

House Bill 416

By: Representatives Williams of the 145th, Gambill of the 15th, Mathiak of the 73rd, Buckner of the 137th, and Hogan of the 179th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 establish the State Vaccine Consumer Protection Office; to provide for definitions; to provide
3 for its duties; to provide for the creation of a State Vaccination Information Sheet; to provide
4 for rights of consumers to decline administration of vaccines; to provide for an annual report;
5 to provide for rules and regulations; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
10 amended by revising Chapter 25, which is reserved, as follows:

11 "CHAPTER 25

12 ~~31-25-1 through 31-25-13.~~

13 ~~Reserved.~~

14 31-25-1.

15 As used in this chapter, the term:

16 (1) 'Health care provider' means a physician, physician assistant, or registered
17 professional nurse.

18 (2) 'Office' means the State Vaccine Consumer Protection Office established pursuant
19 to Code Section 31-25-2.

20 (3) 'Qualified physician' means a physician licensed in this state who has been trained
21 in vaccine injury assessment, diagnosis, and treatment according to an established
22 standard of care.

23 (4) 'Vaccine injury victim' means an individual who has been assessed and diagnosed by
24 a qualified physician as having a potential vaccine injury and has filed a claim with the
25 National Vaccine Injury Compensation Program.

26 31-25-2.

27 There is created the State Vaccine Consumer Protection Office, which is assigned to the
28 Department of Public Health for administrative purposes only, as prescribed in Code
29 Section 50-4-3. The purpose of the office shall be to assist members of the public who
30 suspect vaccine injury.

31 31-25-3.

32 (a) The office shall be directed by a board consisting of 11 members appointed by the
33 Governor as follows:

34 (1) Five members who work in or are experienced in public health;

35 (2) Three members who are vaccine injury victims or recognized community advocates
36 for vaccine injury victims; and

37 (3) Three members who are parents of vaccine injury victims.

38 (b) The board shall elect a chairperson from among its membership. The board shall meet
39 upon the call of the chairperson or upon the request of three members.

40 31-25-4.

41 The duties and responsibilities of the office shall include:

42 (1) Providing information to the public regarding assessment, diagnosis, and treatment
43 of potential vaccine injuries by a qualified physician and maintaining and providing a list
44 of qualified physicians to refer individuals reporting suspected vaccine adverse reactions;

45 (2) Identifying at least one qualified physician in each congressional district in this state
46 who will agree to accept, as part of his or her medical duties, making themselves
47 available to offer expert witness testimony on behalf of vaccine injury victims in the
48 National Vaccine Injury Compensation Program or in civil vaccine injury proceedings;

49 (3) Assisting vaccine injury victims in reporting adverse events to the federal Vaccine
50 Adverse Event Reporting System;

51 (4) Recommending treatment guidelines and ethical standards to state licensing boards
52 for all health care providers administering vaccines or caring for vaccinated populations
53 based on information provided by the federal Centers for Disease Control and Prevention,
54 the National Vaccine Injury Compensation Program, vaccine manufacturer inserts, and
55 current research;

56 (5) Providing continuing medical education, vaccine safety, and efficacy training for
57 state licensed health care providers based on information provided by the federal Centers
58 for Disease Control and Prevention, the National Vaccine Injury Compensation Program,
59 vaccine manufacturer inserts, and current research;

60 (6) Providing a public forum, at least twice per year, on vaccine adverse reactions that
61 includes participants who are vaccine injury victims serving as at least half of its panel;

62 (7) Providing information to consumers, including the federal Vaccine Injury Table, and
63 information from the federal Centers for Disease Control and Prevention, the National
64 Vaccine Injury Compensation Program, vaccine manufacturer inserts, and current
65 research; and

66 (8) Establishing a State Vaccine Information Sheet that includes the following
67 disclosures and consent:

68 (A) Before administering a vaccine to a patient, a health care provider shall provide the
69 following information to the patient, or to the patient's parent or legal guardian if such
70 patient is a minor, via the State Vaccine Information Statement:

71 (i) That the patient, or the patient's parent or legal guardian if such patient is a minor,
72 may decline some or all vaccines;

73 (ii) That the vaccine being administered may not have been safety tested against an
74 inert placebo;

75 (iii) That the vaccine manufacturer is not liable for harm to the patient or the death
76 of such patient caused by the vaccine, even if the harm or death was caused by such
77 manufacturer's negligence in the design of such vaccine;

78 (iv) If a health care provider is administering more than one vaccine in a single visit,
79 that no safety studies have been performed, before or after approval of the vaccine,
80 on the combination of vaccines the provider plans to administer;

81 (v) Information about each vaccine being administered;

82 (vi) If a health care provider plans to administer a vaccine containing mercury, that
83 an alternative vaccine is available that is mercury-free; and

84 (vii) That exemptions may be available to families who choose not to administer
85 vaccines required by local school systems or employers, so that the individual may
86 remain at such school or place of work if the vaccine or vaccines are not
87 administered; and

88 (B) After providing the disclosures required in subparagraph (A) of this paragraph and
89 before administering a vaccine to a patient, a health care provider shall obtain written,
90 informed consent for each vaccine to be administered from the patient or the patient's
91 parent or legal guardian if such patient is a minor.

92 31-25-5.

93 The office shall be authorized to recommend that the Georgia Composite Medical Board
 94 establish mandatory guidelines for vaccine administration for physicians and physician
 95 assistants and that it disciplines physicians and physician assistants based on complaints
 96 from members of the public if any such physician or physician assistant:

97 (1) Vaccinates outside guidelines contained in vaccine manufacturer inserts or guidelines
 98 established by the federal Centers for Disease Control and Prevention or federal Health
 99 Resources and Services Administration;

100 (2) Before vaccine administration, fails to provide the State Vaccine Information
 101 Statement with fully completed documentation on a cover sheet to the patient or the
 102 patient's parent or legal guardian if such patient is a minor;

103 (3) Before vaccine administration, fails to acquire written, informed consent for
 104 vaccination as required by subparagraph (B) of paragraph (8) of Code Section 31-25-4;

105 (4) Fails to report a patient reported vaccine adverse event or suspected vaccine injury
 106 to the federal Vaccine Adverse Event Reporting System;

107 (5) Engages in coercive practices as defined by state guidelines;

108 (6) Makes public or private vaccine safety and efficacy claims, outside of personal belief
 109 claims, to the patient that are unsupported by information from the federal Centers for
 110 Disease Control and Prevention, the Health Resources and Services Administration,
 111 vaccine manufacturer inserts, or published research, such as the claim that vaccines are
 112 safe;

113 (7) Engages in the harassment of patients, parents, guardians, or members of the public
 114 for such individuals' vaccine choices; or

115 (8) Vaccinates a patient under the age of 18 without the written consent for each vaccine
 116 administered from the patient's parent or legal guardian.

117 31-25-6.

118 A patient, or the patient's parent or legal guardian if the patient is a minor, shall have the
 119 right to refuse vaccines and any such refusal may not be taken into consideration in child
 120 protective services complaints. Vaccine administration shall not be required for
 121 reunification in child protective services cases. Child protective services shall not
 122 authorize or facilitate the administration of any vaccine to a child in its custody without
 123 written parental consent.

124 31-25-7.

125 The office shall provide an annual report to the Vaccine Safety Branch of the federal
126 Centers for Disease Control and Prevention on the number of vaccine adverse event
127 reports, assessments, and diagnosed cases of vaccine injury and death.

128 31-25-8.

129 The office shall be authorized to adopt rules and regulations to implement the provisions
130 of this chapter."

131 **SECTION 2.**

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