

110TH CONGRESS
1ST SESSION

S. 2476

To amend the Public Health Service Act to improve immunization rates
by increasing the supply of vaccines.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2007

Mrs. CLINTON introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to improve
immunization rates by increasing the supply of vaccines.

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. SHORT TITLE.**

4 This Act may be cited as the “Improved Vaccine Sup-
5 ply Act”.

6 **SEC. 2. SUPPLY OF VACCINES.**

7 Title XXI of the Public Health Service Act (42
8 U.S.C. 300aa–1 et seq.) is amended by adding at the end
9 the following:

1 “(C) include other vaccines, as designated
2 by the Secretary, that contribute to public
3 health preparedness efforts.

4 “(3) SUPPLY AUTHORITY.—The Secretary shall
5 carry out—

6 “(A) paragraph (2)(A) using the authority
7 provided for under section 1928(d)(6) of the
8 Social Security Act (42 U.S.C. 1396s(d)(6));
9 and

10 “(B) paragraph (2)(B) using—

11 “(i) the authority provided for under
12 section 317; and

13 “(ii) any other authority relating to
14 the vaccines described in such paragraph.

15 “(b) SUBMISSION OF PLAN.—

16 “(1) IN GENERAL.—Not later than 6 months
17 after the date of enactment of this section, the Sec-
18 retary shall submit the plan developed under sub-
19 section (a) to—

20 “(A) the Committee on Health, Education,
21 Labor, and Pensions of the Senate;

22 “(B) the Committee on Finance of the
23 Senate; and

24 “(C) the Committee on Energy and Com-
25 merce of the House of Representatives.

1 “(2) INCLUSIONS.—The plan shall include a
2 discussion of the considerations that formed—

3 “(A) the basis for the plan; and

4 “(B) the prioritization of the schedule for
5 purchasing vaccines set forth in the plan.

6 “(c) IMPLEMENTATION OF THE PLAN.—Not later
7 than September 30, 2008, the Secretary shall fully imple-
8 ment the plan developed under subsection (a).

9 “(d) NOTICE.—

10 “(1) IN GENERAL.—For the purposes of main-
11 taining and administering the supply of vaccines de-
12 scribed under subsection (a), the Secretary shall re-
13 quire by contract that the manufacturer of a vaccine
14 included in such supply provide not less than 1 year
15 notice to the Secretary of a discontinuance of the
16 manufacture of the vaccine, or of other factors, that
17 may prevent the manufacturer from providing vac-
18 cines pursuant to an arrangement made to carry out
19 this section.

20 “(2) REDUCTION OF PERIOD OF NOTICE.—The
21 notification period required under paragraph (1)
22 may be reduced if the manufacturer certifies to the
23 Secretary that good cause exists for reduction, under
24 the conditions described in section 506C(b) of the

1 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
2 356e).

3 “(e) PROCEEDS.—Any proceeds received by the Sec-
4 retary from the sale of vaccines contained in the supply
5 maintained pursuant to this section, shall be available to
6 the Secretary for the purpose of purchasing additional
7 vaccines for the supply. Such proceeds shall remain avail-
8 able until expended.

9 “(f) ONGOING REPORTS.—

10 “(1) IN GENERAL.—Not later than 2 years
11 after submitting the plan pursuant to subsection (b),
12 and periodically thereafter, the Secretary shall sub-
13 mit a report to the Committees identified in sub-
14 section (b)(1) that—

15 “(A) details the progress made in imple-
16 menting the plan developed under subsection
17 (a); and

18 “(B) notes impediments, if any, to imple-
19 menting the plan developed under subsection
20 (a).

21 “(2) RECOMMENDATION.—The Secretary shall
22 include in the first of such reports required under
23 paragraph (1)—

1 “(A) a recommendation as to whether the
2 vaccine supply should be extended beyond the
3 6-month period provided in subsection (a); and

4 “(B) a discussion of the considerations
5 that formed the recommendation under sub-
6 paragraph (A).

7 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 such sums as may be necessary for each of fiscal years
10 2008 through 2012.”.

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