

House File 899 - Introduced

HOUSE FILE 899

BY SHIPLEY

A BILL FOR

1 An Act relating to exemption from immunization subject to
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 vaccine's manufacturer is liable, including for
17 design defect claims, for any injury caused by the vaccine.

18 2. A person, or if the person is a minor, the minor's parent
19 or legal guardian, may claim and be granted the exemption
20 from immunization if the conditions specified in subsection
21 1 are not met. A person shall not be subject to additional
22 conditions or requirements to claim the exemption.

23 3. For the purposes of this section, "licensure" includes
24 the granting of a commercial, professional, occupational, or
25 other license, certification, permit or authorization of any
26 kind issued pursuant to any statute by the state.

27 EXPLANATION

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

30 This bill provides that notwithstanding any other provision
31 to the contrary regarding required immunization, a person
32 who is required to receive an immunization for any purpose,
33 including as a condition of employment, enrollment in any
34 licensed child care center or elementary or secondary school,
35 or licensure, is exempt from the immunization requirement

1 unless certain conditions are met. The conditions that must be
2 met are that 1) the pivotal clinical trial the United States
3 food and drug administration (FDA) relied upon to approve
4 the vaccine evaluated the vaccine's safety, for at least
5 one year after it was administered, against a control group
6 that received either a placebo or another vaccine that was
7 licensed for approval as provided in this paragraph; and 2) the
8 vaccine's manufacturer is liable, including for design defect
9 claims, for any injury caused by the vaccine. A person, or if
10 the person is a minor, the minor's parent or legal guardian,
11 may claim and be granted the exemption from immunization if the
12 conditions specified in the bill are not met and the person
13 shall not be subject to additional conditions or requirements
14 to claim the exemption.