

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 858 Session of
2001

INTRODUCED BY MAITLAND, DeWEESE, BELARDI, BELFANTI, CALTAGIRONE,
CAPPELLI, CLARK, L. I. COHEN, M. COHEN, CORRIGAN, COY,
DAILEY, FAIRCHILD, FRANKEL, GEORGE, HALUSKA, HARHAI, HORSEY,
LAUGHLIN, LEDERER, McCALL, NICKOL, PIPPY, SATHER, SAYLOR,
SOLOBAY, WOJNAROSKI, YOUNGBLOOD, JAMES AND JOSEPHS,
MARCH 7, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
MARCH 7, 2001

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for immunization
21 program.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
25 as The Administrative Code of 1929, is amended by adding a

1 section to read:

2 Section 2126. Immunization Program.--(a) The department
3 shall have authority to purchase or receive by gift and dispense
4 immunizing agents and other pharmaceuticals for use in the
5 prevention and control of diseases and disabilities. The
6 department shall provide and distribute immunizing agents
7 throughout this Commonwealth when necessary to protect the
8 public health.

9 (b) This authority to purchase shall establish the
10 department as the universal purchaser for the Commonwealth to
11 provide immunizing agents to eligible children at no fee to
12 public and private health care providers.

13 (c) The department may offer immunization to the public for
14 protection in case of an epidemic or threatened epidemic as
15 ordered by the secretary.

16 (d) The department may conduct free immunization clinics for
17 the public subject to whatever guidelines and regulations the
18 department deems necessary. The department shall notify the
19 public of the free immunization clinics, publicize the time and
20 place of the clinic and require that a record be kept of those
21 immunized.

22 (e) The department may cooperate with a municipality
23 offering immunization to or conducting free clinics for persons
24 within its jurisdiction. Municipal immunization programs shall
25 be subject to whatever guidelines and regulations the department
26 deems necessary.

27 (f) Notwithstanding any inconsistent provision of any other
28 law, no person who works as a volunteer in a public immunization
29 program set up by the department pursuant to this subsection,
30 without the expectation or receipt of monetary compensation for

1 any aspect of such a program, shall be liable:

2 (1) For damages or injuries alleged to have been sustained
3 by a person immunized under the program.

4 (2) For damages for the death of a person immunized under
5 the program, unless it is established that the injuries or the
6 death were caused wilfully, wantonly, recklessly or by gross
7 negligence by the volunteer.

8 (g) The following words and phrases when used in this
9 section shall have the meanings given to them in this subsection
10 unless the context clearly indicates otherwise:

11 "Clinic" shall mean an entity which dispenses immunizing
12 agents to persons who are not confined in the entity.

13 "Department" shall mean the Department of Health of the
14 Commonwealth.

15 "Immunizing agent" shall mean a vaccine, antitoxin or other
16 substance administered to an individual to increase his immunity
17 to a disease.

18 "Secretary" shall mean the Secretary of Health of the
19 Commonwealth.

20 Section 2. This act shall take effect in 60 days.