

HOUSE BILL 376

Introduced by Messmore, et al.

1/23	Introduced
1/23	Referred to Human Services & Aging
1/24	First Reading
2/01	Hearing
2/04	Committee Report--Bill Passed as
Amended	
2/06	2nd Reading Passed
2/06	Taken from Engrossing and Rereferred to Appropriations
3/19	Hearing
3/23	Tabled in Committee

1 *House* BILL NO. *376*
 2 INTRODUCED BY *Ms. Dawn J. Becker*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE
 5 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO MAINTAIN
 6 AND ADMINISTER AN IMMUNIZATION PROGRAM TO REDUCE THE
 7 INCIDENCE OF VACCINE-PREVENTABLE DISEASE IN MONTANA;
 8 PROVIDING REQUIREMENTS FOR THE ADMINISTRATION OF THE
 9 PROGRAM; REQUIRING THE DEPARTMENT TO ASSURE ADEQUATE
 10 IMMUNIZATION LEVELS AMONG CHILDREN BY PROVIDING AN ADEQUATE
 11 SUPPLY OF VACCINE TO PUBLIC HEALTH CENTERS; REQUIRING AN
 12 ADEQUATE APPROPRIATION TO ASSURE THAT NO CHILD IS DENIED
 13 IMMUNIZATION DUE TO THE LACK OF FUNDING FOR NEEDED VACCINE;
 14 AUTHORIZING THE DEPARTMENT TO MAINTAIN ADEQUATE FUNDING TO
 15 PROVIDE VACCINE TO PUBLIC HEALTH CENTERS; APPROPRIATING
 16 FUNDS; AND PROVIDING AN EFFECTIVE DATE."

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 NEW SECTION. Section 1. Declaration of purpose. The
 20 legislature declares that it is the purpose of [sections 1
 21 through 5] to:

- 22 (1) protect the health of the public and of children by
- 23 providing a means for the eventual immunization of all
- 24 Montana children against vaccine-preventable diseases; and
- 25 (2) assure that all children in Montana have access to

1 adequate services providing immunization against vaccine-
 2 preventable diseases.

3 NEW SECTION. Section 2. Definitions. For the purposes
 4 of [sections 1 through 5], unless the context requires
 5 otherwise, the following definitions apply:

- 6 (1) "Child" means a person under 21 years of age.
- 7 (2) "Department" means the department of health and
 8 environmental sciences provided for in 2-15-2101.
- 9 (3) "Immunization" means inoculation against vaccine-
 10 preventable disease in the manner and with vaccines approved
 11 by the department.
- 12 (4) "Public health center" means the same as defined in
 13 50-5-101.
- 14 (5) "Vaccine" means an immunizing agent approved by the
 15 department for inoculation against vaccine-preventable
 16 disease.
- 17 (6) "Vaccine-preventable disease" means a disease
 18 preventable through inoculation with vaccine, including but
 19 not limited to diphtheria, pertussis, hemophilus influenza
 20 type "b", tetanus, poliomyelitis, measles, mumps, and
 21 rubella.

22 NEW SECTION. Section 3. Immunization program. (1) The
 23 department shall maintain and administer an immunization
 24 program to reduce the incidence of vaccine-preventable
 25 diseases in Montana.



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1 (2) Under the program, the department shall:

2 (a) encourage the immunization of children against

3 vaccine-preventable diseases;

4 (b) monitor compliance with the school immunization

5 laws;

6 (c) assist public health centers and health

7 practitioners in the distribution and use of vaccines,

8 including making them aware of the potential adverse

9 reactions and contraindications to vaccines;

10 (d) assure adequate immunization levels among children

11 by providing vaccines to public health centers in a supply

12 sufficient to provide immunizations in accordance with the

13 schedules recommended by the American academy of pediatrics

14 and the immunization practices advisory committee of the

15 U.S. department of health and human services; and

16 (e) provide information to the public regarding:

17 (i) the benefits and importance of immunization against

18 vaccine-preventable diseases;

19 (ii) the requirements of the school immunization laws;

20 and

21 (iii) the availability of services for the immunization

22 of children.

23 NEW SECTION. Section 4. Full funding mandated. The

24 legislature shall appropriate funds in an amount adequate to

25 assure that no child is denied immunization because of the

1 lack of state funding to provide vaccine to public health

2 centers in Montana.

3 NEW SECTION. Section 5. Authorization to maintain

4 adequate funding. (1) If funds are insufficient in any year

5 to provide vaccine to public health centers as required in

6 [section 3], the department is authorized to:

7 (a) reallocate funds within its budget to meet the

8 deficiency if funds are available;

9 (b) use funds from unexpended appropriations at the end

10 of the fiscal year to pay for needed vaccine,

11 notwithstanding the provisions of 17-7-304; and

12 (c) obtain a loan from the general fund,

13 notwithstanding the provisions of 17-2-107(2) through (4).

14 The loan must be repaid as provided by specific legislative

15 authorization.

16 (2) Funds obtained in the manner authorized under

17 subsection (1) may not exceed \$150,000.

18 NEW SECTION. Section 6. Appropriations. There is

19 appropriated from the general fund to the department of

20 health and environmental sciences for the biennium ending

21 June 30, 1993, the following sums of money:

22 (1) \$342,000 to provide a supply of vaccine to public

23 health centers at the level provided in the biennium ending

24 June 30, 1991; and

25 (2) \$708,000 to provide additional vaccine to immunize

1 children 12 years of age or older against measles, mumps,
2 and rubella.

3 NEW SECTION. **Section 7.** Codification instruction.

4 [Sections 1 through 5] are intended to be codified as an
5 integral part of Title 50, and the provisions of Title 50
6 apply to [sections 1 through 5].

7 NEW SECTION. **Section 8.** Effective date. [This act] is
8 effective July 1, 1991.

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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2 INTRODUCED BY MESSMORE, DAILY, FAGG, BECKER

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25 diseases in Montana.

SECOND READING

(2) Under the program, the department shall:

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(b) monitor compliance with the school immunization laws;

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(d) assure adequate immunization levels among children by providing vaccines to public health centers in a supply sufficient to provide immunizations in accordance with the schedules recommended by the American academy of pediatrics and the immunization practices advisory committee of the U.S. department of health and human services; and

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