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A BILL  
23-171

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations to permit a minor, eleven years of age or older, to receive a vaccine, where the minor is capable of meeting the informed consent standard, and where the vaccination is recommended by the United States Advisory Committee on Immunization Practices and provided in accordance with ACIP’s recommended vaccinations schedule; to establish how a minor may be deemed meeting the informed consent standard; to require the Department of Health to produce age-appropriate alternative vaccine information sheets; to prohibit an insurer from sending an Explanation of Benefits; to allow a minor access to immunization records; and to require the physician to submit the immunization record directly to the minor’s school if the parent is utilizing a religious exemption or is opting out of receiving the Human Papillomavirus vaccine.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Minor Consent for Vaccinations Amendment Act of 2020”.

Sec. 2. Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations (22-B DCMR § 600) is amended by adding a new subsection 600.9 to read as follows:

“600.9 (a) A minor, eleven years of age or older, may consent to receive a vaccine where the minor is capable of meeting the informed consent standard, and the vaccine is recommended by the United States Advisory Committee on Immunization Practices (“ACIP”), and where receipt of the vaccine is in accordance with ACIP’s recommended immunization schedule.

31 (b) For the purposes of this subsection, a minor shall be deemed meeting the informed  
32 consent standard if the minor is able to comprehend the need for, the nature of, and any  
33 significant risks ordinarily inherent in the medical care.

34 (c) The Department of Health shall produce one or more age-appropriate alternative  
35 vaccine information sheets, which shall be made available before vaccination of minors to  
36 support providers in the informed consent process.

37 (d)(1) Providers who administer immunizations under the authority of this subsection  
38 shall seek reimbursement, without parental consent, directly from the insurer, which may be  
39 Medicaid, Alliance, or private insurance.

40 (2) Insurers shall not send an Explanation of Benefits (EOB) for services provided  
41 under the authority of this subsection.

42 (e) A minor who receives services provided under the authority of this subsection shall  
43 have access to their immunization records without parental consent.

44 Sec. 3. Section (a) of the Student Health Care Act of 1985, effective December 2, 1985  
45 (D.C. Law 6-66; D.C. Official Code § 38-602 et seq.), is amended as follows:

46 (a) The existing text shall be labeled paragraph (1).

47 (b) A new paragraph (2) shall be added to read as follows:

48 “(2) If parent is utilizing a religious exemption for vaccinations or is opting out of  
49 receiving the Human Papillomavirus vaccine, but a minor is receiving vaccinations under  
50 Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations (22-B DCMR §

51 600.9), then a health care provider shall leave the immunization record in Part 3 blank, and shall  
52 submit the immunization record directly to the minor’s school. The school shall keep this  
53 immunization record confidential, except it may share the record with the Department of Health  
54 or the school-based health center.”.

55           Sec. 4. Fiscal impact statement.

56           The Council adopts the fiscal impact statement in the committee report as the fiscal  
57 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
58 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

59           Sec. 5. Effective date.

60           This act shall take effect following approval by the Mayor (or in the event of veto by the  
61 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
62 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
63 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
64 Columbia Register.