

HOUSE BILL NO. 2328

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAILEY.

3078H.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, with penalty provisions.

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 from the patient a signed statement, acknowledging that the written information required by subdivisions (1), (2), (3), and (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 prior to the administration of the vaccination. The signed statement shall be retained by the facility for a term no less than five years.

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.

18 **3. Any informational or educational materials regarding vaccines developed or**
19 **provided by any department or by any facility that receives state or federal funds that is**
20 **supplied to a patient or, if the patient is a minor as defined in section 431.058, the patient's**
21 **parent or legal guardian shall include all of the information required for informed consent**
22 **in subdivisions (1), (2), (3), and (4) of subsection 1 of this section.**

23 **4. (1) Any patient, or if the patient is a minor as defined in section 431.058, the**
24 **parent or legal guardian of a patient, to whom a vaccine is administered without having**
25 **been provided the vaccine information statement prior to each vaccine being administered**
26 **as required by subdivision (1) of subsection 1 of this section may bring a civil action to**
27 **recover damages in the amount of five thousand dollars for each violation of subdivision**
28 **(1) of subsection 1 of this section, in addition to compensatory economic and noneconomic**
29 **damages, attorney's fees, and court costs from the person administering the vaccine and**
30 **the employer of that person.**

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

35 **(3) If a health care provider who is part of a public entity violates the provisions**
36 **of subdivision (1) of subsection 1 of this section, neither the sovereign, official, or qualified**
37 **immunity doctrine shall apply to such person or entity.**

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