

20 less the amount of federal revenue available to the commonwealth for purchase, storage,
21 distribution and administration of such vaccines.

22 Section 2. There shall be established in the commonwealth a separate trust fund to be
23 known as the Vaccine Purchase Trust Fund to support a universal purchase system for childhood
24 vaccines in the commonwealth. The fund shall be expended to cover the costs to purchase, store
25 and distribute vaccines for routine childhood immunizations and to administer the fund and the
26 immunization registry, established under section 24M of chapter 111. The fund shall consist of
27 all monies paid to the commonwealth under section 4 and any interest earnings on such monies.
28 The fund shall be maintained by the commissioner of health care finance and policy or a
29 designee. The monies shall be expended under the direction of the department of public health,
30 without prior appropriation, solely to cover total non-federal program costs; provided, however,
31 that the amount to be expended for storing and distributing vaccines for routine childhood
32 immunizations, if such costs are not covered by federal contribution, and for the costs of
33 administering the immunization registry, shall not exceed 10 per cent of the total amount of the
34 fund expended for the purchase of vaccines needed for routine childhood immunizations for all
35 children in the commonwealth. Any balance in the fund at the close of a fiscal year shall be
36 available for expenditure in subsequent fiscal years and shall not be transferred to any other fund
37 or revert to the General Fund. The commissioner of health care finance and policy or a designee
38 shall report annually to the house and senate committees on ways and means the amount of funds
39 collected and any expenditures made from the fund.

40 Section 3. There shall be a vaccine purchase advisory council consisting of the
41 commissioner of public health or a designee, who shall serve as chair; the medical director of the
42 universal immunization program of the department of public health established under section 24I
43 of chapter 111; the commissioner of health care finance and policy or a designee; the executive
44 director of the commonwealth health insurance connector authority or a designee; 3 persons to be
45 appointed by the commissioner of insurance, each of whom shall be a representative of 1 of the 3
46 health insurance companies having the most insured lives in the commonwealth; and 8 persons to
47 be appointed by the commissioner of public health, 1 of whom shall be a representative of an
48 employer that self-insures for health coverage who shall be appointed from lists of nominees
49 submitted by statewide associations of employers, 1 of whom shall be a representative of the
50 pharmaceutical manufacturing industry with expertise in researching, developing and
51 manufacturing vaccines, 1 of whom shall be a member of the Massachusetts Medical Society, 1
52 of whom shall be a member of the Massachusetts chapter of the American Academy of
53 Pediatrics, 1 of whom shall be a member of the Massachusetts Academy of Family Physicians,
54 and 3 of whom shall be physicians licensed to practice in the commonwealth and who shall have
55 expertise in the area of childhood vaccines. The council shall recommend the types of vaccines
56 to be purchased based on a list of routine childhood immunizations and shall take into account
57 provider preference, cost, availability and other factors as determined by the council. The
58 council shall recommend the amount of funding needed each fiscal year by calculating the total

59 non-federal program cost. The commissioner of public health shall determine the final vaccines
60 to be purchased.

61 Section 4. The commissioner of health care finance and policy shall determine the final
62 amount required to be included in the Vaccine Purchase Trust Fund for the next fiscal year to
63 cover the estimated vaccine cost under this chapter and shall annually provide surcharge payors
64 notice of the assessment amount for the trust fund year not later than January 1.

65 Under regulations adopted by the commissioner of health care finance and policy, each
66 surcharge payor in the commonwealth shall pay to the commissioner of health care finance and
67 policy, for deposit in the Vaccine Purchase Trust Fund, a routine childhood immunizations
68 surcharge assessed by the commissioner; provided, however, that the amount of the routine
69 childhood immunizations surcharge assessed to cover the costs for storing and distributing such
70 vaccines, if such costs are not covered by federal contribution, and for the costs of administering
71 the immunization registry, shall not exceed 10 per cent of the amount of the routine childhood
72 immunizations surcharge assessed to cover the purchase of vaccines needed for routine
73 childhood immunizations for all children in the commonwealth. The regulations shall establish
74 dates for assessing and payment of such surcharge and shall permit and enable expenditure of
75 funds by the department of public health. The annual contribution into the trust fund shall be
76 deposited annually by July 1. The surcharge shall be a percentage of the final amount
77 determined by the commissioner of health care finance and policy under this section; provided,
78 however that the commissioner of health care finance and policy shall not increase the total
79 amount of the surcharge more than 4 per cent over the previous fiscal year unless the
80 commissioner of health care finance and policy, in consultation with the commissioner of public
81 health, submits a detailed report to the legislature explaining the need for such increase. If the
82 reason for such increase is due to the purchase of new vaccines, as recommended by the vaccine
83 purchase advisory council, such report shall include an analysis of cost savings generated by use
84 of the state vaccine purchasing discount.

85 Section 5. The department of public health may adopt rules and regulations as necessary
86 to implement the universal purchase and distribution system under this chapter and other
87 applicable state and federal laws. The rules and regulations shall establish the system by which
88 vaccines are distributed for children in the commonwealth.

89 Section 6. Every surcharge payor, to the extent not preempted by federal law, shall
90 provide benefits for: (i) routine childhood immunizations for residents of the commonwealth;
91 and (ii) immunizations for residents of the commonwealth who are 19 years of age and older
92 according to the most recent schedules recommended by the Advisory Committee on
93 Immunization Practices of the United States Department of Health and Human Services. These
94 benefits shall be exempt from any copayment, coinsurance, deductible or dollar limit provisions
95 in the health insurance policy or contract.

96 SECTION 2. Notwithstanding any general or special law to the contrary, in fiscal year
97 2014, the commissioner of health care finance and policy shall not increase the total amount of
98 the routine childhood immunizations surcharge more than 7 per cent over item 4580-1000 in the
99 fiscal year 2013 general appropriations act, plus any supplemental fiscal year 2013 funding to
100 said item 4580-1000, unless the commissioner of health care finance and policy, in consultation
101 with the commissioner of public health, submits a detailed report to the legislature explaining the
102 need for such increase; and provided further, that in state fiscal year 2015, the commissioner of
103 health care finance and policy shall not increase the total amount of the surcharge more than 7
104 per cent over the fiscal year 2014 surcharge amount unless the commissioner of health care
105 finance and policy, in consultation with the commissioner of public health, submits a detailed
106 report to the legislature explaining the need for such increase.

107 SECTION 3. The routine childhood immunizations surcharge assessment required under
108 section 4 of chapter 118I of the General Laws shall take effect on July 1, 2013.