

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.

ROBERT B. HUNT

R(+ B. Hunt

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.

<u>§106</u>	7. Vaccine Consumer Protection Program
	. Definitions. As used in this section, unless the context otherwise indicates, the wing terms have the following meanings.
<u> </u>	Health care provider" means a physician, nurse, clinic, hospital or other entity censed by this State to provide health care services that administers vaccines.
	B. "Office" means the Vaccine Consumer Protection Office established in this ection.
	C. "Program" means the Vaccine Consumer Protection Program established in this ection.
<u>a</u>	D. "Vaccine Injury Table" means the Vaccine Injury Table of covered vaccines and associated injuries established by 42 Code of Federal Regulations, Section 100.3 2000).
withi	. Program established. The Vaccine Consumer Protection Program is established in the department. The Vaccine Consumer Protection Office is established within the truent to carry out the purposes of the program.
· ·	. Services. Under the program, the office must provide information about vaccine es and immunizations to health care providers and the public.
The c	office shall establish and implement procedures to:
<u>ii</u> <u>ii</u>	a. Promote public awareness of the Vaccine Injury Table through development and implementation of an educational outreach program that provides, at a minimum, the information contained in the Vaccine Injury Table to any individual in the State who equests information related to vaccine injuries or immunizations;
	8. Educate health care providers on the contents of the Vaccine Injury Table to help roviders better screen for and diagnose adverse events caused by vaccines;
v	Require health care providers to use vaccine package inserts that describe the varnings, precautions and adverse reactions potentially caused by a particular accine during the screening and diagnosing of an illness, disability, injury or adverse ondition caused by vaccines;
<u>ii</u> <u>e</u> <u>ro</u> <u>p</u> <u>d</u>	D. Write and publicize a Maine Vaccine Information Statement. The statement must include evidence-based information about vaccines and their potentially adverse side affects, inform patients about their right to opt out of vaccine requirements based on religious and philosophical grounds and offer a step-by-step explanation about how to ursue legal recourse if an individual suspects a vaccine injury has occurred. When rafting the statement, the department shall consult with nationally recognized accine safety advocates and the families of Maine children who have been injured y vaccines.
	•

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

Sec. 1. 22 MRSA $\S1067$ is enacted to read:

1

2

1	E. Investigate potential vaccine injuries;
2	F. Evaluate vaccine injury claims;
3 4 5 6	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;
7 8	H. Educate health care providers about the processes for handling vaccine injury claims that are brought against their practice;
9 10	I. Provide individuals with referrals to health care providers that treat vaccine injuries and to attorneys that handle claims related to vaccine injuries; and
11 12	J. Recoup funds that are spent on vaccine injury cases under the MaineCare Program established under chapter 855.
13 14 15	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.
16 17 18	<u>5. Repeal.</u> 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.
19 20 21 22 23	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.
24	SUMMARY
25 26 27	This bill establishes the Vaccine Consumer Protection Program within the Department of Health and Human Services and describes the services provided under the program.