

CHAPTER 153

AN ACT concerning influenza vaccine distribution.

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

1. a. To protect the public health during the 2004-2005 influenza vaccine shortage, the Commissioner of Health and Senior Services shall issue an order to implement an influenza vaccine reallocation plan in accordance with the provisions of this act.

The order shall require all physicians, nurses, health care facilities, pharmacies and others that dispense vaccines to provide such information as is requested by the commissioner, and to comply with the elements of the plan, including any reallocation of influenza vaccine supplies.

b. The commissioner is authorized to:

(1) determine the current and anticipated supply of influenza vaccine in this State;

(2) identify the groups of persons considered to be high priority for allocation of the influenza vaccine, which groups include persons at high-risk and those who provide care or services to high-risk persons;

(3) mobilize public and private health resources to assist in influenza vaccine distribution and administration; and

(4) reallocate current and anticipated supplies of influenza vaccine to most effectively meet the needs of the State's high-risk and high priority groups, if necessary; except that the commissioner shall not reallocate any vaccine held by a county health department.

c. As used in this act, "vaccine" includes influenza vaccine and influenza antiviral medications.

d. A person who willfully or knowingly violates the provisions of the order established pursuant to this act shall be liable for a civil penalty of \$500 for each violation. The penalty shall be sued for and collected by the commissioner in a summary proceeding before the Superior Court pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

2. This act shall take effect immediately and shall expire on May 31, 2005.

Approved October 27, 2004.