

HOUSE**AMENDMENT NO. ____****Offered by****of**

1 AMEND House Committee Substitute for Senate Substitute No. 2 for
 2 Senate Committee Substitute for Senate Bill No. 62, Page 1, In
 3 the Title, Line 3, by deleting the word "seven" and inserting in
 4 lieu thereof the word "eight"; and

5 Further amend said bill, Page 1, Section A, Line 2, by
 6 deleting the word "seven" and inserting in lieu thereof the word
 7 "eight"; and

8 Further amend said bill, Page 1, Section A, Line 3, by
 9 inserting after the number "191.227," the number "197.800,"; and

10 Further amend said bill, Page 2, Section 191.227, Line 38,
 11 by inserting after all of said line the following:

12 "197.800. 1. Except as provided in subsection 3 of this
 13 section and subject to obtaining an employee's consent, a
 14 hospital licensed under this chapter shall annually administer or
 15 make available to be administered immunizations against the
 16 influenza virus to employees who have direct contact with a
 17 patient of the hospital. The hospital shall administer or make
 18 the immunizations available during the period beginning September
 19 first and ending March first of the following year.

20 2. A hospital shall conduct the immunization required under
 21 this section in accordance with recommendations established by
 22 the Advisory Committee on Immunization Practices of the United
 23 States Centers for Disease Control and Prevention that are in
 24 effect at the time the hospital conducts the immunizations.

25 3. A hospital is not required to provide or make available
 26 to the hospital's employees an annual immunization against the
 27 influenza virus if the department of health and senior services
 28 determines that the necessary vaccine is not in adequate supply.
 29 A hospital shall not require an employee to receive an

Action Taken _____ Date _____

1 immunization under this section if:

2 (1) The hospital has written documentation from the
3 employee's physician or other health care provider indicating the
4 date and place that the individual received an immunization
5 required under this section and determines that no additional
6 immunization is required;

7 (2) The immunization is medically contraindicated for the
8 employee;

9 (3) Receiving the immunization is against the employee's
10 religious beliefs; or

11 (4) The employee declines in writing the immunization after
12 receiving education on the risks and benefits of an immunization
13 against the influenza.

14 4. The department of health and senior services shall
15 promulgate rules to develop the provisions of this section. Any
16 rule or portion of a rule, as that term is defined in section
17 536.010 that is created under the authority delegated in this
18 section shall become effective only if it complies with and is
19 subject to all of the provisions of chapter 536, and, if
20 applicable, section 536.028. This section and chapter 536 are
21 nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536, to review, to delay the
23 effective date, or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking
25 authority and any rule proposed or adopted after August 28, 2011,
26 shall be invalid and void."; and

27 Further amend said title, enacting clause and intersectional
28 references accordingly.