

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 1087

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

13 SECTION 1. (1) As used in this section:

14 (a) "Department" means the Mississippi State Department
15 of Health, Bioterrorism Division;

16 (b) "Director" means the Executive Director of the
17 State Board of Health.

18 (c) "Bioterrorism" means the intentional use of any
19 microorganism, virus, infectious substance or biological product
20 that may be engineered as a result of biotechnology or any
21 naturally occurring or bioengineered component of any
22 microorganism, virus, infectious substance or biological product,
23 to cause or attempt to cause death, disease or other biological
24 malfunction in any living organism;

25 (d) "Disaster locations" means any geographical
26 location where a bioterrorism attack, terrorist attack,
27 catastrophic or natural disaster or emergency occurs; and

28 (e) "First responders" means state and local law
29 enforcement personnel, fire department personnel, emergency
30 medical personnel and public works personnel who may be deployed
31 to bioterrorism attacks, terrorist attacks, catastrophic or
32 natural disasters and emergencies.

33 (2) The department shall offer a vaccination program for
34 first responders who may be exposed to infectious diseases when
35 deployed to disaster locations. The vaccinations shall include,
36 but are not limited to, hepatitis A vaccination, hepatitis B
37 vaccination, diphtheria-tetanus vaccination, influenza vaccination,
38 pneumococcal vaccination and other vaccinations when recommended
39 by the United States Public Health Service and in accordance with
40 Federal Emergency Management Directors Policy. Immune globulin
41 will be made available when necessary.

42 (3) Participation in the vaccination program will be
43 voluntary by the first responders, except for first responders who
44 are classified as having "occupational exposure" to blood borne
45 pathogens as defined by the Occupational Safety and Health
46 Administration Standard contained at 29 CFR 1910.10300 who shall
47 be required to take the designated vaccinations or otherwise
48 required by law.

49 (4) A first responder shall be exempt from vaccinations when
50 a written statement from a licensed physician is presented
51 indicating that a vaccine is medically contraindicated for that
52 person or the first responder signs a written statement that the
53 administration of a vaccination conflicts with their religious
54 tenets.

55 (5) In the event of a vaccine shortage the director, in
56 consultation with the Governor and the Centers for Disease Control
57 and Prevention, shall give priority for vaccination to first
58 responders.

59 (6) The department shall notify first responders to the
60 availability of the vaccination program and shall provide
61 educational materials on ways to prevent exposure to infectious
62 diseases.

63 (7) The department may contract with county and local health
64 departments, not-for-profit home health care agencies, hospitals
65 and physicians to administer a vaccination program for first
66 responders.

67 (8) This section shall be effective upon receipt of federal

68 funding and/or federal grants for administering a first responders
69 vaccination program. Upon receipt of such funding, the department
70 shall make available the vaccines to first responders as provided
71 in this section.

72 **SECTION 2.** The State Department of Health shall prepare
73 written educational information on the risks associated with
74 meningitis and hepatitis A and B and the availability and
75 effectiveness of available vaccines for these diseases. The
76 department shall provide this written educational information to
77 the Board of Trustees of State Institutions of Higher Learning and
78 the State Board for Community and Junior Colleges to be used to
79 inform students about meningitis and hepatitis A and B; and this
80 information shall be included in students' admission packets.

81 **SECTION 3.** The following provision shall be codified as
82 Section 41-2-1, Mississippi Code of 1972:

83 41-2-1. Any adult, as defined in Section 41-41-203(a), or
84 emancipated minor, as defined in Section 41-41-203(e), may consent
85 to participate as a subject in research if that research is
86 conducted in accordance with federal law (Title 45 CFR Part 46:
87 Protection of Human Subjects).

88 **SECTION 4.** The following provision shall be codified as
89 Section 41-2-2, Mississippi Code of 1972:

90 41-2-2. Unemancipated minors may participate as subjects in
91 research, if that research is conducted in accordance with federal
92 law, with the consent of a parent or a guardian, as defined in
93 Section 41-41-203(f).

94 **SECTION 5.** This act shall take effect and be in force from
95 and after July 1, 2003.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO PROVIDE
2 A VACCINATION PROGRAM FOR FIRST RESPONDERS WHO MAY BE EXPOSED TO
3 INFECTIOUS DISEASES WHEN SENT TO BIOTERRORISM OR DISASTER
4 LOCATIONS; TO PROVIDE THAT THIS PROGRAM IS SUBJECT TO THE RECEIPT
5 OF FEDERAL FUNDS; TO DIRECT THE STATE DEPARTMENT OF HEALTH TO
6 PROVIDE EDUCATIONAL MATERIAL ON THE AVAILABILITY OF VACCINES FOR
7 MENINGITIS AND HEPATITIS A AND B TO PUBLIC UNIVERSITIES AND
8 COLLEGES FOR DISTRIBUTION TO STUDENTS; TO CODIFY SECTIONS 41-2-1

9 AND 41-2-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY ADULT OR
10 EMANCIPATED MINOR MAY PARTICIPATE IN PUBLIC HEALTH RESEARCH IN
11 ACCORDANCE WITH FEDERAL LAW; AND FOR RELATED PURPOSES.