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REPORTS:

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No

Title 26.
Chapter 2N.
(Retitled)
Vaccines
Article 1. Pertussis
C.26:2N-1
to 26:2N-7
Article 2. MMR
§§1-4 -
C.26:2N-8
to 26:2N-11
§5 - Note to
§§1-4

P.L. 2003, CHAPTER 257, *approved January 14, 2004*
Senate, No. 1891 (*Second Reprint*)

1 **AN ACT** concerning vaccinations and supplementing Title 26 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Antibody titer" means a test to measure the presence and amount
9 of antibodies in a blood sample against a particular type of tissue, cell
10 or substance.

11 "Health care provider" means any licensed health care professional
12 or public or private health care facility in this State that administers
13 vaccinations.

14

15 2. a. Prior to administering a second ¹[or subsequent]¹ dose of
16 ¹[a] the measles-mumps-rubella (MMR)¹ vaccine to a child, ¹[the
17 initial dose of which is sufficient for the development of immunity in
18 the majority of the population,]¹ a health care provider ²[shall] may²
19 give the child's parent or guardian the option of consenting to the
20 administration of an antibody titer to determine whether or not the
21 child has already developed immunity to ¹[the disease for which the
22 child is being vaccinated] MMR¹ in response to a previously
23 administered dose of the vaccine and would not require the second
24 ¹[or subsequent]¹ dose.

25 b. Documented laboratory evidence of immunity from ¹[a disease
26 meeting the criteria provided in subsection a. of this section] MMR¹
27 shall exempt a child from further vaccination for ¹[that
28 disease] MMR¹, as may be required pursuant to Department of Health
29 and Senior Services regulations.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted May 8, 2003.

² Senate floor amendments adopted May 19, 2003.

1 3. ¹[a.]¹ The Commissioner of Health and Senior Services shall
2 prepare and make available to all health care providers in the State a
3 pamphlet that explains the nature and purpose of the ¹MMR vaccine
4 and the¹ antibody titer ¹[and identifies the diseases for which the
5 antibody titer may be]¹ used to determine immunity pursuant to
6 section 2 of this act.

7 ¹[b. Prior to administering a second or subsequent dose of a
8 vaccine for a disease meeting the criteria provided in subsection a. of
9 section 2 of this act to a child in this State, a health care provider shall
10 give the child's parent or guardian a copy of the pamphlet prepared
11 pursuant to subsection a. of this section and provide the parent or
12 guardian with a reasonable opportunity to read the contents of the
13 pamphlet.]

14 The commissioner shall send a copy of the pamphlet to every
15 licensed health care provider in the State who administers the MMR
16 vaccine, with a cover letter advising the health care provider that the
17 pamphlet was prepared in accordance with the requirements
18 of P.L. , c. (C.), known as "Holly's Law," and how the health
19 care provider can obtain additional copies of the pamphlet from the
20 Department of Health and Senior Services.¹

21
22 4. The Commissioner of Health and Senior Services shall adopt
23 rules and regulations, pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the
25 provisions of this act.

26
27 5. This act shall take effect on the 180th day following enactment,
28 but the Commissioner of Health and Senior Services may take such
29 anticipatory administrative action in advance as shall be necessary for
30 the implementation of the act.

31
32
33
34
35 Requires DHSS to prepare booklet on MMR vaccine and availability
36 of blood test to determine immunity prior to administration of second
37 dose.

SENATE, No. 1891

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 26, 2002

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Mercer and Monmouth)

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Co-Sponsored by:

Senators Ciesla, Kyrillos, Palaia and Vitale

SYNOPSIS

Requires health care providers to offer blood test to determine immunity prior to administration of second dose of certain vaccines to children.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2003)

1 AN ACT concerning vaccinations and supplementing Title 26 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

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9 of antibodies in a blood sample against a particular type of tissue, cell
10 or substance.

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12 or public or private health care facility in this State that administers
13 vaccinations.

14

15 2. a. Prior to administering a second or subsequent dose of a
16 vaccine to a child, the initial dose of which is sufficient for the
17 development of immunity in the majority of the population, a health
18 care provider shall give the child's parent or guardian the option of
19 consenting to the administration of an antibody titer to determine
20 whether or not the child has already developed immunity to the disease
21 for which the child is being vaccinated in response to a previously
22 administered dose of the vaccine and would not require the second or
23 subsequent dose.

24 b. Documented laboratory evidence of immunity from a disease
25 meeting the criteria provided in subsection a. of this section shall
26 exempt a child from further vaccination for that disease, as may be
27 required pursuant to Department of Health and Senior Services
28 regulations.

29

30 3. a. The Commissioner of Health and Senior Services shall
31 prepare and make available to all health care providers in the State a
32 pamphlet that explains the nature and purpose of the antibody titer and
33 identifies the diseases for which the antibody titer may be used to
34 determine immunity pursuant to section 2 of this act.

35 b. Prior to administering a second or subsequent dose of a vaccine
36 for a disease meeting the criteria provided in subsection a. of section
37 2 of this act to a child in this State, a health care provider shall give
38 the child's parent or guardian a copy of the pamphlet prepared
39 pursuant to subsection a. of this section and provide the parent or
40 guardian with a reasonable opportunity to read the contents of the
41 pamphlet.

42

43 4. The Commissioner of Health and Senior Services shall adopt
44 rules and regulations, pursuant to the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the
46 provisions of this act.

S1891 BENNETT, SINGER

4

1 following her second dose of MMR vaccine, by providing parents with
2 the opportunity to avoid exposing their child to unnecessary
3 vaccinations, without jeopardizing their child's immunity to disease or
4 undermining public health in the State.

SENATE, No. 1891

STATE OF NEW JERSEY
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15 2. a. Prior to administering a second or subsequent dose of a
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17 development of immunity in the majority of the population, a health
18 care provider shall give the child's parent or guardian the option of
19 consenting to the administration of an antibody titer to determine
20 whether or not the child has already developed immunity to the disease
21 for which the child is being vaccinated in response to a previously
22 administered dose of the vaccine and would not require the second or
23 subsequent dose.

24 b. Documented laboratory evidence of immunity from a disease
25 meeting the criteria provided in subsection a. of this section shall
26 exempt a child from further vaccination for that disease, as may be
27 required pursuant to Department of Health and Senior Services
28 regulations.

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30 3. a. The Commissioner of Health and Senior Services shall
31 prepare and make available to all health care providers in the State a
32 pamphlet that explains the nature and purpose of the antibody titer and
33 identifies the diseases for which the antibody titer may be used to
34 determine immunity pursuant to section 2 of this act.

35 b. Prior to administering a second or subsequent dose of a vaccine
36 for a disease meeting the criteria provided in subsection a. of section
37 2 of this act to a child in this State, a health care provider shall give
38 the child's parent or guardian a copy of the pamphlet prepared
39 pursuant to subsection a. of this section and provide the parent or
40 guardian with a reasonable opportunity to read the contents of the
41 pamphlet.

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43 4. The Commissioner of Health and Senior Services shall adopt
44 rules and regulations, pursuant to the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the
46 provisions of this act.

1 5. This act shall take effect on the 180th day following enactment,
2 but the Commissioner of Health and Senior Services may take such
3 anticipatory administrative action in advance as shall be necessary for
4 the implementation of the act.

5
6
7 STATEMENT
8

9 This bill, which may be referred to as "Holly's Law," requires that
10 prior to administering a second or subsequent dose of a vaccine to a
11 child, the initial dose of which is sufficient for the development of
12 immunity in the majority of the population, a health care provider shall
13 give the child's parent or guardian the option of consenting to the
14 administration of a blood test to determine whether or not the child
15 has already developed immunity to the disease for which the child is
16 being vaccinated in response to a previously administered dose of the
17 vaccine and, therefore, would not require the second or subsequent
18 dose. Documented laboratory evidence of immunity from a disease
19 meeting the criteria provided in this bill would exempt a child from
20 further vaccination for that disease.

21 The bill requires the Commissioner of Health and Senior Services
22 to prepare and make available to all health care providers in the State
23 a pamphlet that explains the nature and purpose of the antibody titer
24 and identifies the diseases for which the antibody titer may be used to
25 determine immunity pursuant to the provisions of this bill. Prior to
26 administering a second or subsequent dose of a vaccine for a disease
27 meeting the criteria provided in this bill to a child in this State, a health
28 care provider shall give the child's parent or guardian a copy of the
29 pamphlet and provide the parent or guardian with a reasonable
30 opportunity to read the contents of the pamphlet.

31 An example of a vaccine that meets the criteria specified in this bill
32 is the combined vaccine for measles, mumps and rubella (MMR). The
33 current recommendation of the Advisory Committee on Immunization
34 Practices of the federal Centers for Disease Control and Prevention is
35 that all children receive two doses of MMR vaccine separated by at
36 least one month and administered on or after a child's first birthday.
37 The purpose of the two-dose vaccination schedule is to produce
38 immunity in the small proportion of persons (approximately 5%) who
39 fail to respond immunologically to one or more of the components of
40 the first dose. If a child had developed immunity to measles, mumps
41 and rubella upon receiving the first dose of the vaccine, that fact
42 would be revealed by a test of the level of antibodies to those viruses
43 in the child's blood.

44 This bill honors the memory of Holly Marie Stavola, who died on
45 February 4, 2000 of encephalopathy, encephalitis with resultant
46 residual central nervous system impairment, which she developed

S1891 BENNETT, SINGER

4

1 following her second dose of MMR vaccine, by providing parents with
2 the opportunity to avoid exposing their child to unnecessary
3 vaccinations, without jeopardizing their child's immunity to disease or
4 undermining public health in the State.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 1891

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2003

The Assembly Health and Human Services Committee reports favorably Senate Bill No. 1891 (2R).

This bill, which may be referred to as "Holly's Law," requires that prior to administering a second dose of the measles-mumps-rubella (MMR) vaccine to a child, a health care provider may give the child's parent or guardian the option of consenting to the administration of a blood test to determine whether or not the child has already developed immunity to MMR in response to the previously administered dose of the vaccine and, therefore, would not require a second dose. Documented laboratory evidence of immunity from MMR would exempt a child from further vaccination for those diseases.

The bill requires the Commissioner of Health and Senior Services to prepare and make available to all health care providers in the State a pamphlet that explains the nature and purpose of the MMR vaccine and antibody titer used to determine immunity pursuant to the provisions of this bill. The commissioner is also required to send a copy of the pamphlet to every licensed health care provider in the State who administers the MMR vaccine, with a cover letter advising the health care provider that the pamphlet was prepared in accordance with the requirements of this bill, known as "Holly's Law," and how the health care provider can obtain additional copies of the pamphlet from the Department of Health and Senior Services.

The current recommendation of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention is that all children receive two doses of MMR vaccine separated by at least one month and administered on or after a child's first birthday. The purpose of the two-dose vaccination schedule is to produce immunity in the small proportion of persons (approximately 5%) who fail to respond immunologically to one or more of the components of the first dose. If a child had developed immunity to measles, mumps and rubella upon receiving the first dose of the vaccine, that fact would be revealed by a test of the level of antibodies to those viruses in the child's blood.

This bill honors the memory of Holly Marie Stavola, who died on February 4, 2000 of encephalopathy, encephalitis with resultant residual central nervous system impairment, which she developed following her second dose of MMR vaccine, by providing parents with the opportunity to avoid exposing their child to unnecessary vaccinations, without jeopardizing their child's immunity to disease or undermining public health in the State.

This bill is identical to Assembly Bill No. 2889 Aca (Azzolina/Quigley), which the committee also reported on this date.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1891

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1891.

As amended by committee, this bill, which may be referred to as "Holly's Law," requires that prior to administering a second dose of the measles-mumps-rubella (MMR) vaccine to a child, a health care provider shall give the child's parent or guardian the option of consenting to the administration of a blood test to determine whether or not the child has already developed immunity to MMR in response to the previously administered dose of the vaccine and, therefore, would not require the second. Documented laboratory evidence of immunity from MMR would exempt a child from further vaccination for those diseases.

The bill requires the Commissioner of Health and Senior Services to prepare and make available to all health care providers in the State a pamphlet that explains the nature and purpose of the MMR vaccine and antibody titer used to determine immunity pursuant to the provisions of this bill. The commissioner is also required to send a copy of the pamphlet to every licensed health care provider in the State who administers the MMR vaccine, with a cover letter advising the health care provider that the pamphlet was prepared in accordance with the requirements of this bill, known as "Holly's Law," and how the health care provider can obtain additional copies of the pamphlet from the Department of Health and Senior Services.

The current recommendation of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention is that all children receive two doses of MMR vaccine separated by at least one month and administered on or after a child's first birthday. The purpose of the two-dose vaccination schedule is to produce immunity in the small proportion of persons (approximately 5%) who fail to respond immunologically to one or more of the components of the first dose. If a child had developed immunity to measles, mumps and rubella upon receiving the first dose of the

vaccine, that fact would be revealed by a test of the level of antibodies to those viruses in the child's blood.

This bill honors the memory of Holly Marie Stavola, who died on February 4, 2000 of encephalopathy, encephalitis with resultant residual central nervous system impairment, which she developed following her second dose of MMR vaccine, by providing parents with the opportunity to avoid exposing their child to unnecessary vaccinations, without jeopardizing their child's immunity to disease or undermining public health in the State.

The committee amended the bill to limit its provisions to the MMR vaccine and to delete the requirement that a health care provider give the child's parent or guardian a copy of the pamphlet prepared by the Department of Health and Senior Services prior to administering the second dose of the vaccine. The amendments require, instead, that the Commissioner of Health and Senior Services send a copy of the pamphlet to every licensed health care provider in the State who administers the MMR vaccine, with a cover letter advising the health care provider that the pamphlet was prepared in accordance with the requirements of the bill, and how the health care provider can obtain additional copies of the pamphlet from the department.

This bill is similar to Assembly Bill No.2889 (Azzolina/Quigley), which is pending before the Assembly Health and Human Services Committee.

STATEMENT TO
[First Reprint]
SENATE, No. 1891

with Senate Floor Amendments
(Proposed By Senator BENNETT)

ADOPTED: MAY 19, 2003

This amendment revises section 2 of the bill to permit, rather than require, a health care provider, prior to administering a second dose of the MMR vaccine to a child, to give the child's parent or guardian the option of consenting to the administration of an antibody titer to determine whether or not the child has already developed immunity to MMR in response to a previously administered dose of the vaccine and would not require the second dose.

ASSEMBLY, No. 2889

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 10, 2002

Sponsored by:

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Co-Sponsored by:

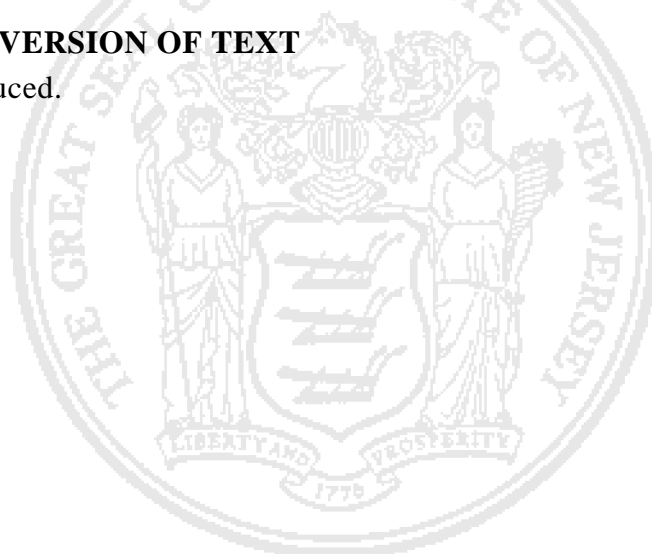
Assemblymen Arnone, Bateman, Diegnan, Guear, Wisniewski, Van Drew, Eagler, Assemblywomen Stender, Farragher, Assemblymen Egan, Johnson, Chivukula, Assemblywoman Cruz-Perez and Assemblyman McKeon

SYNOPSIS

Requires health care providers to offer blood test to determine immunity prior to administration of second dose of certain vaccines to children.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/14/2003)

1 AN ACT concerning vaccinations and supplementing Title 26 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. As used in this act:

8 "Antibody titer" means a test to measure the presence and amount
9 of antibodies in a blood sample against a particular type of tissue, cell
10 or substance.

11 "Health care provider" means any licensed health care professional
12 or public or private health care facility in this State that administers
13 vaccinations.

14

15 2. a. Prior to administering a second or subsequent dose of a
16 vaccine to a child, the initial dose of which is sufficient for the
17 development of immunity in the majority of the population, a health
18 care provider shall give the child's parent or guardian the option of
19 consenting to the administration of an antibody titer to determine
20 whether or not the child has already developed immunity to the disease
21 for which the child is being vaccinated in response to a previously
22 administered dose of the vaccine and would not require the second or
23 subsequent dose.

24 b. Documented laboratory evidence of immunity from a disease
25 meeting the criteria provided in subsection a. of this section shall
26 exempt a child from further vaccination for that disease, as may be
27 required pursuant to Department of Health and Senior Services
28 regulations.

29

30 3. a. The Commissioner of Health and Senior Services shall
31 prepare and make available to all health care providers in the State a
32 pamphlet that explains the nature and purpose of the antibody titer and
33 identifies the diseases for which the antibody titer may be used to
34 determine immunity pursuant to section 2 of this act.

35 b. Prior to administering a second or subsequent dose of a vaccine
36 for a disease meeting the criteria provided in subsection a. of section
37 2 of this act to a child in this State, a health care provider shall give
38 the child's parent or guardian a copy of the pamphlet prepared
39 pursuant to subsection a. of this section and provide the parent or
40 guardian with a reasonable opportunity to read the contents of the
41 pamphlet.

42

43 4. The Commissioner of Health and Senior Services shall adopt
44 rules and regulations, pursuant to the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the
46 provisions of this act.

1 5. This act shall take effect on the 180th day following enactment,
2 but the Commissioner of Health and Senior Services may take such
3 anticipatory administrative action in advance as shall be necessary for
4 the implementation of the act.

5

6

7

STATEMENT

8

9 This bill, which may be referred to as "Holly's Law," requires that
10 prior to administering a second or subsequent dose of a vaccine to a
11 child, the initial dose of which is sufficient for the development of
12 immunity in the majority of the population, a health care provider shall
13 give the child's parent or guardian the option of consenting to the
14 administration of a blood test to determine whether or not the child
15 has already developed immunity to the disease for which the child is
16 being vaccinated in response to a previously administered dose of the
17 vaccine and, therefore, would not require the second or subsequent
18 dose. Documented laboratory evidence of immunity from a disease
19 meeting the criteria provided in this bill would exempt a child from
20 further vaccination for that disease.

21 The bill requires the Commissioner of Health and Senior Services
22 to prepare and make available to all health care providers in the State
23 a pamphlet that explains the nature and purpose of the antibody titer
24 and identifies the diseases for which the antibody titer may be used to
25 determine immunity pursuant to the provisions of this bill. Prior to
26 administering a second or subsequent dose of a vaccine for a disease
27 meeting the criteria provided in this bill to a child in this State, a health
28 care provider shall give the child's parent or guardian a copy of the
29 pamphlet and provide the parent or guardian with a reasonable
30 opportunity to read the contents of the pamphlet.

31 An example of a vaccine that meets the criteria specified in this bill
32 is the combined vaccine for measles, mumps and rubella (MMR). The
33 current recommendation of the Advisory Committee on Immunization
34 Practices of the federal Centers for Disease Control and Prevention is
35 that all children receive two doses of MMR vaccine separated by at
36 least one month and administered on or after a child's first birthday.
37 The purpose of the two-dose vaccination schedule is to produce
38 immunity in the small proportion of persons (approximately 5%) who
39 fail to respond immunologically to one or more of the components of
40 the first dose. If a child had developed immunity to measles, mumps
41 and rubella upon receiving the first dose of the vaccine, that fact
42 would be revealed by a test of the level of antibodies to those viruses
43 in the child's blood.

44 This bill honors the memory of Holly Marie Stavola, who died on
45 February 4, 2000 of encephalopathy, encephalitis with resultant
46 residual central nervous system impairment, which she developed

1 following her second dose of MMR vaccine, by providing parents with
2 the opportunity to avoid exposing their child to unnecessary
3 vaccinations, without jeopardizing their child's immunity to disease or
4 undermining public health in the State.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2889

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2003

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 2889.

This bill, which may be referred to as "Holly's Law," requires that prior to administering a second dose of the measles-mumps-rubella (MMR) vaccine to a child, a health care provider may give the child's parent or guardian the option of consenting to the administration of a blood test to determine whether or not the child has already developed immunity to MMR in response to the previously administered dose of the vaccine and, therefore, would not require a second dose. Documented laboratory evidence of immunity from MMR would exempt a child from further vaccination for those diseases.

The bill requires the Commissioner of Health and Senior Services to prepare and make available to all health care providers in the State a pamphlet that explains the nature and purpose of the MMR vaccine and antibody titer used to determine immunity pursuant to the provisions of this bill. The commissioner is also required to send a copy of the pamphlet to every licensed health care provider in the State who administers the MMR vaccine, with a cover letter advising the health care provider that the pamphlet was prepared in accordance with the requirements of this bill, known as "Holly's Law," and how the health care provider can obtain additional copies of the pamphlet from the Department of Health and Senior Services (DHSS).

The current recommendation of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention is that all children receive two doses of MMR vaccine separated by at least one month and administered on or after a child's first birthday. The purpose of the two-dose vaccination schedule is to produce immunity in the small proportion of persons (approximately 5%) who fail to respond immunologically to one or more of the components of the first dose. If a child had developed immunity to measles, mumps and rubella upon receiving the first dose of the vaccine, that fact would be revealed by a test of the level of antibodies to those viruses in the child's blood.

This bill honors the memory of Holly Marie Stavola, who died on

February 4, 2000 of encephalopathy, encephalitis with resultant residual central nervous system impairment, which she developed following her second dose of MMR vaccine, by providing parents with the opportunity to avoid exposing their child to unnecessary vaccinations, without jeopardizing their child's immunity to disease or undermining public health in the State.

As reported by the committee, this bill is identical to Senate Bill No. 1891 (2R) (Bennett/Singer), which the committee also reported on this date.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

- restrict its provisions to the administration of the MMR vaccine;
- permit, rather than require, a health care provider, prior to administering a second dose of the MMR vaccine to a child, to give the child's parent or guardian the option of consenting to the administration of an antibody titer to determine whether or not the child has already developed immunity to MMR in response to a previously administered dose of the vaccine and would not require the second dose;
- delete the requirement that a health care provider give the child's parent or guardian a copy of the pamphlet prepared by DHSS prior to administering the second dose of the vaccine, and require, instead, that the Commissioner of Health and Senior Services send a copy of the pamphlet to every licensed health care provider in the State who administers the MMR vaccine, with a cover letter advising the health care provider that the pamphlet was prepared in accordance with the requirements of the bill and how the health care provider can obtain additional copies of the pamphlet from DHSS.