

HB 592-FN - AS INTRODUCED

2021 SESSION

21-0806

10/08

HOUSE BILL

592-FN

AN ACT requiring bond from pharmaceutical companies providing vaccines.

SPONSORS: Rep. Greeson, Graf. 16

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes a requirement for pharmaceutical companies providing vaccines for administration in the state to post a bond for the reimbursement or payment of the costs related to illness and death due to the vaccine. The disbursements shall be made by the commissioner of the department of health and human services pursuant to a claim filed by a physician on behalf of a victim.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT requiring bond from pharmaceutical companies providing vaccines.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Communicable Diseases; Pharmaceutical Companies; Bond Required; Claims.
2 Amend RSA 141-C by inserting after section 28 the following new section:

3 141-C:29 Pharmaceutical Companies; Bond Required; Claims.

4 I. Each pharmaceutical company that seeks to have its vaccines, including a COVID-19
5 vaccine, administered in the state of New Hampshire shall post a bond against potential injuries
6 suffered by people receiving the vaccines, to be held by the state treasurer, in the amount of
7 \$1,000,000,000, which shall be administered and disbursed by the commissioner of the department
8 of health and human services.

9 II. Awards against the bond will be in lieu of civil action and shall be disbursed only upon
10 claims filed with the commissioner of the department of health and human services by physicians on
11 behalf of patients suffering injury.

12 III. The bond proceeds shall only be for the benefit of:

13 (a) Any person who becomes ill within 14 days of receiving a vaccine and is not able to
14 attend employment because of the illness shall, upon filing with the commissioner, be awarded
15 compensation equivalent to twice the person's normal hourly wage or equivalent up to \$50 per hour
16 for each day of employment missed, for up to 8 hours per day.

17 (b) Any person hospitalized within 14 days of vaccination who has insurance shall, upon
18 filing with the commissioner, have their co-payments, deductible, and any other out-of-pocket
19 expenses reimbursed, plus any lost wages at the same rate as described in subparagraph (a).

20 (c) Any person hospitalized within 14 days of vaccination without insurance coverage
21 shall, upon filing with the commissioner, have all medical expenses paid, plus any lost wages as
22 described in subparagraph (a).

23 (d) Any person suffering a fatal result or reaction within 14 days of vaccination shall
24 have their designated next-of-kin, representative, or beneficiary, upon filing with the commissioner,
25 receive \$1,000,000. If the victim was a resident of a nursing home, any outstanding financial
26 obligations to the facility shall be covered by the bond, plus all funeral expenses up to \$10,000.

27 IV. Claims shall be filed by a physician immediately upon diagnosis of illness and
28 determination that the illness is directly linked to the vaccine. Claims shall be filed with the
29 commissioner of the department of health and human service and paid to the victim or
30 representative within 15 days.

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1 V. On the first day of each subsequent calendar year after posting the initial bond, each
2 pharmaceutical company shall maintain the available bonded amount against any claims paid in the
3 previous year in order to maintain a \$1,000,000,000 bond amount from the start of each calendar
4 year. Bond proceeds shall not be disbursed for any other purpose than vaccine administration
5 injuries.

6 2 Effective Date. This act shall take effect 60 days after its passage.

HB 592-FN- FISCAL NOTE
AS INTRODUCED

AN ACT requiring bond from pharmaceutical companies providing vaccines.

FISCAL IMPACT: ☒ State ☒ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	\$0	\$0	\$0

METHODOLOGY:

The proposed legislation would amend RSA 141-C, the State Communicable Disease statute, to require any pharmaceutical company seeking to have its vaccines, including a COVID-19 vaccine, administered in the State of New Hampshire to post a bond in the amount of \$1 billion against potential injury or death by individuals receiving the vaccine. The bond proceeds would be in lieu of civil action and would only be for the benefit of persons who become ill, and/or who are hospitalized, and/or who die within 14 days of being vaccinated.

Any claims against the bond would be filed with the Commissioner of the Department of Health and Human Services (DHHS) by physicians on behalf of patients who suffer illness or death as a result of being vaccinated. The Commissioner would be responsible for awarding compensation in accordance with the monetary amounts and timeframes set forth in the proposed legislation. If a person who suffers a fatal reaction as a result of being vaccinated had been residing in a nursing home, any outstanding obligations to the facility would be covered by the bond, plus funeral expenses up to \$10,000. Hence, the proposed legislation could affect the revenues of county nursing homes.

DHHS states the proposed legislation may have a fiscal impact due to the administrative burden of processing claims and disbursing awards against the bond. The fiscal impact is indeterminable, as it will depend upon the number of claims filed.

AGENCIES CONTACTED:

Department of Health and Human Services