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FISCAL IMPACT STATEMENT

LS 7719

BILL NUMBER: SB 485

NOTE PREPARED: Apr 8, 2003

BILL AMENDED: Apr 3, 2003

SUBJECT: Immunity for Smallpox Vaccines.

FIRST AUTHOR: Sen. Skillman

FIRST SPONSOR: Rep. Kuzman

BILL STATUS: As Passed - House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides civil immunity to a medical services provider for injury that results from the administration of an inoculation or other countermeasure against an actual or potential bioterrorist incident or public health emergency if the federal government authorizes the State Department of Health to implement a program of inoculations or other countermeasures.

Effective Date: (Amended) Upon Passage.

Explanation of State Expenditures: (Revised) This bill states that a "health care provider" that has been requested by the State Department of Health, as authorized by the federal government, to provide smallpox immunizations is immune from civil liability for any injury resulting from the administration of the immunization. In addition, the employees and agents of entities listed as "health care provider" are immune as well.

This bill does not bar any state liability for workers compensation claims, any pension law, or any benefits or compensation under any federal law.

Background: "Health Care Provider" includes a: licensed physician, psychiatric hospital, hospital, health facility, nurse licensed under IC 25-23, paramedic, emergency technician, or advanced emergency technician.

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: See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: State Psychiatric Hospitals, Hospitals, and Health Facilities.

Local Agencies Affected: Local Hospitals, County-owned Health Facilities, Emergency Technicians, Advanced Emergency Technicians.

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

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