

AMENDED IN SENATE APRIL 5, 2006
AMENDED IN ASSEMBLY JANUARY 5, 2006
AMENDED IN ASSEMBLY APRIL 18, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 699

Introduced by Assembly Member Chan
(Coauthors: Assembly Members Berg, Jones, and Karnette)

February 17, 2005

An act to add Section 120155 to the Health and Safety Code, relating to vaccines.

LEGISLATIVE COUNSEL'S DIGEST

AB 699, as amended, Chan. Vaccines: influenza.

Existing law requires the State Department of Health Services to provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations first for all persons 60 years of age or older in this state, and then to any other high-risk groups identified by the United States Public Health Service. The department and the California Department of Aging are required to prepare, publish, and disseminate information regarding the availability of the vaccine, and the effectiveness of the vaccine in protecting the health of older persons.

This bill would require the State Department of Health Services to annually determine the amount of influenza vaccine that is available from each vaccine's manufacturer for the population of this state, as well as the need for the vaccine by the state's population, and to make this information available on the department's Web site no later than

October 1 of each year, with periodic updating as prescribed. The bill would require each entity, *except as specified*, that has possession of, or has a legal right to obtain possession of, influenza vaccine to report ~~its inventory of~~ *specified information regarding the supply of* the vaccine upon notice from either the local health department or the department. It would require influenza vaccine distributors and pharmacy suppliers to cooperate with the department and local health officers in determining local inventories of influenza vaccine, including providing copies of invoices and distribution lists as specified.

~~The bill would also prohibit the administration of an influenza vaccine to an individual who is not within a priority group as prescribed, unless the department or the local health officer makes a specified determination.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 120155 is added to the Health and
2 Safety Code, to read:
3 120155. (a) The department shall annually determine the
4 amount of influenza vaccine, including the live, attenuated
5 influenza vaccine in a nasal-spray, that is available from each
6 vaccine's manufacturer for the population of this state, as well as
7 the need for the vaccine by the state's population, and make this
8 information available on the department's Web site no later than
9 October 1 of each year and provide periodic updating as
10 necessary from October 1 through December 31 of each year.
11 (b) Each entity that has possession of, or has a legal right to
12 obtain possession of, influenza vaccine shall report ~~its inventory~~
13 ~~of the~~ *the information described in subdivision (c) relating to the*
14 *supply of the influenza* vaccine to the local health department
15 upon notice from the local health department, or to the
16 department upon notice from the department. Influenza vaccine
17 distributors and pharmacy suppliers shall cooperate with the
18 department and local health officers in determining local
19 inventories of influenza vaccine, including providing copies of
20 invoices, orders, and distribution lists in a timely manner, when
21 necessary.

1 (c) *The information reported pursuant to subdivision (b) shall*
2 *include, but is not limited to, the entity's inventory of the*
3 *influenza vaccine, the amount of the influenza vaccine the entity*
4 *has ordered, and the amount of the influenza vaccine that the*
5 *entity has shipped.*

6 (d) *Subdivisions (b) and (c) shall not apply to a physician and*
7 *surgeon practice, unless the practice is an occupational health*
8 *provider who conducts influenza vaccination campaigns on*
9 *behalf of a corporation.*

10 (e) *It is the intent of the Legislature in enacting this section to*
11 *assist small physician and surgeon practices, nursing facilities,*
12 *and other health care providers that provide care for patients at*
13 *risk of illness or death from influenza.*

14 ~~(e) No person shall administer an influenza vaccine to an~~
15 ~~individual who is not within a priority group, unless and until the~~
16 ~~department or the local health officer makes a determination that~~
17 ~~this restriction is not necessary, or is no longer necessary for the~~
18 ~~public health and issues a health order to that effect. For purposes~~
19 ~~of this subdivision, a "priority group" means a group of~~
20 ~~individuals who have the highest risk of serious illness or death~~
21 ~~from influenza, or represent a population that is at an increased~~
22 ~~likelihood of transmitting the infection once infected, as~~
23 ~~determined on a statewide basis by the department, consistent~~
24 ~~with the findings of the Centers for Disease Control and~~
25 ~~Prevention. For purposes of this subdivision, a "priority group"~~
26 ~~also means a group of individuals within a local jurisdiction who~~
27 ~~have the highest risk of serious illness or death from influenza, or~~
28 ~~represent a population within a local jurisdiction that is at an~~
29 ~~increased likelihood of transmitting the infection once infected,~~
30 ~~as determined by the State Public Health Officer or a local health~~
31 ~~officer.~~