

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 311**

**Senator Patton**

**Cosponsors: Senators Hite, Eklund, Hughes, Cafaro, Beagle, Faber, Gardner,  
Jones, Manning, Obhof, Tavares**

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**A BILL**

To amend section 3721.041 and to enact section 1  
3701.138 of the Revised Code to require the Ohio 2  
Department of Health to prepare an influenza 3  
vaccine information sheet pertaining to older 4  
adults. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3721.041 be amended and section 6  
3701.138 of the Revised Code be enacted to read as follows: 7

**Sec. 3701.138.** (A) As used in this section, "older adult" 8  
means an individual who is sixty years of age or older. 9

(B) The department of health shall prepare an influenza 10  
vaccine information sheet that pertains to older adults. The 11  
information sheet shall contain all of the following: 12

(1) A description of influenza, including its causes, 13  
symptoms, and methods of transmission; 14

(2) A discussion of the health risks that influenza poses 15  
to older adults; 16

(3) A discussion of the influenza vaccine, including its availability, the methods of administration, and its effectiveness in preventing influenza and lessening symptoms and complications of influenza; 17  
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(4) A recommendation that each older adult consult with a health care professional to determine whether annual vaccination against influenza is appropriate for the older adult. 21  
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(C) The information sheet may contain any other information regarding influenza and the influenza vaccine that the department considers necessary, including the following: 24  
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(1) The rates of influenza-associated hospitalizations and deaths among older adults; 27  
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(2) The benefits to older adults from annual vaccination against influenza, especially to those living in close proximity to other older adults; 29  
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(3) The entities, facilities, or health care professionals providing influenza vaccinations to older adults. 32  
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(D) The department shall periodically review and update the information sheet. The department shall make the information sheet available on its internet web site in a format suitable for printing. 34  
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**Sec. 3721.041.** (A) As used in this section: 38

(1) "Advisory committee" means the advisory committee on immunization practices of the United States centers for disease control and prevention or a successor committee or agency. 39  
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(2) "Home" has the same meaning as in section 3721.01 of the Revised Code. 42  
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(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) (1) Each home shall, on an annual basis, offer to each resident, in accordance with guidelines issued by the advisory committee, vaccination against influenza, unless a physician has determined that vaccination of the resident is medically inappropriate. The vaccine shall be of a form approved by the advisory committee for that calendar year. A resident may refuse vaccination.

(2) Each home shall obtain the influenza vaccine information sheet described in section 3701.138 of the Revised Code and post the sheet in a conspicuous location that is accessible to all residents, employees, and visitors. Not later than the first day of August each year, the home shall determine whether the information sheet it has posted is the most recent version available. If it is not, the home shall replace the information sheet with the updated version. Nothing in this division requires an older adult to be vaccinated against influenza.

Failure to comply with the requirement to post the information sheet shall not be taken into account when any survey or inspection of the home is conducted and shall not be used as the basis for imposing any penalty against the home.

(C) Each home shall offer to each resident, in accordance with guidelines issued by the advisory committee, vaccination against pneumococcal pneumonia, unless the resident has already received such vaccination or a physician has determined that vaccination of the resident is medically inappropriate. Each vaccine shall be of a form approved by the advisory committee

for that calendar year. A resident may refuse vaccination. 74

(D) The director of health may adopt rules under Chapter 75  
119. of the Revised Code as the director considers appropriate 76  
to implement this section. 77

**Section 2.** That existing section 3721.041 of the Revised 78  
Code is hereby repealed. 79