

# HOUSE BILL No. 1229

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-223.7; IC 16-21-18; IC 16-28-14.5.

**Synopsis:** Influenza immunizations. Requires hospitals to offer to administer an influenza immunization to hospital patients who are 65 years of age or older and are discharged from the hospital from October 1 through March 1. Changes the date through which a health facility is required to administer or make available an influenza immunization from February 1 to March 1. Requires a health facility to retain a signed statement from each employee of the health facility indicating that the employee has been offered the influenza immunization and whether the employee has chosen to accept or decline to receive the influenza immunization.

**Effective:** July 1, 2021.

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## Zent, Barrett, Fleming

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January 14, 2021, read first time and referred to Committee on Public Health.

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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1229

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-223.7, AS AMENDED BY P.L.29-2009,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 223.7. "Medically contraindicated", for purposes  
4 of **IC 16-21-18**, IC 16-28-14, and IC 16-28-14.5, means that a vaccine  
5 would be detrimental to an individual's health because of a medical  
6 condition of the individual.

7 SECTION 2. IC 16-21-18 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2021]:

10 **Chapter 18. Immunization of Hospital Inpatients**

11 **Sec. 1. This chapter applies to a hospital licensed under or**  
12 **subject to any of the following:**

- 13 (1) **This article.**
- 14 (2) **IC 16-22.**
- 15 (3) **IC 16-23.**
- 16 (4) **IC 16-23.5.**

17 **Sec. 2. (a) Except as provided in section 3 of this chapter, if a**



1 patient who is sixty-five (65) years of age or older is discharged  
 2 from a hospital during the period beginning October 1 and ending  
 3 March 1 of the following year, the hospital shall, unless the  
 4 immunization is medically contraindicated:

5 (1) offer to administer to the patient; or

6 (2) make available to be administered to the patient;  
 7 immunizations against the influenza virus.

8 (b) Immunizations provided under this chapter must be in  
 9 accordance with the recommendations established by the Advisory  
 10 Committee on Immunization Practices of the United States Centers  
 11 for Disease Control and Prevention that are in effect at the time the  
 12 immunizations are provided.

13 **Sec. 3. A hospital is not required to provide or make available**  
 14 **to the hospital's patients an annual immunization against the**  
 15 **influenza virus if the state department determines that the**  
 16 **necessary vaccine is not in adequate supply.**

17 **Sec. 4. A hospital may not require a patient to receive an**  
 18 **immunization.**

19 SECTION 3. IC 16-28-14.5-3, AS ADDED BY P.L.29-2009,  
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2021]: Sec. 3. A health facility shall annually administer or  
 22 make available to be administered the immunizations required under  
 23 this chapter to each employee of the health facility who is employed by  
 24 the health facility during the period beginning October 1 and ending  
 25 February March 1 of the following year.

26 SECTION 4. IC 16-28-14.5-5.5 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2021]: **Sec. 5.5. A health facility shall retain**  
 29 **a signed statement from each employee of the health facility**  
 30 **indicating:**

31 (1) that the employee has been offered the immunization  
 32 required under this chapter; and

33 (2) whether the employee has chosen to accept or decline to  
 34 receive the influenza immunization.

