

FIRST REGULAR SESSION

HOUSE BILL NO. 1275

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAILEY.

2235H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to informed consent for vaccinations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.184, to read as follows:

167.184. 1. Prior to the administration of any vaccine by any person in any facility that receives state or federal funds, the following information shall be provided in writing to the patient or, if the patient is a minor as defined in section 431.058, the patient's parent or legal guardian:

(1) The vaccine information statement for each vaccine administered;

(2) The manufacturer's package insert, including the package insert's list of contraindications, for each vaccine administered;

(3) The Centers for Disease Control and Prevention's vaccine excipient list for each vaccine administered; and

(4) The following statement: "This vaccine has not been evaluated for carcinogenic or mutagenic potential or for impairment of fertility."

2. Any person administering a vaccine shall obtain a signed statement from the patient or, if the patient is a minor as defined in section 431.058, the patient's parent or legal guardian acknowledging that the written information required by subdivisions (1) to (4) of subsection 1 of this section was provided to and understood by the patient or, if the patient is a minor as defined in section 431.058, the patient's parent or legal guardian

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 prior to the administration of the vaccination. The signed statement shall be retained by
18 the facility for a term of no less than five years.

19 3. Any informational or educational materials regarding vaccines developed or
20 provided by any department or by any facility that receives state or federal funds that are
21 supplied to a patient or, if the patient is a minor as defined in section 431.058, the patient's
22 parent or legal guardian shall include all of the information required for informed consent
23 in subdivisions (1) to (4) of subsection 1 of this section.

24 4. (1) Any patient to whom a vaccine is administered without the patient or, if the
25 patient is a minor as defined in section 431.058, the patient's parent or legal guardian
26 having been provided the vaccine information statement prior to each vaccine being
27 administered as required by subdivision (1) of subsection 1 of this section may bring a civil
28 action to recover damages in the amount of five thousand dollars for each violation of
29 subdivision (1) of subsection 1 of this section in addition to compensatory economic and
30 noneconomic damages, attorney's fees, and court costs from the person administering the
31 vaccine and the employer of that person.

32 (2) If it is determined by a court of competent jurisdiction that failure to provide
33 the vaccine information statement as required by subdivision (1) of subsection 1 of this
34 section was intentional or malicious, the plaintiff shall be entitled to punitive damages in
35 addition to any other damages.

36 (3) If a health care provider who is part of a public entity violates the provisions
37 of subdivision (1) of subsection 1 of this section, neither the sovereign, official, nor qualified
38 immunity doctrine shall apply to such person or entity.

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