

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1567 Session of 2013

INTRODUCED BY SCAVELLO, V. BROWN, SCHLOSSBERG, DAVIS, CALTAGIRONE, HAGGERTY, MILLARD, COHEN, YOUNGBLOOD, KORTZ, GINGRICH, SABATINA, QUINN AND MURT, JUNE 20, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 11, 2014

AN ACT

1 ~~Requiring health care providers to disseminate information~~ <--
2 ~~relating to pertussis education; and imposing a duty on the~~
3 ~~Department of Health.~~

4 REQUIRING HEALTH CARE FACILITIES TO DISSEMINATE INFORMATION <--
5 RELATING TO PERTUSSIS EDUCATION; AND IMPOSING A DUTY ON THE
6 DEPARTMENT OF HEALTH.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Short title.~~ <--

10 ~~This act shall be known and may be cited as the Pertussis~~
11 ~~Education Act.~~

12 ~~Section 2. Purpose of act.~~

13 ~~The purpose of this act is to educate expectant mothers about~~
14 ~~pertussis disease and the availability of vaccine to protect~~
15 ~~newborn children against pertussis disease.~~

16 ~~Section 3. Findings.~~

17 ~~The General Assembly finds as follows:~~

18 ~~(1) Commonly known as whooping cough, pertussis is a~~
19 ~~highly contagious disease that can be prevented by~~

1 ~~vaccination.~~

2 ~~(2) During 2012, the Centers for Disease Control and~~
3 ~~Prevention (CDC) reported an increase in pertussis in the~~
4 ~~majority of states.~~

5 ~~(3) Pennsylvania ranked 13th in the country in the~~
6 ~~incidence of reported cases of pertussis.~~

7 ~~(4) Pennsylvania's incidence of pertussis is higher than~~
8 ~~the national incidence of cases of pertussis.~~

9 ~~(5) Recommended vaccination for children is at 2, 4 and~~
10 ~~6 months of age, followed by vaccination at 15 to 18 months~~
11 ~~of age, followed by vaccination when the child enters school,~~
12 ~~with the final vaccination when the child is between 11 and~~
13 ~~12 years of age.~~

14 ~~(6) Pertussis can cause very serious illness which can~~
15 ~~be potentially life threatening in infants too young to be~~
16 ~~vaccinated.~~

17 ~~(7) More than half of infants who contract pertussis~~
18 ~~must be hospitalized.~~

19 ~~(8) Of those infants who are hospitalized with pertussis~~
20 ~~about 1 in 5 will get pneumonia and 1 in 100 will die.~~

21 ~~(9) By getting immunized during pregnancy, an expectant~~
22 ~~mother can transfer pertussis antibodies to her newborn child~~
23 ~~and likely protect against pertussis early in life before the~~
24 ~~infant is old enough to receive the pertussis vaccine.~~

25 ~~(10) The CDC recommends that providers of prenatal care~~
26 ~~implement a program of pertussis immunization for all~~
27 ~~pregnant women, preferably at 28 through 36 weeks of~~
28 ~~gestation.~~

29 ~~(11) The CDC recommends that families and caregivers of~~
30 ~~newborns be vaccinated at least two weeks prior to coming~~

1 ~~into close contact with a newborn.~~

2 ~~Section 4. Definitions.~~

3 ~~The following words and phrases when used in this act shall~~
4 ~~have the meanings given to them in this section unless the~~
5 ~~context clearly indicates otherwise:~~

6 ~~"Health care provider." A person who is licensed, certified~~
7 ~~or otherwise authorized by law to provide or render health care~~
8 ~~services to pregnant women in this Commonwealth.~~

9 ~~"Prenatal appointments." A series of visits between a health~~
10 ~~care provider and a pregnant woman that take place at scheduled~~
11 ~~intervals between the confirmation of pregnancy and the~~
12 ~~initiation of labor.~~

13 ~~Section 5. Dissemination of pertussis information by health~~
14 ~~care providers.~~

15 ~~(a) Options. A health care provider that provides health~~
16 ~~care services to a pregnant woman, which services are directly~~
17 ~~related to her pregnancy, shall provide her with educational~~
18 ~~information on pertussis disease and the availability of a~~
19 ~~vaccine to protect against pertussis at her first prenatal~~
20 ~~appointment. Provision in a timely manner of publications~~
21 ~~prepared by the Department of Health pursuant to section 5 shall~~
22 ~~constitute compliance with this subsection.~~

23 ~~(b) Construction. Nothing in this section shall be~~
24 ~~construed as requiring:~~

25 ~~(1) A health care provider to provide or pay for~~
26 ~~vaccination against pertussis.~~

27 ~~(2) A pregnant woman to receive vaccination against~~
28 ~~pertussis.~~

29 ~~Section 6. Informational publications by Department of Health.~~

30 ~~The Department of Health shall, on the department's publicly~~

1 ~~accessible Internet website, make available to health care~~
2 ~~providers printable publications that include information on the~~
3 ~~Centers for Disease Control and Prevention's recommendations~~
4 ~~that pregnant women, family members and infant caregivers~~
5 ~~receive vaccination against pertussis to protect their newborns~~
6 ~~from the transmission of pertussis.~~

7 ~~Section 7. Effective date.~~

8 ~~This act shall take effect in 60 days.~~

9 SECTION 1. SHORT TITLE.

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10 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE PERTUSSIS
11 EDUCATION ACT.

12 SECTION 2. PURPOSE OF ACT.

13 THE PURPOSE OF THIS ACT IS TO EDUCATE PARENTS OF NEWBORN
14 INFANTS REGARDING PERTUSSIS DISEASE AND THE AVAILABILITY OF
15 VACCINATION TO PROTECT NEWBORN CHILDREN AGAINST PERTUSSIS
16 DISEASE.

17 SECTION 3. FINDINGS.

18 THE GENERAL ASSEMBLY FINDS AS FOLLOWS:

19 (1) COMMONLY KNOWN AS WHOOPING COUGH, PERTUSSIS IS A
20 HIGHLY CONTAGIOUS DISEASE THAT CAN BE PREVENTED BY
21 VACCINATION.

22 (2) DURING 2012, THE CENTERS FOR DISEASE CONTROL AND
23 PREVENTION (CDC) REPORTED AN INCREASE IN PERTUSSIS IN THE
24 MAJORITY OF STATES.

25 (3) PENNSYLVANIA RANKED 13TH IN THE COUNTRY IN THE
26 INCIDENCE OF REPORTED CASES OF PERTUSSIS.

27 (4) PENNSYLVANIA'S INCIDENCE OF PERTUSSIS IS HIGHER THAN
28 THE NATIONAL INCIDENCE OF CASES OF PERTUSSIS.

29 (5) RECOMMENDED VACCINATION FOR CHILDREN IS AT 2, 4 AND
30 6 MONTHS OF AGE, FOLLOWED BY VACCINATION AT 15 TO 18 MONTHS

1 OF AGE, FOLLOWED BY VACCINATION WHEN THE CHILD ENTERS SCHOOL
2 WITH THE FINAL VACCINATION WHEN THE CHILD IS BETWEEN 11 AND
3 12 YEARS OF AGE.

4 (6) PERTUSSIS CAN CAUSE VERY SERIOUS ILLNESS WHICH CAN
5 BE POTENTIALLY LIFE THREATENING IN INFANTS TOO YOUNG TO BE
6 VACCINATED.

7 (7) MORE THAN HALF OF INFANTS WHO CONTRACT PERTUSSIS
8 MUST BE HOSPITALIZED.

9 (8) OF THOSE INFANTS WHO ARE HOSPITALIZED WITH
10 PERTUSSIS, ABOUT 1 IN 5 WILL GET PNEUMONIA AND 1 IN 100 WILL
11 DIE.

12 (9) THE CDC RECOMMENDS THAT FAMILIES AND CAREGIVERS OF
13 NEWBORNS BE VACCINATED AT LEAST TWO WEEKS PRIOR TO COMING
14 INTO CLOSE CONTACT WITH A NEWBORN.

15 SECTION 4. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
17 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

20 "HEALTH CARE FACILITY." AS DEFINED IN SECTION 802.1 OF THE
21 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
22 FACILITIES ACT.

23 SECTION 5. DISSEMINATION OF PERTUSSIS INFORMATION BY HEALTH
24 CARE FACILITIES.

25 (A) OPTIONS.--A HEALTH CARE FACILITY THAT PROVIDES HEALTH
26 CARE SERVICES TO A PREGNANT WOMAN, WHICH SERVICES ARE DIRECTLY
27 RELATED TO HER PREGNANCY, MAY PROVIDE THE WOMAN, AND ANY OTHER
28 ADULT FAMILY MEMBER PRESENT, WITH EDUCATIONAL INFORMATION ON
29 PERTUSSIS DISEASE AND THE AVAILABILITY OF A VACCINE TO PROTECT
30 AGAINST PERTUSSIS. THE EDUCATIONAL INFORMATION MAY BE PROVIDED

1 BEFORE THE WOMAN'S DISCHARGE AFTER GIVING BIRTH. PROVISION IN A
2 TIMELY MANNER OF PUBLICATIONS PREPARED BY THE DEPARTMENT UNDER
3 SECTION 6 SHALL CONSTITUTE COMPLIANCE WITH THIS SUBSECTION.

4 (B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
5 CONSTRUED AS REQUIRING:

6 (1) A HEALTH CARE FACILITY TO PROVIDE OR PAY FOR
7 VACCINATION AGAINST PERTUSSIS.

8 (2) A PREGNANT WOMAN TO RECEIVE VACCINATION AGAINST
9 PERTUSSIS.

10 SECTION 6. INFORMATIONAL PUBLICATIONS BY DEPARTMENT.

11 THE DEPARTMENT SHALL, ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE
12 INTERNET WEBSITE, MAKE AVAILABLE TO HEALTH CARE FACILITIES
13 PRINTABLE PUBLICATIONS THAT INCLUDE INFORMATION ON THE CENTERS
14 FOR DISEASE CONTROL AND PREVENTION'S RECOMMENDATIONS THAT
15 PREGNANT WOMEN, FAMILY MEMBERS AND CAREGIVERS OF INFANTS RECEIVE
16 VACCINATION AGAINST PERTUSSIS TO PROTECT THEIR NEWBORNS FROM THE
17 TRANSMISSION OF PERTUSSIS.

18 SECTION 7. EFFECTIVE DATE.

19 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.