

2019 -- H 5541 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH

Introduced By: Representatives McNamara, Shanley, Solomon, Bennett, and Jackson

Date Introduced: February 27, 2019

Referred To: House Health, Education & Welfare

(Dept. of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-1-18 and 23-1-44 of the General Laws in Chapter 23-1 entitled
2 "Department of Health" are hereby amended to read as follows:

3 **23-1-18. Power to provide rules and regulations in specific areas.**

4 Without limiting the generality of § 23-1-17, the rules and regulations relating to
5 sanitation and health provided for by § 23-1-17 may include:

6 (1) Provisions fixing responsibilities of owners, operators, and occupants of land or
7 buildings for the sanitary condition, maintenance, use, and occupancy of the land and buildings.

8 (2) Minimum standards with respect to the reporting of any disease and the quarantine of
9 persons affected by that disease.

10 (3) Minimum standards and conditions for the location, construction, and sanitary quality
11 of all drinking water supplies.

12 (4) Minimum standards for facilities and sanitary conditions for schools and the health
13 care for school children.

14 (5) Minimum standards with respect to the maintenance and operation of food businesses.

15 (6) Minimum standards of air quality consistent with human health.

16 (7) Minimum standards consistent with human health for the quality of the waters of the
17 state.

18 (8) Minimum standards consistent with human health for the quality of public drinking
19 water.

1 (9) Minimum standards for immunization and testing for communicable diseases,
2 including, but not limited to, tuberculosis, of employees, children, and students at any child day-
3 care center, family day-care home, private nursery school, any other regular program providing
4 educational services to preschool-aged children, public or private school, college, or university.

5 (10) Provisions requiring the reporting of immunization status and any other relevant
6 information that the director determines appropriate for all persons ~~under the age of eighteen (18)~~
7 ~~years~~ for the purpose of establishing and maintaining ~~a childhood~~ an immunization registry;
8 provided, however, that the information collected by the department for the immunization registry
9 will only include data elements nationally endorsed by the Centers for Disease Control and
10 Prevention to meet standards for immunization information systems, and that all personally
11 identifiable information obtained pursuant to this section shall be subject to the provisions of
12 chapter 37.3 of title 5 and the Health Insurance Portability and Accountability Act of 1996, Pub.
13 L. No. 104-191 (HIPAA), as amended. Any person may opt out of the immunization registry by
14 contacting the department directly by phone or by submitting a form online which shall be made
15 available on the department's website.

16 (11) Provisions requiring the reporting of inventories and sales of drugs, devices and
17 other products potentially related to the outbreak of disease. All information acquired under this
18 subsection by the department of health is confidential and not subject to public access pursuant to
19 chapter 2 of title 38.

20 **23-1-44. Routine childhood and adult immunization vaccines.**

21 (a) The department of health shall include in the department's immunization program
22 those vaccines for routine childhood immunization as recommended by the Advisory Committee
23 for Immunization Practices (ACIP) and the Academy of Pediatrics (AAP), and for routine adult
24 ~~influenza~~ immunization as recommended by the ACIP, to the extent permitted by available funds.
25 The ~~childhood~~ immunization program includes administrative and quality assurance services and
26 ~~KIDSNET~~ the Rhode Island Child and Adult Immunization Registry (RICAIR), a confidential,
27 computerized ~~child health~~ information system that is used to manage statewide immunizations, ~~as~~
28 ~~well as other public health preventive services~~, for all ~~children~~ persons in Rhode Island ~~from birth~~
29 ~~through age 18~~.

30 (b) The director of the department of health shall appoint an advisory committee that will
31 be convened after the ACIP makes a recommendation regarding ~~adult~~ immunization. The
32 committee will review the ACIP recommendations for the state, assess the vaccine cost and
33 feasibility, and advise the director of health and the office of the health insurance commissioner
34 regarding insurers and providers acting on the ACIP ~~adult~~ immunization recommendation. All

1 recommendations will be posted on the department of health website. The advisory committee
2 membership shall include, but not be limited to, a primary care provider, pharmacist,
3 representatives of the nursing home industry, the home health care industry and major insurers.

4 [\(c\) For the purpose of protecting patients' information, all personally-identifiable](#)
5 [information obtained pursuant to this section shall be subject to the privacy protections of chapter](#)
6 [37.3 of title 5 and the Health Insurance Portability and Accountability Act of 1996, Pub. L. No.](#)
7 [104-191 \(HIPAA\), as amended.](#)

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH

1 This act would expand the requirement that the department of health promulgate
2 provisions requiring the reporting of immunization status and any other relevant information for
3 all persons, not just children, for the purposes of establishing an immunization registry. All
4 information collected shall only include data elements nationally endorsed by the Centers for
5 Disease Control and Prevention, and would allow an individual to opt out if they so choose. This
6 act would also require the department of health to include routine adult immunization in the
7 department's immunization program.

8 This act would take effect upon passage.

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