

**House File 2333 - Introduced**

HOUSE FILE 2333

BY SHIPLEY

**A BILL FOR**

1 An Act relating to the establishment and administration of a  
2 state vaccine adverse event reporting system and a state  
3 vaccine injury compensation program, and providing a  
4 standing appropriation.

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

1 Section 1. NEW SECTION. 135.194 **Definitions.**

2 As used in this subchapter, unless the context otherwise  
3 requires:

4 1. "*Federal vaccine adverse event reporting system*" means the  
5 national vaccine safety surveillance program comonitered by the  
6 United states food and drug administration and the centers for  
7 disease control and prevention of the United States department  
8 of health and human services.

9 2. "*National vaccine injury compensation program*" means  
10 the national vaccine injury compensation program established  
11 pursuant to 42 U.S.C. §300aa-10 and administered by the  
12 division of compensation programs, health care systems bureau,  
13 health resources and services administration, United States  
14 department of health and human services.

15 3. "*State vaccine adverse event reporting system*" or "*state*  
16 *system*" means the state vaccine adverse event reporting system  
17 established in section 135.195.

18 4. "*State vaccine injury compensation program*" or "*state*  
19 *program*" means the state vaccine injury compensation program  
20 established in section 135.195.

21 5. "*Vaccine*" means any vaccine or immunization required  
22 pursuant to section 139A.8 for a person's enrollment in any  
23 licensed child care center or elementary or secondary school  
24 in Iowa.

25 Sec. 2. NEW SECTION. 135.195 **State vaccine adverse event**  
26 **reporting system — state vaccine injury compensation program —**  
27 **established.**

28 1. The department shall establish a state vaccine adverse  
29 event reporting system and vaccine injury compensation  
30 program that replicates at the state level the federal vaccine  
31 adverse event reporting system and the national vaccine  
32 injury compensation program, including required reporting and  
33 compensation provisions.

34 2. a. The state system and state program shall provide  
35 information to the public regarding the process for reporting

1 potential vaccine injuries to both the federal reporting system  
2 and national compensation program, and the state system and  
3 state program.

4 *b.* The state system and the state program shall provide  
5 technical assistance and training to health care providers who  
6 administer vaccines to ensure the health care providers respond  
7 to and report all potential vaccine injury cases brought to  
8 the health care providers' attention. The state system and  
9 state program shall work with health professional licensing  
10 boards and professional organizations to provide continuing  
11 education and vaccine safety and efficacy training for all  
12 health care providers based on information provided by the  
13 centers for disease control and prevention of the United States  
14 department of health and human services, the federal food and  
15 drug administration, the national vaccine injury compensation  
16 program, vaccine manufacturer package inserts, and current  
17 research.

18 *c.* The state system and state program shall annually  
19 provide a public forum on vaccine adverse events that includes  
20 participants who are vaccine injury victims. The public  
21 forum shall provide information on the requirements health  
22 care providers who administer vaccines must meet, including  
23 providing a copy of the vaccine information statement when  
24 a vaccine is administered pursuant to 42 U.S.C. §300aa-26,  
25 recording provision of the vaccine information statement and  
26 other required information in the patient's medical record, and  
27 the process for making a vaccine adverse event report.

28 *d.* The department shall establish a vaccine injury board  
29 to advise the department in administering the state system and  
30 state program. The board shall be composed of health care  
31 providers, and at least one-half of the members of the board  
32 shall be vaccine injury victims or parents or legal guardians  
33 of vaccine injury victims who are minors.

34 *e.* The department shall provide an annual report to  
35 the governor and the general assembly regarding the number

1 of vaccine adverse event reports made and the amount of  
2 compensation provided by the state.

3 3. The department shall adopt rules pursuant to chapter 17A  
4 to administer the state system and the state program.

5 Sec. 3. NEW SECTION. 135.196 State vaccine injury  
6 compensation program trust fund.

7 1. A state vaccine injury compensation program trust  
8 fund is created in the office of the treasurer of state.  
9 The trust fund shall consist of moneys appropriated under  
10 section 135.197 and deposited in the trust fund. Moneys in  
11 the trust fund shall be separate from the general fund of the  
12 state and shall not be considered part of the general fund  
13 of the state. Moneys in the trust fund are not subject to  
14 section 8.33 and shall not be transferred, used, obligated,  
15 appropriated, or otherwise encumbered, except as provided in  
16 this section. Notwithstanding section 12C.7, subsection 2,  
17 interest or earnings on moneys deposited in the trust fund  
18 shall be credited to the trust fund.

19 2. Moneys in the trust fund are appropriated to the  
20 department and shall be used only for compensation of vaccine  
21 injuries as provided under the state program.

22 Sec. 4. NEW SECTION. 135.197 Standing appropriation.

23 There is appropriated annually from the general fund of the  
24 state for deposit in the state vaccine injury compensation  
25 program trust fund created in section 135.196 an amount  
26 sufficient to cover the costs of compensation of vaccine  
27 injuries as provided under the state program.

28 EXPLANATION

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

31 This bill requires the department of health and human  
32 services (HHS) to establish a state vaccine adverse event  
33 reporting system (state system) and a state vaccine injury  
34 compensation program (state program). The state system and  
35 state program are to replicate the federal vaccine adverse

1 event reporting system (federal system) and the national  
2 vaccine injury compensation program (federal program), and the  
3 state system and the state program are to be applicable to  
4 any vaccine or immunization required pursuant to Code section  
5 139A.8 (immunization of children) for a person's enrollment  
6 in any licensed child care center or elementary or secondary  
7 school in Iowa.

8     The bill requires the state system and state program to  
9 provide information to the public regarding the process for  
10 reporting potential vaccine injuries to both the federal system  
11 and federal program and the state system and state program.  
12 The state system and state program shall also provide technical  
13 assistance and training to health care providers who administer  
14 vaccines to ensure health care providers respond to and report  
15 all potential vaccine injury cases brought to the health care  
16 providers' attention; and shall work with health professional  
17 licensing boards and professional organizations to provide  
18 continuing education and vaccine safety and efficacy training  
19 for all health care providers based on information provided by  
20 the centers for disease control and prevention of the United  
21 States department of health and human services, the federal  
22 food and drug administration, the national vaccine injury  
23 compensation program, vaccine manufacturer package inserts,  
24 and current research. The state system and state program are  
25 also required to annually provide a public forum on vaccine  
26 adverse events that includes participants who are vaccine  
27 injury victims. HHS shall establish a vaccine injury board to  
28 advise HHS in administering the state system and state program.  
29 The board shall be composed of health care providers, and at  
30 least one-half of the members of the board shall be vaccine  
31 injury victims or parents or legal guardians of victims who are  
32 minors. HHS shall provide an annual report to the governor and  
33 the general assembly regarding the number of vaccine adverse  
34 event reports made and the amount of compensation provided  
35 through the state system and the state program. HHS shall

1 adopt administrative rules to administer the state system and  
2 the state program.

3     The bill also establishes a state vaccine injury  
4 compensation program trust fund in the office of the treasurer  
5 of state. The trust fund consists of moneys appropriated  
6 annually from the general fund of the state for deposit in the  
7 state vaccine injury compensation program trust fund in an  
8 amount sufficient to cover the costs of compensation of vaccine  
9 injuries as provided under the state program. The moneys in  
10 the trust fund are appropriated to HHS to be used only for  
11 compensation of vaccine injuries as provided under the state  
12 program.