

SB 1407

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THE STATE SENATE  
Wednesday, February 20, 2008

Senate Bill No. 1407  
As Amended

SENATE BILL NO. 1407 - By: GUMM of the Senate and COX of the House.

[ public health - prohibiting use of certain vaccines -  
codification - effective date ]

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

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

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

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

A. Beginning January 1, 2009, vaccines administered in this  
state to children less than three (3) years of age and knowingly  
pregnant women shall not contain more than 0.5 micrograms of mercury

1 per 0.5 milliliter dose, except as provided in subsection B of this  
2 section.

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

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

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

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

22 3. Upon issuing an exemption, the Commissioner shall, within  
23 forty-eight (48) hours, notify the State Board of Health, the

1 Governor and the Legislature about any exemption and about the  
2 Commissioner's findings justifying the exemption.

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

4 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT & INSURANCE, dated  
5 2-14-08 - DO PASS, As Amended and Coauthored.