

AMENDED IN SENATE MAY 8, 2006
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 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.

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 the
 13 information described in subdivision (c) relating to the supply of
 14 the influenza vaccine to the ~~local health department upon notice~~
 15 ~~from the local health department, or to the department upon~~
 16 notice from the department. Influenza vaccine distributors and
 17 pharmacy suppliers shall cooperate with the department ~~and local~~
 18 ~~health officers~~ in determining local inventories of influenza
 19 vaccine, including providing ~~copies of invoices, orders, orders~~
 20 and distribution lists in a timely manner, when necessary.
 21 (c) The information reported pursuant to subdivision (b) shall
 22 include, but is not limited to, the entity’s inventory of the
 23 influenza vaccine, the amount of the influenza vaccine the entity
 24 has ordered, ~~and~~ the amount of the influenza vaccine that the

1 entity has shipped, *and the name, address, and, if applicable, the*
2 *telephone number of the recipient.*

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

7 (e) It is the intent of the Legislature in enacting this section to
8 assist small physician and surgeon practices, nursing facilities,
9 and other health care providers that provide care for patients at
10 risk of illness or death from influenza *by facilitating the sharing*
11 *of vaccine supplies, if necessary, between providers within a*
12 *local jurisdiction.*

13 (f) *If a business believes that the information required by this*
14 *section involves the release of a trade secret, the business shall*
15 *nevertheless disclose the information to the department, and*
16 *shall notify the department in writing of that belief at the time of*
17 *disclosure. As used in this section, “trade secret” has the*
18 *meanings given to it by Section 6254.7 of the Government Code*
19 *and Section 1060 of the Evidence Code. Any information that is*
20 *confidential pursuant to this section shall not be disclosed to*
21 *anyone, except to an officer or employee of the county, city, city*
22 *and county, or the state in connection with the official duties of*
23 *that officer or employee to protect the public health.*