

House Bill 655

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to
2 control of hazardous conditions, preventable diseases, and metabolic disorders, so as to
3 require the establishment of a provider choice system for the vaccines for children program
4 operated by the Department of Community Health; to authorize providers to request the
5 department to consider equivalent vaccines; to provide for applicability; to provide for
6 related matters; to provide for an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of
11 hazardous conditions, preventable diseases, and metabolic disorders, is amended by adding
12 a new Code section to read as follows:

13 "31-12-3.3.

14 (a) As used in this Code section, the term 'equivalent vaccines' means two or more
15 vaccines that meet all of the following:

16 (1) Protect a recipient of a vaccine against the same infection or infections;

17 (2) Require the same number of doses;

18 (3) Have similar safety and efficacy profiles; and

19 (4) Are recommended for comparable populations by the federal Centers for Disease
20 Control and Prevention.

21 (b) The department shall implement a provider choice system for the vaccines for children
22 program operated by the department pursuant to the authority in 42 U.S.C. Section 1396s.

23 (c) Such provider choice system shall permit eligible health care providers participating
24 in the vaccines for children program, including state and local health departments, federally
25 qualified health centers, rural health clinics, or any other program that supplements the
26 vaccine for children program using state funds, to request that the department consider any

27 vaccine, as approved by the department, including combination vaccines and any dosage
28 forms that:

29 (1) Are recommended by the federal Advisory Committee on Immunization Practices;
30 and

31 (2) Are made available to the department by the federal Centers for Disease Control and
32 Prevention.

33 (d) The department shall provide a vaccine selected by a health care provider under this
34 Code section only if the cost to the department of providing the vaccine is not more than
35 100 percent of the lowest-priced equivalent vaccine.

36 (e) The department shall allow for vaccine product selection at all regular ordering and
37 reordering intervals throughout the calendar year.

38 (f) This Code section shall not apply in the event of a public health emergency or other
39 state of emergency declared pursuant to Code Section 38-3-51 or other law.

40 (g) The department shall implement all or part of the provider choice system required
41 pursuant to this Code section as soon as it is determined to be feasible; provided, however,
42 that the department shall complete implementation of the system not later than July 1,
43 2011.

44 (h) In no event shall this Code section be construed to impair any existing contracts
45 between the department and a third party."

46 **SECTION 2.**

47 This Act shall become effective upon its approval by the Governor or upon its becoming law
48 without such approval.

49 **SECTION 3.**

50 All laws and parts of laws in conflict with this Act are repealed.