

By: Hopson

H.B. No. 3237

Substitute the following for H.B. No. 3237:

By: Delisi

C.S.H.B. No. 3237

A BILL TO BE ENTITLED

1

AN ACT

2 relating to requiring the Department of State Health Services to
3 provide to health care providers certain equivalent vaccines in the
4 vaccines for children program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 161, Health and Safety
7 Code, is amended by adding Section 161.0102 to read as follows:

8 Sec. 161.0102. VACCINES FOR CHILDREN PROGRAM. (a) In this
9 section:

10 (1) "Vaccines for children program" means the program
11 operated by the department under authority of 42 U.S.C. Section
12 1396s.

13 (2) "Equivalent vaccines" means two or more vaccines
14 that:

15 (A) protect a recipient of a vaccine against the
16 same disease or diseases;

17 (B) require the administration of the same number
18 of doses; and

19 (C) are interchangeable according to the federal
20 Advisory Committee on Immunization Practices.

21 (b) Except as provided by Subsection (c), where two or more
22 manufacturers produce equivalent vaccines, the department shall
23 procure an equal supply of the vaccine from each manufacturer.

24 (c) An equivalent vaccine must be:

1 (1) approved by the United States Food and Drug
2 Administration;

3 (2) recommended by the federal Advisory Committee on
4 Immunization Practices; and

5 (3) made available to the department by the Centers
6 for Disease Control and Prevention of the United States Public
7 Health Service.

8 (d) The department shall procure an equal supply of each
9 equivalent vaccine under Subsection (b) only if the cost to the
10 department of providing each equivalent vaccine is not more than
11 110 percent of the lowest priced equivalent vaccine.

12 SECTION 2. This Act takes effect September 1, 2007.