

**House File 449 - Introduced**

HOUSE FILE 449

BY SHIPLEY

**A BILL FOR**

1 An Act relating to information to be provided, recorded,  
2 and reported by health care providers relative to certain  
3 vaccinations, and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.39E Vaccinations — health care  
2 provider requirements — penalties.

3 1. For the purposes of this section:

4 a. "*Health care provider*" means any licensed health care  
5 professional, organization, or institution, whether public  
6 or private, including federal, state, and local departments,  
7 agencies, and instrumentalities, under whose authority a  
8 vaccine set forth in the vaccine injury table is administered.

9 b. "*Health profession board*" means a profession board  
10 designated pursuant to section 147.13.

11 c. "*Vaccine injury table*" means the vaccine injury table  
12 created and revised pursuant to 42 U.S.C. §300aa-14.

13 2. The department shall collaborate with each health  
14 profession board to ensure that a health care provider under  
15 the purview of the department or a health profession board  
16 is aware of and complies with the requirements of 42 U.S.C.  
17 §300aa-25 and 42 U.S.C. §300aa-26, including all of the  
18 following:

19 a. That the health care provider provides an adult patient,  
20 or the parent or legal representative of a minor patient, with  
21 a copy of the relevant federal vaccine information statement  
22 for the vaccine the patient is to receive and verbally informs  
23 the adult patient, or the parent or legal representative of a  
24 minor patient, of the existence of the vaccine adverse events  
25 reporting system and the vaccine injury compensation program  
26 referenced in the statement, prior to the patient receiving the  
27 vaccine.

28 b. That the health care provider records certain information  
29 about the vaccine administered in the patient's medical record  
30 or a permanent office log or file.

31 c. That the health care provider documents any adverse event  
32 following the vaccination that the patient experiences and that  
33 becomes known to the health care provider, and submits the  
34 report to the federal vaccine adverse events reporting system.

35 3. The health profession board for a health care provider

1 may deny an applicant a license or suspend, revoke, or refuse  
2 to renew a license, and may take other disciplinary action  
3 against a licensee based on the applicant or licensee having  
4 three or more verified failures to comply in one calendar year  
5 with the applicable health care provider requirements pursuant  
6 to 42 U.S.C. §300aa-25 and 42 U.S.C. §300aa-26.

7 4. A health care provider who violates a provision of  
8 42 U.S.C. §300aa-25 or 42 U.S.C. §300aa-26, in addition to  
9 licensee disciplinary action pursuant to subsection 3, shall  
10 be subject to a fine, per violation, in an amount established  
11 by rule of the department or the respective health profession  
12 board, as applicable.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill relates to the requirements established under  
17 federal law for health care providers administering certain  
18 vaccines. The bill provides definitions used in the bill  
19 including "health care provider" which is the definition used  
20 under federal law (42 U.S.C. §300aa-33(1)); "health profession  
21 board"; and "vaccine injury table".

22 The bill requires the department of public health (DPH) to  
23 collaborate with each health profession board to ensure that  
24 a health care provider under the purview of the department  
25 or a health profession board is aware of and complies with  
26 the requirements applicable to health care providers who  
27 administer vaccines on the federal vaccine injury table under  
28 the federal National Childhood Vaccine Injury Act of 1986 (42  
29 U.S.C. §§300aa-1 to 300aa-34), including provision of the  
30 relevant federal vaccine information statement for the vaccine  
31 the patient is to receive and verbal information regarding  
32 the vaccine adverse events reporting system and the vaccine  
33 injury compensation program, prior to the patient receiving the  
34 vaccine; the recording of certain information about the vaccine  
35 administered in the patient's medical record or a permanent

1 office log or file; and the reporting of any adverse event  
2 following the vaccination that the patient experiences and  
3 that becomes known to the health care provider to the federal  
4 vaccine adverse events reporting system.

5 The bill provides for disciplinary action by DPH or the  
6 respective health profession board and fines established by  
7 DPH or the respective board for noncompliance with the federal  
8 requirements.