

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7719**

**BILL NUMBER: SB 485**

**NOTE PREPARED: Jan 18, 2003**

**BILL AMENDED:**

**SUBJECT:** Immunity for Smallpox Vaccines.

**FIRST AUTHOR:** Sen. Skillman

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides immunity to a hospital or a hospital employee for personal injury that results from the administration of a smallpox immunization.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** This bill states that a licensed hospital that has been requested by the State Department of Health to provide smallpox immunizations is immune from civil liability for any personal injury resulting from the administration of the immunization. In addition, the employees and agents of the hospital are immune as well. It is unclear as to whether this immunity extends to the Department of Health and its employees. If a civil action is brought against the Department, the state may be liable for damages awarded.

*Background:* The Homeland Security Act contains provisions regarding immunity for agents that administer smallpox countermeasures. Under this Act providers are immune from liability for primary damages as the federal government assumes defendant status.

The National Vaccine Injury Compensation Fund may eventually cover liability claims for smallpox immunizations. Smallpox immunization inclusion may occur if the Advisory Council on Immunization Practices routinely recommends smallpox immunization for children and Congress approves an excise tax on smallpox vaccine.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** State Department of Health.

**Local Agencies Affected:** Local Hospitals.

**Information Sources:** Zach Cattell, Legislative Director, State Department of Health, 317-233-2170; Joe Foster, General Counsels Office, Center for Disease Control, 404-639-7209.

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