

SENATE BILL NO. 233—SENATORS WOODHOUSE, BREEDEN,
WIENER, PARKS, HORSFORD; CARE, COFFIN, MATHEWS
AND SCHNEIDER

MARCH 13, 2009

Referred to Committee on Health and Education

SUMMARY—Revises provisions relating to immunizations.
(BDR 40-105)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included
in Executive Budget.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; creating the Nevada Advisory Committee on Vaccines; requiring manufacturers of immunizations to submit certain information to the Director of the Department of Health and Human Services; requiring the free immunization of certain children against certain diseases within the limits of legislative appropriations; limiting the rates manufacturers of immunizations may charge for certain immunizations sold to providers of health care in this State; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Health Division of the Department of Health and Human Services to administer provisions governing the administration of public health, which includes the establishment of immunization programs. (NRS 439.010) The Health Division has established the Nevada Immunization Program and the Vaccines for Children Program to increase the rate of immunization for persons in this State. **Sections 2-4** of this bill create the Nevada Advisory Committee on Vaccines to advise and make recommendations to the Health Division concerning immunization programs in this State and to develop and implement public policy regarding the immunization of persons in this State.

Existing law provides that, subject to certain exceptions, a child must be immunized against certain diseases before the child may be enrolled in a public or private school or admitted to a child care facility in this State. (NRS 392.435, 394.192, 432A.230) Existing law also requires the county, city, town and district



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boards of health to hold clinics for the immunization of children not less than 1 month before the opening date of the school year. (NRS 439.535)

Section 4 of this bill requires the Health Division and the county, city, town and district boards of health, within the limits of legislative appropriation, to establish a program that provides certain immunizations, without charging for the cost of the vaccine, booster or medicine, for each child if: (1) the child is a resident of this State; (2) the child is less than 4 years of age; and (3) the cost of the immunization is not eligible for payment or reimbursement by an insurer, health plan, health benefit plan or program of public assistance. **Section 4** permits charges to be assessed for the cost of the administration of the vaccine, booster or medicine to the child, including the cost of any fee for providing medical or professional services.

Section 6 of this bill requires a manufacturer which sells immunizations in this State to prepare and submit to the Director of the Department an annual report regarding the actual cost to the manufacturer of producing each immunization which the manufacturer sells in this State.

Section 7 of this bill limits the amount that a manufacturer may charge for certain immunizations sold to providers of health care in this State.

Section 8 of this bill makes an appropriation to the Department of Health and Human Services for the provision of these immunizations in the next biennium. The Department must allocate the appropriations among the Health Division and the county, city, town and district boards of health in a manner that will most effectively provide for the required immunizations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "Advisory Committee" means the Nevada Advisory Committee on Vaccines created pursuant to section 3 of this act.*

Sec. 3. 1. *There is hereby created the Nevada Advisory Committee on Vaccines consisting of seven members appointed by the Director as follows:*

(a) Five members who are persons knowledgeable in promoting immunizations and educating the public concerning immunizations;

(b) One member who is a representative of the Nevada Chapter of the American Academy of Pediatrics or its successor organization; and

(c) One nonvoting member who is a representative of a program of immunizations carried out by the Health Division.

2. *Members of the Advisory Committee must not be employees of or otherwise receive compensation from a person related to the pharmaceutical industry.*



3. The term of each member is 2 years. A member may be reappointed.

4. Members of the Advisory Committee serve without compensation.

5. A majority of the voting members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of the quorum is required for action taken by the Advisory Committee.

6. The Advisory Committee shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its members; and

(b) Meet at the call of the Chairman or a majority of its members.

Sec. 4. The Advisory Committee created pursuant to section 3 of this act shall:

1. Advise and make recommendations to the Health Division concerning the programs of immunization in this State; and

2. Develop and implement public policy regarding the immunization of persons in this State, including, without limitation:

(a) Identifying the costs associated with immunizations and reviewing alternative means to pay the costs of immunizations;

(b) Identifying and reviewing obstacles to immunizing persons in this State and methods to ensure that the public has adequate access to immunizations; and

(c) Identifying and reviewing methods to increase the rate of immunization of persons in this State.

Sec. 5. NRS 439.535 is hereby amended to read as follows:

439.535 1. Within the limits of legislative appropriation, the Health Division and the county, city, town and district boards of health shall establish a program that provides for the immunization of each eligible child for the diseases enumerated in NRS 392.435, 394.192 and 432A.230 without charging for the cost of the vaccine, booster or medicine used for the immunization if the cost of the vaccine, booster or medicine is not eligible for payment or reimbursement by an insurer, health plan, health benefit plan or program of public assistance, including, without limitation, Medicaid or the Children's Health Insurance Program as defined in NRS 422.021. For the purposes of this subsection, a child is an "eligible child" if the child is a resident of this State and is less than 4 years of age.

2. In carrying out the program established pursuant to subsection 1, the Health Division and the county, city, town and district boards of health and any person who is qualified to administer the vaccine, booster or medicine used for the



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1 immunization may charge for the cost of the administration of the
2 vaccine, booster or medicine to the child, including the cost of any
3 fee for providing medical or professional services.

4 3. The Department shall allocate any money appropriated by
5 the Legislature for the program established pursuant to subsection
6 1 among the Health Division and the county, city, town and
7 district boards of health in a manner that the Department
8 determines will most effectively provide for the immunizations
9 required by this section.

10 4. Clinics for the immunization of children for the diseases
11 enumerated in NRS 392.435, 394.192 and 432A.230 must be held
12 by the county, city, town ~~for~~ and district boards of health ~~as the~~
13 ~~case may be, not~~ :

14 (a) Not less than 1 month before the opening date of the school
15 year in the respective counties, cities and towns within the State ~~for~~

16 ~~—2. Qualified personnel of any clinic~~ ; and

17 (b) At such other times as necessary to most effectively provide
18 for the immunizations required by this section.

19 5. Any person who is qualified to administer ~~for vaccines or~~
20 ~~boosters~~ a vaccine, booster or medicine used for an immunization
21 pursuant to this section and who administers such a vaccine,
22 booster or medicine to a child, in good faith and without gross
23 negligence ~~are~~, is immune from civil and criminal liability.

24 6. As used in this section, "diseases enumerated in NRS
25 392.435, 394.192 and 432A.230" means the diseases enumerated
26 in those sections and all other diseases for which immunization is
27 required by the local board of health or the State Board of Health
28 pursuant to the authority granted by those sections.

29 Sec. 6. Chapter 439B of NRS is hereby amended by adding
30 thereto the provisions set forth as sections 6 and 7 of this act.

31 Sec. 7. 1. A manufacturer which sells immunizations in
32 this State shall prepare and submit to the Director an annual
33 report regarding the actual cost to the manufacturer of producing
34 each immunization which the manufacturer sells in this State. The
35 cost of the immunizations must be reported in the form prescribed
36 by the Director for a unit dose or package of units, as applicable.

37 2. The Department shall annually post on the Internet
38 website maintained by the Department the information provided by
39 each manufacturer pursuant to subsection 1.

40 Sec. 8. 1. A manufacturer of an immunization for the
41 diseases enumerated in NRS 392.435, 394.192 and 432A.230 shall
42 not charge for such an immunization sold to a provider of health
43 care in this State a rate which is greater than 115 percent of the
44 rate charged to the Centers for Disease Control and Prevention of



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1 *the United States Department of Health and Human Services for*
2 *the purchase of that immunization.*

3 2. As used in this section, "diseases enumerated in NRS
4 392.435, 394.192 and 432A.230" means the diseases enumerated
5 in those sections and all other diseases for which the
6 immunization is required by a local board of health or the State
7 Board of Health pursuant to the authority granted by those
8 sections.

9 **Sec. 9.** 1. There is hereby appropriated from the State
10 General Fund to the Department of Health and Human Services to
11 carry out the program of immunizations required pursuant to NRS
12 439.535, as amended by section 4 of this act:

13 For the Fiscal Year 2009-2010.....\$185,260

14 For the Fiscal Year 2010-2011.....\$224,343

15 2. Any balance of the sums appropriated by subsection 1
16 remaining at the end of the respective fiscal years must not be
17 committed for expenditure after June 30 of the respective fiscal
18 years by the entity to which the appropriation is made or any entity
19 to which money from the appropriation is granted or otherwise
20 transferred in any manner, and any portion of the appropriated
21 money remaining must not be spent for any purpose after
22 September 17, 2010, and September 16, 2011, respectively, by
23 either the entity to which the money was appropriated or the entity
24 to which the money was subsequently granted or transferred, and
25 must be reverted to the State General Fund on or before
26 September 17, 2010, and September 16, 2011, respectively.

27 **Sec. 10.** This act becomes effective on July 1, 2009.

