

1 ENGROSSED SENATE
2 BILL NO. 1407

By: Gumm of the Senate

3 and

4 Cox of the House

5
6
7 [public health - prohibiting use of certain vaccines

8 - codification -

9 effective date]

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 6060.4a of Title 36, unless
14 there is created a duplication in numbering, reads as follows:

15 Any individual or group health benefit plan, including the State
16 and Education Employees Group Health Insurance Plan, that is
17 offered, issued, or renewed in this state on or after January 1,
18 2009, shall reimburse for immunizations not containing mercury at
19 the same percentage rate of the usual and customary charges which
20 were provided for immunizations containing mercury or other
21 preservatives immediately prior to January 1, 2009.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 490 of Title 63, unless there is
24 created a duplication in numbering, reads as follows:

1 A. Beginning January 1, 2009, vaccines administered in this
2 state to children less than three (3) years of age and knowingly
3 pregnant women shall not contain more than 0.5 micrograms of mercury
4 per 0.5 milliliter dose, except as provided in subsection B of this
5 section.

6 B. Beginning January 1, 2009, influenza vaccines administered
7 in this state to children less than three (3) years of age and
8 knowingly pregnant women shall not contain more than 0.625
9 micrograms of mercury per 0.25 milliliter dose.

10 C. The State Commissioner of Health may exempt the use of a
11 vaccine from the provisions of this act if the Commissioner finds
12 that an actual or potential public health emergency, including an
13 epidemic, outbreak or shortage, for which there does not exist a
14 sufficient supply of vaccine that complies with subsection A of this
15 section that would prevent children less than three (3) years of age
16 or knowingly pregnant women from receiving the needed vaccine. The
17 exemption shall meet all of the following conditions:

18 1. The exemption shall not be issued for more than three (3)
19 months;

20 2. At the end of the effective period of any exemption, the
21 Commissioner may issue another exemption for up to three (3) months
22 from the same incident or public health emergency if the
23 Commissioner makes a determination that the exemption is necessary
24 as set forth in this act; and

1 3. Upon issuing an exemption, the Commissioner shall, within
2 forty-eight (48) hours, notify the State Board of Health, the
3 Governor and the Legislature about any exemption and about the
4 Commissioner's findings justifying the exemption.

5 SECTION 3. This act shall become effective November 1, 2008.

6 Passed the Senate the 12th day of March, 2008.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2008.

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Presiding Officer of the House
of Representatives

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