

House File 329 - Introduced

HOUSE FILE 329

BY SHIPLEY

A BILL FOR

1 An Act relating to exemption from immunization based upon
2 prerequisite conditions relative to a vaccine.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 139A.8B Prerequisites of required
2 vaccine — exemption from immunization.

3 1. Notwithstanding any other provision to the contrary
4 regarding required immunization, a person who is required
5 to receive an immunization for any purpose, including as a
6 condition of employment, enrollment in any licensed child care
7 center or elementary or secondary school, or licensure, is
8 exempt from the immunization requirement unless all of the
9 following conditions are met:

10 a. The pivotal clinical trial the United States food
11 and drug administration relied upon to approve the vaccine
12 evaluated the vaccine's safety, for at least one year after it
13 was administered, against a control group that received either
14 a placebo or another vaccine that was licensed for approval as
15 provided in this paragraph.

16 b. The department posts on the department's website the
17 injuries or diseases caused by the vaccine and the rate at
18 which the injury or disease occurs as a result of the vaccine.

19 c. The risk of permanent disability or death from the
20 vaccine has been proven to be less than that caused by the
21 infection the vaccine is intended to prevent.

22 d. The vaccine's manufacturer is liable, including for
23 design defect claims, for any injury caused by the vaccine.

24 2. A person, or if the person is a minor, the minor's parent
25 or legal guardian, may claim and be granted the exemption
26 from immunization if the conditions specified in subsection
27 1 are not met. A person shall not be subject to additional
28 conditions or requirements to claim the exemption.

29 3. For the purposes of this section, "licensure" includes
30 the granting of a commercial, professional, occupational, or
31 other license, certification, permit, or authorization of any
32 kind issued pursuant to any statute by the state.

33

EXPLANATION

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

1 This bill provides that notwithstanding any other provision
2 to the contrary regarding required immunization, a person
3 who is required to receive an immunization for any purpose,
4 including as a condition of employment, enrollment in any
5 licensed child care center or elementary or secondary school,
6 or licensure, is exempt from the immunization requirement
7 unless certain conditions are met. The conditions that must be
8 met are that 1) the pivotal clinical trial the United States
9 food and drug administration (FDA) relied upon to approve
10 the vaccine evaluated the vaccine's safety, for at least one
11 year after it was administered, against a control group that
12 received either a placebo or another vaccine that was licensed
13 for approval as provided in this paragraph; 2) the department
14 of public health posts on the department's website the injuries
15 or diseases caused by the vaccine and the rate at which the
16 injury or disease occurs as a result of the vaccine; 3) the
17 risk of permanent disability or death from the vaccine has been
18 proven to be less than that caused by the infection the vaccine
19 is intended to prevent; and 4) the vaccine's manufacturer is
20 liable, including for design defect claims, for any injury
21 caused by the vaccine. A person, or if the person is a minor,
22 the minor's parent or legal guardian, may claim and be granted
23 the exemption from immunization if the conditions specified in
24 the bill are not met and the person shall not be subject to
25 additional conditions or requirements to claim the exemption.