

114TH CONGRESS
1ST SESSION

S. 1921

To amend title XIX of the Social Security Act to encourage States to adopt administrative procedures with respect to nonmedical exemptions for State immunization requirements.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2015

Mr. MURPHY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to encourage States to adopt administrative procedures with respect to nonmedical exemptions for State immunization requirements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Vaccinate America’s
5 Children through Complete Information & Education Act
6 of 2015”.

1 **SEC. 2. ENCOURAGING STATES TO STRENGTHEN ADMINIS-**
 2 **TRATIVE PROCEDURES RELATED TO NON-**
 3 **MEDICAL EXEMPTIONS FROM STATE VAC-**
 4 **CINATION REQUIREMENTS.**

5 (a) IN GENERAL.—Section 1928 of the Social Secu-
 6 rity Act (42 U.S.C. 1396s) is amended—

7 (1) by redesignating subsection (h) as sub-
 8 section (i); and

9 (2) by inserting after subsection (g) the fol-
 10 lowing new subsection:

11 “(h) ADMINISTRATIVE PROCEDURES FOR GRANTING
 12 NONMEDICAL EXEMPTIONS.—

13 “(1) CERTIFICATION OF ADOPTION OF PROCE-
 14 DURES.—

15 “(A) IN GENERAL.—A State program
 16 under this section does not comply with the re-
 17 quirements of this section unless the State cer-
 18 tifies to the Secretary that the State has estab-
 19 lished administrative procedures for granting
 20 nonmedical exemptions from State immuniza-
 21 tion requirements (as defined in subparagraph
 22 (B)) that include at least 2 of the prerequisites
 23 described in paragraph (2).

24 “(B) NONMEDICAL EXEMPTION FROM
 25 STATE IMMUNIZATION REQUIREMENT.—For
 26 purposes of this subsection, the term ‘nonmed-

1 ical exemption from State immunization re-
 2 quirements’ means any exemption from a State
 3 law that requires a child to receive a pediatric
 4 vaccine (including school immunization require-
 5 ments) that is not based on a medical reason.

6 “(2) NONMEDICAL EXEMPTION PRE-
 7 REQUISITES.—The prerequisites for granting a non-
 8 medical exemption from State immunization require-
 9 ments described in this paragraph are the following:

10 “(A) The State requires that prior to the
 11 exemption being granted, a parent or guardian
 12 seeking a nonmedical exemption from State im-
 13 munization requirements for a child shall dis-
 14 cuss the consequences of nonvaccination with
 15 the child’s pediatrician or other primary care
 16 provider and that the discussion is noted in the
 17 child’s medical record.

18 “(B) The State requires that prior to the
 19 exemption being granted, a parent or guardian
 20 seeking a nonmedical exemption from State im-
 21 munization requirements for a child read and
 22 sign a form that discusses the risks of nonvac-
 23 cination and submits the form to the State.

24 “(C) The State requires that prior to the
 25 exemption being granted, a parent or guardian

1 seeking a nonmedical exemption from State im-
 2 munization requirements for a child submits to
 3 the State a notarized letter describing the par-
 4 ent's or guardian's reasons for seeking the ex-
 5 emption.

6 “(D) The State requires that all nonmed-
 7 ical exemptions from State immunization re-
 8 quirements shall only be granted for a 1-year
 9 period and shall be required to be renewed an-
 10 nually if a parent or guardian of a child wants
 11 the exemption to continue for another year.

12 “(3) PENALTY.—

13 “(A) IN GENERAL.—With respect to a fis-
 14 cal year, if a State fails to submit the certifi-
 15 cation required under paragraph (1) or if the
 16 administrative procedures established by the
 17 State for granting nonmedical exemptions from
 18 State immunization requirements do not include
 19 at least 2 of the prerequisites described in para-
 20 graph (2), the State shall pay the Secretary an
 21 amount equal to—

22 “(i) in the case of a State that is not
 23 a manufacturer of pediatric vaccines, 5
 24 percent of the value (as determined by the
 25 Secretary) of the vaccines provided to the

1 State under subsection (b)(2)(A) for that
 2 fiscal year; and

3 “(ii) in the case of a State that is a
 4 manufacturer of pediatric vaccines, 5 per-
 5 cent of the sum of—

6 “(I) the value (as determined by
 7 the Secretary) of any vaccines pro-
 8 vided to the State under subsection
 9 (b)(2)(A) for that fiscal year; and

10 “(II) the amount paid to the
 11 State for the fiscal year under sub-
 12 section (b)(2)(C).

13 “(B) TREATMENT AS AN OVERPAYMENT.—
 14 A State payment required to be made to the
 15 Secretary under subparagraph (A) shall be
 16 deemed an overpayment to the State under this
 17 title to be disallowed against the State’s regular
 18 quarterly draw for all spending under section
 19 1903(d)(2). Such a disallowance is not subject
 20 to a reconsideration under section 1116(e).”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 1928 of the Social Security Act (42
 23 U.S.C. 1396s), as amended by subsection (a), is fur-
 24 ther amended—

1 (A) in subsection (a)(1)(A), by striking
2 “subsection (h)(8)” and inserting “subsection
3 (i)(8)”; and

4 (B) in subsection (b)(2)(A)(iv), by striking
5 “subsection (h)(3)” and inserting “subsection
6 (i)(3)”.

7 (2) Section 609(d) of the Employee Retirement
8 Income Security Act of 1974 (42 U.S.C. 1169(d)) is
9 amended by striking “section 1928(h)(6)” and in-
10 serting “section 1928(i)(6)”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this Act shall take effect on the date that is 1 year after
13 the date of the enactment of this Act.

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