

REFERENCE TITLE: informed consent; vaccinations

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1115

Introduced by
Senator Boyer: Representative Barto

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-3226; AMENDING SECTIONS 36-672 AND 36-673, ARIZONA
REVISED STATUTES; RELATING TO IMMUNIZATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised
3 Statutes, is amended by adding section 32-3226, to read:

4 32-3226. Informed consent; vaccines

5 A HEALTH PROFESSIONAL WHO ADMINISTERS VACCINES MUST PROVIDE ALL OF
6 THE FOLLOWING INFORMATION TO THE PATIENT OR, IF THE PATIENT IS A MINOR,
7 THE PATIENT'S PARENT OR LEGAL GUARDIAN OR PERSON IN LOCO PARENTIS OF THE
8 MINOR BEFORE ADMINISTERING A VACCINE:

9 1. THE BENEFITS AND RISKS OF EACH VACCINE.

10 2. THE VACCINE MANUFACTURER'S PRODUCT INSERT.

11 3. THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S VACCINE
12 EXCIPIENT AND MEDIA SUMMARY.

13 4. HOW TO REPORT A VACCINE-ADVERSE EVENT.

14 Sec. 2. Section 36-672, Arizona Revised Statutes, is amended to
15 read:

16 36-672. Immunizations; department rules; required information

17 A. Consistent with section 15-873, the director shall adopt rules
18 prescribing required immunizations for school attendance, the approved
19 means of immunization and indicated reinforcing immunizations for
20 diseases, and identifying types of health agencies and health care
21 providers ~~which~~ THAT may sign a laboratory evidence of immunity. The
22 rules shall include the required doses, recommended optimum ages for
23 administration of the immunizations, persons who are authorized
24 representatives to sign on behalf of a health agency and other provisions
25 necessary to implement this article.

26 B. The director, in consultation with the superintendent of public
27 instruction, shall develop by rule standards for documentary proof.

28 C. ANY INFORMATIONAL OR EDUCATIONAL MATERIALS THE DEPARTMENT
29 DEVELOPS OR PROVIDES TO PARENTS AND GUARDIANS SHALL INCLUDE ALL OF THE
30 INFORMATION REQUIRED TO BE PROVIDED FOR INFORMED CONSENT PURSUANT TO
31 SECTION 32-3226.

32 ~~C.~~ D. Immunization against the human papillomavirus is not
33 required for school attendance.

34 Sec. 3. Section 36-673, Arizona Revised Statutes, is amended to
35 read:

36 36-673. Duties of local health departments; immunization;
37 reimbursement; training; informed consent

38 A. A local health department in cooperation with each school within
39 the county shall provide for the required immunization of pupils attending
40 school.

41 B. A local health department shall provide immunizations required
42 for school attendance at no cost to the pupil or pupil's parent, guardian
43 or person in loco parentis. In order to receive reimbursement for the
44 cost of the immunization from the pupil's or parent's private health
45 insurance coverage, the local health department may enter into a contract

1 governing the terms of reimbursement and claims with the corresponding
2 private health care insurer. The local health department may enter into a
3 contract with a private health care insurer on its own, in conjunction
4 with other local health departments or through a qualified intermediary.
5 If the local health department chooses not to contract with a private
6 health care insurer, or does not respond to the request to contract from a
7 private health care insurer within ninety days ~~of~~ AFTER the request, the
8 insurer is not required to reimburse the local health department for the
9 immunization. If a private health care insurer declines or does not
10 respond to a request to contract with a local health department, with a
11 coalition of other local health departments or through a qualified
12 intermediary within ninety days ~~of~~ AFTER the request to contract, the
13 private health care insurer must reimburse the local health department at
14 the rate paid to an in-network provider.

15 C. A local health department, on request by a school nurse and
16 approval by the school administrator, shall train and authorize the school
17 nurse to administer required immunizations.

18 D. A pupil ~~shall~~ MAY not be immunized without the informed consent
19 of the parent, guardian or person in loco parentis of the pupil AS
20 PROVIDED IN SECTION 32-3226. A pupil who is at least eighteen years of
21 age or is emancipated may consent to immunization.