing agents; and
- D. The type, quantity and dosage of influenza immunizing agents distributed to the licensed health care provider or facility.

**2. Supply and demand.** The department shall estimate the supply and demand for influenza immunizing agents at the beginning of each influenza season by assessing aggregate orders; reviewing information disseminated by manufacturers, distributors and the United States Department of Health and Human Services, Centers for Disease Control and Prevention; identifying the number and location of high priority populations; identifying possible geographic and provider type disparities; and reviewing historical demand patterns.

**3. Confidentiality.** Information obtained by the department under this section is confidential and may not be disclosed by the department except that the department may provide information obtained under this section to a licensed health care provider or facility located in the State in order to facilitate access to influenza immunizing agents for patients of that licensed health care provider or facility that are residents of the State.

**4. Rules.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

## SUMMARY

This bill is submitted by the Joint Standing Committee on Health and Human Services pursuant to Joint Order 2006, H.P. 1488. The bill requires manufacturers and distributors of influenza immunizing agents to report information on the distribution of influenza immunizing agents in the State to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The bill requires the manufacturers and distributors to report the information every 2 weeks during influenza season and on a monthly basis thereafter. It also specifies the type of information they must report. The bill requires the Department of Health and Human Services to estimate the supply and demand for influenza immunizing agents at the beginning of each influenza season. The bill designates information collected on immunizing agent ordering and distribution as confidential and authorizes the department to adopt certain releases by the department in order to facilitate access to immunizing agents for Maine residents. The bill authorizes the department to adopt routine technical rules and takes effect upon approval.