

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 1405                      Influenza Vaccine  
**SPONSOR(S):** Health Care Services Policy Committee, Homan and others  
**TIED BILLS:**                                      **IDEN./SIM. BILLS:** SB 2296

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Health Care Services Policy Committee	6 Y, 0 N, As CS	Preston	Schoolfield
2)	Insurance, Business & Financial Affairs Policy Committee	(ref. removed)		
3)	Health & Family Services Policy Council	23 Y, 1 N	Lowell	Gormley
4)	Full Appropriations Council on General Government & Health Care			
5)				

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**SUMMARY ANALYSIS**

The bill requires each licensed child care facility, family day care home, or large family child care home to, annually during the months of August and September, provide parents of each child enrolled in the home or facility detailed information relating to the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

The bill is expected to have no fiscal impact on state or local governments.

The bill is effective upon becoming a law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Currently, the US Department of Health and Human Services, Centers for Disease Control and Prevention, recommends that all children who are from 6 months through 18 years of age receive the inactivated influenza vaccine. The vaccine is not approved for children younger than 6 months of age.<sup>1</sup>

One of the statutory duties of the Department of Health (DOH or department) is to administer and enforce laws and rules relating to sanitation, control of communicable diseases, illnesses and hazards to health among humans and from animals to humans, and the general health of the people of the state.<sup>2</sup> The department's communicable disease prevention and control program must include programs for the prevention and control of vaccine-preventable diseases, including programs to immunize school children as required by s. 1003.22(3)-(11).<sup>3</sup> Immunization requirements for children are established by rule.<sup>4</sup>

The Department of Children and Family Services, as authorized by statute and rule,<sup>5</sup> currently requires each child care facility, family day care home and large family child care home to provide proof of immunization for the children in care. Each child care facility is responsible for obtaining from the custodial parent or legal guardian of each child in care a current, complete, and properly executed DOH Florida Certification of Immunization form (DH 680), or Religious Exemption from Immunization form (DH 681). Specific immunization requirements are detailed in the most current edition of the Department of Health publication entitled "Immunization Guidelines: Florida Schools, Child Care Facilities and Family Day Care Homes" (DH 150-615, July 2008), and include the following vaccines:

- Diphtheria, tetanus, and pertussis
- Polio
- Measles
- Mumps
- Rubella
- Varicella

<sup>1</sup> Centers for Disease Control and Prevention. Available at: <http://www.cdc.gov/FLU/protect/keyfacts.htm> .

<sup>2</sup> See s. 381.0011(4), Florida Statutes.

<sup>3</sup> See s. 381.003(1)(e), Florida Statutes.

<sup>4</sup> See 64D-3.046, Florida Administrative Code.

<sup>5</sup> See ss. 402.305(9)a., 402.313(13), and 402.3131(7), F.S., and Rules 65C-20.011(1) and 65C-22.006(2), F.A.C..

- Haemophilus influenzae type b (Hib)
- Pneumococcal Conjugate (Effective January 1, 2008 for children 2 to 24 months of age)

School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility, as such records are on file at the school where the child is enrolled.

### **Effect of Proposed Changes**

The bill requires each licensed child care facility, family day care home, or large family child care home to, annually during the months of August and September, provide parents of each child enrolled in the home or facility detailed information relating to the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 402.305, Florida Statutes, relating to licensing standards for child care facilities.

**Section 2.** Amends s. 402.313, Florida Statutes, relating to family day care homes.

**Section 3.** Amends s. 402.3131, Florida Statutes, relating to large family day care homes.

**Section 4.** Provides for an effective date of upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

#### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill may need to be more specific relating to the information to be provided to parents if consistency across providers is a goal.

#### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On March 25, 2009, the Health Care Services Policy Committee adopted a strike all amendment that requires each licensed child care facility, family day care home, or large family child care home to, annually during the months of August and September, provide parents of each child enrolled in the home or facility detailed information relating to the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

The bill was reported favorably as a Committee Substitute and the analysis reflects the Committee Substitute.