

House Bill 1043 (COMMITTEE SUBSTITUTE)

By: Representatives Kelley of the 16th and Cooper of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to
2 vaccine protocol agreements, so as to revise a provision relating to taking the case history of
3 a vaccine recipient; to exempt activities conducted by a hospital or health system with respect
4 to influenza vaccinations from certain requirements; to provide for conditions; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to vaccine
9 protocol agreements, is amended by revising paragraph (3) of subsection (d) and subsection
10 (o) as follows:

11 "(3) Require the pharmacist or nurse to take a ~~complete~~ an appropriate case history and
12 determine whether the patient has had a physical examination within the past year and
13 shall not administer a vaccine to a patient with any condition for which such vaccine is
14 contraindicated;"

15 "(o)(1) This Code section shall not apply to any activities conducted within a hospital,
16 physician's office, nursing home, or other health care facility designated by the
17 department or conducted within any other facility or entity owned, operated, or leased by
18 a hospital.

19 (2) Except as otherwise provided in paragraph (1) of this subsection, any activities
20 conducted by a hospital or health system for the administration of the influenza vaccine
21 shall not be subject to paragraphs (5) through (9), (15), or (16) of subsection (d) of this
22 Code section as long as the following conditions are met:

23 (A) A signed and dated consent form by which the vaccine recipient consents to the
24 administration of the vaccine is obtained;

25 (B) If the vaccine recipient is a patient within the hospital or health system, the
26 administration of the influenza shall be noted in such patient's health record maintained

27 by the hospital or health system, including, but not limited to, the administering
28 pharmacist's or nurse's name, address, telephone number, and professional license
29 number; the name, dose, manufacturer, and lot number of the vaccine; and the date of
30 administration and injection site;

31 (C) If the vaccine recipient is not a patient within the hospital or health system, a
32 personal immunization card on card stock paper containing the vaccine recipient's
33 name, the pharmacist's or nurse's name and phone number, the name and dosage of the
34 vaccine, the injection site on the vaccine recipient, the date of the administration of the
35 vaccine in legible writing or printed type in a format made available by the Department
36 of Public Health, and written information developed by the Department of Public
37 Health on the importance of having and periodically seeing a primary care physician
38 shall be provided to the vaccine recipient; and

39 (D) If requested by the patient, the influenza vaccine shall be administered in an area
40 or location with portable screening, at a minimum.

41 As used in this paragraph, the term 'health system' means (i) a parent corporation of one
42 or more hospitals and any entity affiliated with such parent corporation through
43 ownership, governance, membership, or other means; or (ii) a hospital and any entity
44 affiliated with such hospital through ownership, governance, membership, or other
45 means."

46 **SECTION 2.**

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