

HOUSE No. 2370

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda and Mindy Domb

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act effectuating equity in COVID-19 vaccination.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/4/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/4/2021</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>2/5/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/5/2021</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/5/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/5/2021</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/5/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/5/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/5/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/5/2021</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/5/2021</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/5/2021</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/5/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/5/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/5/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/6/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/8/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/8/2021</i>

<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>2/8/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/8/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/8/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/8/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/8/2021</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>2/9/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/10/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/10/2021</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/10/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/10/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/10/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/10/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/10/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/10/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/10/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/11/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/12/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/12/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/12/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/15/2021</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>2/17/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/19/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/22/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/23/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/24/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/26/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/26/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/26/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>3/5/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>3/3/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/8/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>3/2/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/3/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/3/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/9/2021</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>3/11/2021</i>

<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>3/29/2021</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>4/14/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>4/21/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>5/11/2021</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>5/11/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>12/1/2021</i>

HOUSE No. 2370

By Representatives Miranda of Boston and Domb of Amherst, a petition (accompanied by bill, House, No. 2370) of Liz Miranda, Mindy Domb and others relative to providing for equity in the administering of COVID-19 vaccinations. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act effectuating equity in COVID-19 vaccination.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to effectuate equity in COVID-19 vaccination, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The governor shall immediately appoint or designate a director of COVID-
2 19 vaccination equity and outreach who shall be a new member of leadership within the
3 executive office of health and human services in its functionality as the COVID-19 command
4 center, who shall report directly to the secretary of the executive office of health and human
5 services, and whose sole and full-time responsibility shall be to plan and implement actions to
6 overcome disparities in COVID-19 vaccination rates rooted in historic and current racism; biases
7 based on ethnicity, income, primary language, immigration status, or disability; geography; or
8 transportation access, language access, or internet access. The director’s responsibilities shall
9 include without limitation implementing the provisions of this act. The director shall have
10 significant expertise in public health and experience with a successful mass vaccination

11 campaign, a statewide campaign in the commonwealth, or extensive existing connections with
12 multiple socially and economically disadvantaged communities across the commonwealth. The
13 director shall be made known to the full membership of the general court and the public no later
14 than the hour of 5 o'clock in the afternoon on Friday, February 12, 2021.

15 SECTION 2. (a) The director shall immediately establish partnerships, contracts, or
16 memoranda of understanding, as applicable, with trusted community-based organizations, local
17 public health departments or boards of health, community-rooted faith-based organizations, and
18 locally-based health care providers, including without limitation community health centers and
19 primary care physicians, to directly deliver medically and scientifically accurate, culturally
20 competent, and linguistically diverse information about the safety and efficacy of vaccination,
21 including particularly the COVID-19 vaccine, and the pathways to receiving a COVID-19
22 vaccine to residents of demographic communities disproportionately and negatively impacted by
23 the COVID-19 pandemic. Directly delivered information shall also include transmission
24 prevention measures, including but not limited to ventilation, mask-wearing, and physical
25 distancing. Direct delivery may include phone calls, text messages, physically distanced door-to-
26 door and street canvassing, and digital event-based communication involving live and interactive
27 messengers. Television, radio, newspaper, and other mass media campaigns shall not constitute
28 direct delivery of information for purposes of this section. The provisions of this paragraph shall
29 not in any way interfere with, alleviate, strike, subordinate, supersede, or remove the vaccination
30 education and outreach requirements established in line item 4512-2021 of Chapter 227 of the
31 Acts of 2020.

32

33 (b) The director shall undertake similar direct delivery methods and community
34 partnerships to: (i) assist residents of communities described in paragraph (a) in completing self-
35 attestation forms and otherwise preparing for vaccination appointments; and (ii) support
36 transportation-limited residents of communities described in paragraph (a) in getting to
37 vaccination appointments or arranging for vaccinators to otherwise reach said residents.

38 (c) The director shall expand upon the vaccination education and outreach campaign
39 required by line item 4512-2021 of Chapter 227 of the Acts of 2020 in order to: (i) sustain and,
40 as necessary, increase the penetration of mass media buys in target populations in demographic
41 communities disproportionately and negatively impacted by COVID-19; (ii) communicate the
42 safety, efficacy, science, and benefits of COVID-19 vaccines, as well as pathways to receiving a
43 COVID-19 vaccine, in a manner that is culturally competent and utilizes diverse messengers
44 trusted in target communities. This expansion may utilize, but shall not be limited to, the funds
45 appropriated under said line item 4512-2021.

46 (d) The vaccination education and outreach requirements set forth in this section and
47 established in line item 4512-2021 of Chapter 227 of the Acts of 2020 shall be maintained until
48 parity is achieved and sustained between vaccination rates in communities disproportionately
49 and negatively impacted by COVID-19 and the statewide average vaccination rate, or the
50 termination of the COVID-19 public health state of emergency, whichever is sooner.

51 SECTION 3. (a) Notwithstanding any general or special law to the contrary, the
52 department of public health shall immediately deploy, in partnership with local or regional public
53 health officials and experts whenever practicable, no fewer than 30 vans, buses, or other vehicles
54 as vaccination vehicles to municipalities designated in this section for a minimum of 40 hours

55 per week per vehicle, including some early morning, late evening, and weekend hours, for the
56 sole and express purpose of vaccinating residents of those municipalities. The department shall
57 make reasonable efforts to utilize zero-emissions vehicles to satisfy the requirements of this
58 section. The vaccination vehicles shall be deployed as follows: (i) 1 to the communities in the
59 Cape and Islands region with the highest percent positivity rate in the region in the prior two
60 weeks; (ii) 1 to the communities in the MetroWest/495 region with the highest percent positivity
61 rate in the region in the prior two weeks; (iii) 2 to the communities in southeastern Massachusetts
62 with the highest percent positivity rate in the region in the prior two weeks; (iv) 2 to the
63 communities in the Merrimack Valley with the highest percent positivity rate in the region in the
64 prior two weeks; (v) 2 to the communities in western Massachusetts with the highest percent
65 positivity rate in the region in the prior two weeks; (vi) 2 to the communities in central
66 Massachusetts with the highest percent positivity rate in the region in the prior two weeks; (iv) 3
67 to the neighborhoods in the city of Boston experiencing the highest percent positivity rates in the
68 prior 2 weeks; and (viii) the remainder to other high-test, highest-contagion communities
69 throughout the commonwealth, provided, however, that the director may deviate from the high-
70 test, high-contagion requirement set forth in this element (viii) only if a strong health equity
71 rationale exists for so deviating and only upon publication of said rationale. For purposes of this
72 Act, the term “high-test, highest-contagion municipality” shall mean a municipality with one of
73 the highest percent positivity rates among the 30 municipalities with the highest test counts in the
74 commonwealth in the prior two weeks.

75

76 (b) Residents of the areas designated to be served by the vaccination vehicle program
77 described in paragraph

78 (a) of this section shall be eligible for vaccination via said program consistent with
79 approvals by the federal drug administration and regardless of phase designations in the
80 commonwealth's vaccine distribution plan.

81 Residency may be established by self-attestation.

82 (c) Each vaccination vehicle shall be staffed with at least the following individuals: a
83 medical provider who, acting within the scope of their license, may administer vaccines and
84 deliver basic life support, a medical assistant, a patient services coordinator, and two community
85 health workers, at least one of whom shall have direct experience in the municipality to which
86 the vehicle is deployed. A vaccination vehicle operating in a community that is home to limited
87 English proficiency residents shall also include a language interpreter. All vaccination vehicles
88 shall have telephonic access to language interpretation services. In the event multiple vehicles
89 are deployed in an area designated in paragraph (a), the staff specified in this paragraph (c) may
90 be assigned to any such vehicles, as appropriate.

91

92 (d) The department shall partner with local public health departments, local boards of
93 health, and locally-based health care providers to disseminate to target populations accurate,
94 user-friendly, culturally competent, and linguistically diverse information about the vaccination
95 vehicle program, including without limitation how residents can receive a vaccine via a vehicle
96 in their community.

97

98 (e) The vaccination vehicle program shall be maintained and operational until a sufficient
99 percentage of the residents of the commonwealth are vaccinated in order to protect the
100 population from the spread of COVID-19.

101 SECTION 4. The department of public health shall immediately partner with local public
102 health departments, local boards of health, locally-based health care providers, including without
103 limitation community health centers and primary care physicians, and local independent
104 pharmacies to distribute and administer COVID-19 vaccines.

105 SECTION 5. For all COVID vaccinations requiring a second dose, all vaccination
106 locations shall assist patients in scheduling a second vaccination appointment at the time of the
107 first appointment. This assistance may be provided during the observation period following
108 vaccination administration.

109 SECTION 6. No later than February 12, 2021, the governor shall appoint an expert on
110 vaccine disinformation to the Vaccine Advisory Group.

111 SECTION 7. (a) The department of public health shall immediately comply with all data
112 collection and reporting provisions set forth in Chapter 93 of the Acts of 2020, including, but not
113 limited to, finalizing regulations on health care providers collecting COVID-19 data.

114 (b) Further to the interim draft vaccination plan published by the department on its
115 website in October of 2020 and submitted to and approved by the federal government, the
116 department shall immediately publish on its website any updates to said plan and a detailed set of
117 implementation protocols to overcome the vaccination disparities described in section 1 and
118 ensure that 20 percent of the commonwealth's vaccine supply will be administered to residents
119 of demographic communities with high social vulnerability and disproportionately and

120 negatively impacted by COVID-19. The vaccination plan and implementation protocols shall be
121 publicly updated within 24 hours of any subsequent modification or change thereto.

122 (c) To further effectuate transparency and equity regarding COVID vaccination, the
123 department shall: (i) no less than weekly on Wednesdays beginning on February 10, 2021,
124 publish on its website the number of unused vaccine doses in the commonwealth, an explanation
125 for why the doses remain unused, and its plan to redistribute the doses; (ii) no less than weekly
126 on Wednesdays beginning on February 10, 2021, publish on its website the vaccine doses
127 allocated throughout the commonwealth, delineated by vaccination location; and (iii) effective
128 immediately, collect COVID vaccination data by key socioeconomic and demographic
129 indicators, including race, gender, ethnicity, age, disability, sexual orientation and gender
130 identity, primary language, occupation, household income, residence in elder care facilities and
131 other congregate care settings, housing status, and zip code, and publish said data on its website
132 not less than weekly except where publication would result in disclosure of personal information
133 as defined in chapter 93H of the general laws.

134

135 SECTION 8. (a) No later than February 26, 2021, the director shall submit to the chairs
136 of the senate and house committees on ways and means, the chairs of the joint standing
137 committee on COVID-19 and emergency preparedness and management, the chairs of the joint
138 committee on public health, and the chairs of the joint committee on state administration and
139 regulatory oversight a budget for effectuating the purposes of sections 1 to 4, inclusive. Said
140 budget shall specify the source or sources of funding, whether state, federal, or both, is planned

141 for each implementation element and whether any additional state appropriations are necessary
142 to achieve compliance with said sections.

143

144 (b) No later than March 26, 2021, and at least on every subsequent final Friday of the
145 month for the duration of the COVID-19 public health state of emergency, the secretary of the
146 executive office of health and human services or her designee shall report to the chairs of the
147 senate and house committees on ways and means, the chairs of the joint standing committee on
148 COVID-19 and emergency preparedness and management, the chairs of the joint committee on
149 public health, the chairs of the joint committee on state administration and regulatory oversight,
150 and the auditor the following financial information pertaining to COVID-19 vaccination in the
151 commonwealth, including without limitation vaccination education and information
152 dissemination and vaccination distribution: (i) funds expended on vaccinating residents of the
153 commonwealth, delineated by spending item and region of the commonwealth; provided,
154 however, that compliance with section 104 of Chapter 227 of the Acts of 2020 shall be
155 considered compliance with the requirements of this section; (ii) any amounts beyond existing
156 state and federal appropriations and reimbursements that may be needed to effectuate the
157 commonwealth's vaccination distribution plan generally, and the purposes of section 1
158 specifically; (iii) any updates to the budget submitted pursuant to paragraph (a) of this section;
159 (iv) a detailed accounting of all funds, including state and federal funds, distributed to local
160 boards of health, including any body that acts as a board of health, public health commission,
161 regional health district or health department of a municipality, since the last report, indicating
162 whether the funds came from state or federal sources, and a budget plan detailing planned or
163 anticipated distribution of funds to these local health agencies in the coming 3 months, indicating

164 the source of the funds; and (v) any additional financial information pertinent to the
165 implementation of the commonwealth's vaccination distribution plan and other provisions of this
166 act.

167

168 SECTION 9. The department of public health shall implement all reasonable efforts to
169 maximize federal reimbursement for COVID vaccination implementation efforts and efforts
170 pursuant to section 1. Such reasonable efforts shall include consideration of mobilizing the
171 Massachusetts National Guard to staff phone banking efforts undertaken pursuant to section 2.

172 SECTION 10. The department of public health shall take immediate action to eliminate
173 COVID-19 testing deserts in the commonwealth by launching at least 1 open access, no-
174 appointment, no-cost testing site in every gateway city in the commonwealth, to the extent no
175 such testing site already exists.

176

177 SECTION 11. This act shall remain in effect until the termination of the COVID-19
178 public health state of emergency.