

State Vaccine Legislative Template

Purpose

ACP has prepared this draft bill to help physicians interested in participating in their state's legislative process by connecting with lawmakers and proposing new bills that address issues related to vaccine coverage, sources of recommendations, administration requirements, and immunizations for public schools.

How to Use

1. Change **[Department of Health]** to principal regulatory agency for health in your state.
e.g., Alabama Department of Public Health, Arizona Department of Health Services, Georgia Department of Health, Kansas Department of Health and Environment.
2. Change other **[State Regulatory Agency]** to appropriate regulatory agency in your state.
3. Revise language depending on regulatory authorities in your state.
e.g., State health department authority vs. authority of top public health official.

Considerations

State organization and regulatory authorities may differ greatly between states, as may how much a given state aligns with ACP's public policy position. For example, one state may allow pharmacists to administer a vaccine to any person—regardless of age—but another may not. Alternatively, one state may authorize the health department to enact an emergency authorization to expand the use of vaccines, but another may not. Therefore, users of this template should familiarize themselves with the structure and scope of their state's regulatory authority and identify specific bodies or government entities that they would like to focus their efforts on. They should also confirm ACP's policy positions, especially if a bill of this type would be combined with other policies in a legislative package.

Get Support from ACP's DC Office

ACP's state health policy team is available to support your advocacy efforts. You can get in touch with ACP staff for help in understanding ACP policy and formulating your advocacy strategies using the following resources:

- [Advocacy Assistance Request Form](#)
- [Consultations with ACP's State Health Policy Team](#)

1 A BILL

2 To authorize the [Department of Health] to recognize additional qualified medical and public health
3 organizations for purposes of vaccine recommendation, administration, insurance coverage, and public
4 health immunization requirements.

5 **Section 1. Short Title**

6 This Act may be cited as the “Expanded Vaccine Recommendation and Administration Authorization
7 Act.”

8 **Section 2. Legislative Findings and Purpose**

9 (a) The Legislature finds that—

- 10 1. State laws and regulations governing vaccination serve vital roles in protecting public health,
11 including by establishing immunization requirements for school attendance, coverage mandates
12 for insurers, and authorization for health professionals to administer vaccines;
- 13 2. The Centers for Disease Control and Prevention (CDC) and its Advisory Committee on
14 Immunization Practices (ACIP) have historically published evidence-based vaccine
15 recommendations that inform these state requirements; however, recent CDC and ACIP
16 recommendations have not relied on longstanding and rigorous evidence-based processes;
- 17 3. Additional medical and public health organizations, both national and international, issue
18 credible, evidence-based immunization recommendations that may address emerging diseases,
19 specialized populations, or regional health needs; and
- 20 4. Recognizing such qualified organizations enhances [STATE]’s flexibility to protect its residents
21 and maintain alignment with advancing medical and scientific knowledge.

22 (b) The purpose of this Act is to authorize the [Department of Health] to designate additional qualified
23 organizations whose vaccine recommendations may be recognized for purposes of public health
24 administration, insurance coverage, pharmacist authority, and school immunization requirements.

25 **Section 3. Definitions**

26 For the purposes of this Act—

- 27 1. “Department” means the [Department of Health].
- 28 2. “Director” means the Director of the [Department of Health].
- 29 3. “Qualified organization” means a national or international medical or public health
30 organization—
 - 31 (A) recognized for its expertise in immunization or infectious disease control;
 - 32 (B) that issues publicly available, evidence-based vaccine recommendations; and
 - 33 (C) designated by the Director pursuant to Section 4 of this Act.

34 **Section 4. Designation of Qualified Organizations**

35 (a) The Director may, by public notice published in the [State Register/Official State Publication],
36 designate one or more qualified organizations whose vaccine recommendations may be recognized for
37 purposes of this Act.

38 (b) In designating a qualified organization, the Director shall consider—

39 1. The organization's scientific rigor, transparency, and peer-reviewed processes;
40 2. Its alignment with recognized public health principles; and
41 3. Its independence from commercial influence.

42 (c) The Director shall review all designations at least once every three years.

43 (d) A list of all designated qualified organizations shall be publicly maintained on the Department's
44 website.

45 **Section 5. Recognition of Vaccine Recommendations**

46 (a) The Department is authorized to recognize, for purposes of state law and regulation, vaccine
47 recommendations issued by—

48 1. The CDC;
49 2. The ACIP; or
50 3. Any qualified organization designated under Section 4.

51 (b) Such recognition shall apply, as specified in this Act, to immunization requirements, administration
52 authority, and insurance coverage.

53 **Section 6. Application to School and Childcare Immunization Requirements**

54 (a) The Department may, through rulemaking, include vaccines recommended by a qualified
55 organization under Section 5 among those required for attendance at public or private schools, pre-
56 kindergarten programs, and licensed childcare facilities.

57 (b) Such inclusion shall be subject to—

58 1. The same exemptions and procedural requirements applicable to other required immunizations;
59 and
60 2. A public notice and comment process prior to adoption.

61 **Section 7. Application to Insurance Coverage Mandates**

62 (a) Any state law or regulation requiring health insurers to provide coverage for vaccines recommended
63 by the CDC or ACIP shall also apply to vaccines recommended by any qualified organization designated
64 under Section 4, to the extent that such vaccines are approved or authorized by the U.S. Food and Drug
65 Administration (FDA).

66 (b) The [Department of Insurance], in consultation with the [Department of Health], shall implement this
67 subsection through rulemaking.

68 **Section 8. Authorization for Pharmacists and Other Health Professionals**

69 (a) A licensed pharmacist, or other health professional authorized under state law to administer
70 vaccines, may administer any vaccine recommended by—

71 1. The CDC;
72 2. ACIP; or
73 3. Any qualified organization designated under Section 4 of this Act.

74 (b) Such authority shall be subject to:

75 4. Any limitations or conditions imposed by the Department or relevant licensing boards; and
76 5. The same requirements for informed consent, documentation, and reporting as apply to CDC- or
77 ACIP-recommended vaccines.

78 **Section 9. Rulemaking and Coordination**

79 The Department may adopt rules necessary to implement this Act and shall coordinate with the
80 [Department of Education], [Department of Insurance], and relevant licensing boards to ensure
81 consistency across regulatory programs.

82 **Section 10. Construction**

83 Nothing in this Act shall be construed to—

84 1. Limit or alter any federal vaccine safety, injury compensation, or reporting requirements;
85 2. Require an insurer to cover vaccines not approved or authorized by the FDA; or
86 3. Restrict the professional judgment of a licensed healthcare professional.

87 **Section 11. Severability**

88 The provisions of this Act shall be severable, and if any phrase, clause, sentence or provision is deemed
89 unenforceable, the remaining provisions of the Act shall be enforceable.

90 **Section 12. Effective Date**

91 This Act shall take effect [__ days] after enactment.