

AMENDED IN ASSEMBLY APRIL 2, 2014  
AMENDED IN ASSEMBLY MARCH 20, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2069**

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**Introduced by Assembly Member Maienschein**

February 20, 2014

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An act to add ~~Section~~ *Sections 120392.10 and 120393* to the Health and Safety Code, relating to ~~health facilities~~: *immunizations*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2069, as amended, Maienschein. ~~Health facilities~~: *Immunizations: influenza.*

~~Under~~

(1) *Under* existing law, the State Department of Public Health licenses and regulates various types of health facilities, including general acute care hospitals.

Existing law requires a general acute care hospital, as defined, to offer, each year commencing with October 1 to the following April 1, inclusive, prior to discharge, immunizations for influenza and pneumococcal disease to inpatients, 65 years of age or older, based upon the adult immunization recommendations of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention, and the recommendations of appropriate entities for the prevention, detection, and control of influenza outbreaks in California general acute care hospitals, pursuant to the hospital's standardized procedures and if the hospital has the vaccine in its possession.

This bill, in addition, would require each general acute care hospital to annually provide, prior to discharge, educational information regarding influenza disease and the availability of a vaccine to protect against the influenza virus to persons who are between 6 months and 64 years of age, inclusive, beginning no later than October 1 and ending on the following April 1, pursuant to the standardized procedures of the hospital and in accordance with the recommendations of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention of the United States Department of Health and Human Services, as specified. This bill would also require a general acute care hospital that chooses to offer influenza vaccinations to patients who are between 6 months and 64 years of age, inclusive, to inform each inpatient that he or she may be required to pay for the cost of the vaccination.

*(2) Under existing law, the State Department of Public Health administers various programs for the protection of public health. Existing law requires the department to submit a biennial report to the Legislature on the immunization status of young children in the state and the improvements made in ongoing methods of immunization outreach and education in communities where immunization levels are disproportionately low.*

*This bill would require the department to annually post specified educational information regarding influenza disease and the availability of influenza vaccinations on the department's Internet Web site prior to the annual influenza season, and also would authorize the department to use additional available resources to educate the public regarding influenza, including, among other things, public service announcements. The bill would also make legislative findings and declarations relating to the influenza virus.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *Influenza, commonly known as the flu, is a serious virus that*
- 4     *can cause mild to severe illness, and at times can lead to death.*
- 5     *The best way to prevent influenza is by getting an influenza vaccine*
- 6     *each year.*

1 (b) *Complications of influenza can include bacterial pneumonia,*  
2 *ear infections, sinus infections, dehydration, and worsening of*  
3 *chronic medical conditions, including congestive heart failure,*  
4 *asthma, and diabetes.*

5 (c) *Most experts believe that influenza viruses spread mainly*  
6 *by droplets made when people with the flu cough, sneeze, or talk.*  
7 *These droplets can land in the mouths or noses of people who are*  
8 *nearby. Less often, a person might also get the flu by touching a*  
9 *surface or object that has the influenza virus on it and then touch*  
10 *their own mouth, eyes, or nose.*

11 (d) *The federal Centers for Disease Control and Prevention*  
12 *(CDC) recommends that everyone who is at least six months of*  
13 *age or older should get an influenza vaccine. This recommendation*  
14 *has been in place since February 24, 2010, when CDC’s Advisory*  
15 *Committee on Immunization Practices (ACIP) voted for*  
16 *“universal” influenza vaccination in the United States in order to*  
17 *expand protection against the spread of the influenza virus to more*  
18 *people.*

19 (e) *The CDC estimates that the national and California seasonal*  
20 *influenza rates for the 2012–13 influenza season of individuals*  
21 *who are six months of age or older are 45 percent and 44.2*  
22 *percent, respectively.*

23 (f) *The public health implications related to influenza*  
24 *vaccinations are important to the State of California because an*  
25 *influenza vaccination can prevent a potentially deadly virus*  
26 *infection and the costs associated with hospitalization can be*  
27 *reduced.*

28 **SECTION 1.**

29 *SEC. 2.* Section 120392.10 is added to the Health and Safety  
30 Code, immediately following Section 120392.9, to read:

31 120392.10. (a) Pursuant to its standardized procedures, each  
32 general acute care hospital, as defined in subdivision (a) of Section  
33 1250, shall annually, beginning no later than October 1 and ending  
34 on the following April 1, provide, prior to discharge, educational  
35 information regarding influenza disease and the availability of a  
36 vaccine to protect against the influenza virus to persons who are  
37 between 6 months and 64 years of age, inclusive. The educational  
38 information provided shall be in accordance with the  
39 recommendations of the Advisory Committee on Immunization  
40 Practices of the federal Centers for Disease Control and Prevention

1 of the United States Department of Health and Human Services,  
 2 and the recommendations of appropriate entities for the prevention,  
 3 detection, and control of influenza outbreaks in California general  
 4 acute care hospitals as the recommendations exist and are annually  
 5 updated, if applicable, on January 1 of the year in which the  
 6 educational information is provided. Nothing in this section shall  
 7 be construed to require a hospital to cover the cost of a vaccination  
 8 if a hospital chooses to offer the influenza vaccine to inpatients  
 9 who are between 6 months and 64 years of age, inclusive.

10 (b) A general acute care hospital that chooses to offer influenza  
 11 vaccinations to patients who are between 6 months and 64 years  
 12 of age, inclusive, shall inform each inpatient that he or she may  
 13 be required to pay for the cost of the vaccination.

14 *SEC. 3. Section 120393 is added to the Health and Safety Code,*  
 15 *to read:*

16 *120393. (a) The State Department of Public Health shall*  
 17 *annually post educational information regarding influenza disease*  
 18 *and the availability of influenza vaccinations on the department's*  
 19 *Internet Web site prior to the annual influenza season. It is the*  
 20 *intent of the Legislature to increase the average number of*  
 21 *Californians who receive an influenza vaccination.*

22 *(b) The influenza information posted on the department's*  
 23 *Internet Web site pursuant to subdivision (a) shall include, but not*  
 24 *be limited to, all of the following:*

25 *(1) The health benefits of an influenza vaccination.*

26 *(2) That the influenza vaccination may be a covered benefit for*  
 27 *those with health insurance coverage.*

28 *(3) That influenza vaccinations may be available for a minimal*  
 29 *fee to those individuals who do not have health insurance coverage.*

30 *(c) The department may use additional available resources to*  
 31 *educate the public about the information described in subdivision*  
 32 *(b), including public service announcements, media events, public*  
 33 *outreach to individuals and groups who are susceptible to*  
 34 *influenza, and any other preventive and wellness education efforts*  
 35 *recommended by public health officials.*