

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1041

To amend the Public Health Service Act to promote the immunization of children, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, APRIL 19), 1993

Mr. GREGG introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Public Health Service Act to promote the immunization of children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IMMUNIZATION OF CHILDREN.**

4 Subtitle 1 of title XXI of the Public Health Service  
5 Act is amended—

6 (1) by redesignating section 2106 (42 U.S.C.  
7 300aa-6) as section 2107; and

8 (2) by inserting after section 2105 (42 U.S.C.  
9 300aa-5) the following new section:

1 **“SEC. 2106. IMMUNIZATION OF CHILDREN.**

2       “(a) IN GENERAL.—Subject to the other provisions  
3 of this section and notwithstanding section 17 of Public  
4 Law 89–462, in the case of infants and children who are  
5 enrolled in the program established under such section (re-  
6 ferred to in this section as the ‘program’) and who have  
7 not received all vaccinations that are appropriate for the  
8 age of the infants and children, a State agency (as defined  
9 in subsection (b)(13) of such section 17) may take action  
10 to—

11               “(1) identify the infants and children whose  
12 health is at increased risk because the infants and  
13 children have not received the vaccinations that are  
14 appropriate for the age of the infants and children;  
15 and

16               “(2) ensure that the infants and children are  
17 properly vaccinated.

18       “(b) VERIFICATION.—To carry out this section, the  
19 State agency may require that the parent or legal guard-  
20 ian of an infant or child enrolled in the program submit  
21 to the State or local agency, at intervals determined by  
22 the State agency—

23               “(1) a copy of the immunization record of the  
24 infant or child; or

25               “(2) a statement from a licensed health care  
26 provider certifying that the infant or child has re-

1       ceived all vaccinations that are appropriate for the  
2       age of the infant or child.

3       “(c) STATE OPTIONS.—To carry out this section, in  
4       the case of an infant or child who is enrolled in the pro-  
5       gram and who has not received all vaccinations that are  
6       appropriate for the age of the infant or child, the State  
7       agency may—

8               “(1) adjust or delay the delivery schedule of  
9       benefits made available under the program, except  
10      that the benefits may not be discontinued pursuant  
11      to this paragraph; or

12              “(2) require more frequent evaluative clinic vis-  
13      its for an infant or child who has been identified as  
14      being at higher medical risk because the infant or  
15      child has not received all vaccinations that are ap-  
16      propriate for the age of the infant or child.

17      “(d) PREREQUISITES.—A State agency may not take  
18      an action under subsection (c) unless the State agency  
19      has—

20              “(1) notified the parent or legal guardian of the  
21      enrolled infant or child, in writing, of the require-  
22      ments of this section not later than 90 days, and  
23      again 30 days, before the action is taken;

1           “(2) informed the parent or legal guardian of  
2           the need and importance of childhood vaccinations,  
3           in a manner determined by the State agency;

4           “(3) provided the parent or legal guardian with  
5           information concerning the availability of public and  
6           private providers of vaccination services; and

7           “(4) provided the parent or legal guardian with  
8           a copy of the appropriate vaccination schedule deter-  
9           mined pursuant to subsection (e).

10          “(e) APPROPRIATE VACCINATIONS.—To carry out  
11          this section, a State shall determine the vaccinations that  
12          are appropriate for the age of an infant or child after re-  
13          viewing standards established by—

14                  “(1) the Secretary;

15                  “(2) the Advisory Committee on Immunization  
16          Practices of the Centers for Disease Control and  
17          Prevention; or

18                  “(3) the American Academy of Pediatrics.

19          “(f) EXEMPTIONS.—An infant or child residing in a  
20          State shall be exempt from any requirement imposed  
21          under this section to the extent that the law of the State  
22          would exempt the infant or child from immunization re-  
23          quirements if the infant or child were entering or attend-  
24          ing school.

1       “(g) FUNDING.—The State agency may use amounts  
2 made available under section 17 of Public Law 89–462  
3 for the costs of nutrition services and administration (as  
4 defined in subsection (b)(4) of such section) to carry out  
5 this section (other than subsection (h)).

6       “(h) GRANTS.—

7           “(1) IN GENERAL.—The Secretary may make  
8 grants to States for the purpose of assisting in the  
9 vaccination of children enrolled in the program at  
10 local program offices where no health care providers  
11 are available.

12           “(2) APPLICATIONS.—To receive a grant under  
13 this subsection, a State shall submit an application  
14 to the Secretary at such time, and containing or ac-  
15 companied by such information, as the Secretary  
16 may reasonably require.

17           “(3) NEED.—The Secretary shall award grants  
18 under this subsection based on need, as dem-  
19 onstrated in the application of a State.

20           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
21 There are authorized to be appropriated to carry out  
22 this subsection \$6,000,000 for each of fiscal years  
23 1993 and 1994.”.

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