

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1407

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to public health; requiring certain
8 equal reimbursement; prohibiting use of certain
9 vaccines; permitting exemption in specified
10 circumstances; providing for codification; and
11 providing an effective date.

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

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

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

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

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

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

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

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

23 2. At the end of the effective period of any exemption, the
24 Commissioner may issue another exemption for up to three (3) months

1 from the same incident or public health emergency if the
2 Commissioner makes a determination that the exemption is necessary
3 as set forth in this act; and

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

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

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