SENATE DOCKET, NO. 699 FILED ON: 2/4/2021

SENATE . . . . . No. 1515

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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:	
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	
Sonia Chang-Diaz	*Second Suffolk*	
Liz Miranda	*5th Suffolk*	
Mindy Domb	*3rd Hampshire*	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	
Antonio F. D. Cabral	*13th Bristol*	
Adam Gomez	*Hampden*	*2/4/2021*
Steven C. Owens	*29th Middlesex*	*2/4/2021*
Mike Connolly	*26th Middlesex*	*2/4/2021*
Kip A. Diggs	*2nd Barnstable*	*2/4/2021*
Maria Duaime Robinson	*6th Middlesex*	*2/5/2021*
Marcos A. Devers	*16th Essex*	*2/5/2021*
Patricia D. Jehlen	*Second Middlesex*	*2/5/2021*
Diana DiZoglio	*First Essex*	*2/5/2021*
Harriette L. Chandler	*First Worcester*	*2/5/2021*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/5/2021*
Christina A. Minicucci	*14th Essex*	*2/5/2021*
Jason M. Lewis	*Fifth Middlesex*	*2/5/2021*

Julian Cyr	*Cape and Islands*	*2/5/2021*
Carol A. Doherty	*3rd Bristol*	*2/5/2021*
Jack Patrick Lewis	*7th Middlesex*	*2/6/2021*
John J. Cronin	*Worcester and Middlesex*	*2/8/2021*
David Henry Argosky LeBoeuf	*17th Worcester*	*2/8/2021*
Kay Khan	*11th Middlesex*	*2/8/2021*
Tami L. Gouveia	*14th Middlesex*	*2/8/2021*
Michael O. Moore	*Second Worcester*	*2/8/2021*
Kevin G. Honan	*17th Suffolk*	*2/8/2021*
Mark C. Montigny	*Second Bristol and Plymouth*	*2/8/2021*
Christopher Hendricks	*11th Bristol*	*2/10/2021*
Steven Ultrino	*33rd Middlesex*	*2/10/2021*
Thomas M. Stanley	*9th Middlesex*	*2/10/2021*
Carmine Lawrence Gentile	*13th Middlesex*	*2/12/2021*
Eric P. Lesser	*First Hampden and Hampshire*	*2/15/2021*
Danillo A. Sena	*37th Middlesex*	*2/24/2021*
Michael J. Barrett	*Third Middlesex*	*2/26/2021*
Erika Uyterhoeven	*27th Middlesex*	*2/26/2021*
Lori A. Ehrlich	*8th Essex*	*2/26/2021*
Carlos González	*10th Hampden*	*2/26/2021*
Nika C. Elugardo	*15th Suffolk*	*2/26/2021*
James B. Eldridge	*Middlesex and Worcester*	*3/1/2021*
Patrick M. O'Connor	*Plymouth and Norfolk*	*3/3/2021*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*3/5/2021*
Adam J. Scanlon	*14th Bristol*	*3/5/2021*
Nick Collins	*First Suffolk*	*3/11/2021*
Michael D. Brady	*Second Plymouth and Bristol*	*3/26/2021*
Joan B. Lovely	*Second Essex*	*3/31/2021*
John F. Keenan	*Norfolk and Plymouth*	*3/31/2021*
Adam G. Hinds	*Berkshire, Hampshire, Franklin and Hampden*	*4/20/2021*
Michael Rousseau		
Abigail Norman		
Brian Stilwell		
Allegra Clark		
Krista Magnuson		
Christine Poff		
Beverly Williams		
Liam Sullivan		

Martha Matlaw		
Melony Swasey		
Silja Kallenbach		
Jeremy Ogusky		
Beth Castrodale		
Erin Colgan-snyder		
Brendan Halpin		
Daniel Verinder		
Nancy Marks		
Pia Barth		
Jesse Littlewood		
Adina Koch		
Sandy Bailey		
Alexandra Marchosky		
Joanna Ware		
Claudia Dunne		
Dora Golding		
Ailsa Hermann-Wu		
Jennifer Uhrhane		
Naomi Sobel		
Scout Perry		
Becky Silverstein		
D'Anna Fortunato		
Naama Goldstein		
Karry Muzzey		
Jeanne Marie Hardin		
Rebecca Phillips		
Cathy Kristofferson		
George Hastie		
Francine Price		
Zack DeClerck		
Jessica Morris		
Josh Wolfsun		
Cindy Lu		
Beatriz Zapater		
Andrea Cherez		
Robert Cosgrove		
Ziba Cranmer		
Elaine Almquist		

Emma Brandeis		
Margaret Smith		
Megan Lamattina		
Samuel Warren		
Jaye Locke		
Steven Leibowitz		
Jill Seaman-Chandler		
David Faller		
Diane Brooks Ring		
Christopher Buttimer		
Laura Perille		
Rani Schloss		
Lindsay Southwick		
Brooks Winner		
Tania Castro-Daunais		
Debra Seymour		
Brian Eastwood		
Seth Signa		
Mayerly Smith		
Rani Jacobson		
Brian Coughlin		
Nithya Badrinath		
Shannon Lawler		
Sydney Kovar		
Amelia Browning		
Kristen Esser		
Ellen Miller		
Ana Salazar		
Emily Younger		
Jessica Lutz		
Miranda Feinberg		
Koren Phillips		
Emily Durfee		
Meghan Bailey		
Grace Riordan		
Matthew Rice		
Shaleen Title		
Aaron Femia		
Brigid Cawley		

Julia Cunha		
Helen Woods		
Lili Allen		
Katie Mazzeo		
Mark Smith		
Rebecca Mullaley		
Lauren Creamer		
Jasmina Burek		
Ian Evans		
Emily Fishman		
Kelly Chavez		
Monica Maganzini		
Kate Parker		
Neelia Jackson		
Katherine Genovese		
Sagie Tvizer		
Daniel Franklin		
Kevin Wentworth		
Cecil Cole		
Allison Roche		
Alejandro Gonzalez		
Alicen Savary		
Heather Levine		
Mia Platt		
Ashley Anechiarico		
Brianna Nassif		
Kyle Reilly		
Emily Cohen		
Sydney Collier		
Melissa Costa		
Frances Kearns		
Matthew Monteiro		
Jennifer Burt		
Adam Percy		
David Hofer		
Sofia M. R. Carlton		
Andrea Branchaud		
Karen Brouhard		
Jessica Uhlig		

Lilah Keegan		
Rachel Panitch		
Emily Procknal		
Fiona O'Connor		
Kate Schneider		
Darrian Moskowitz		
Dan Vinton		
Michaiah Parker		
Ryan McCarthy		
Charles Billings		
Madison Banker		
Ivy Bardaglio		
Lisa Pontoppidan		
Tom Bent		
Derek Campbell		
Miriam Messinger		
Sarah Koolsbergen		
Jennifer Hurley-Wales		
Aileen Montour		
Amy Mahler		
Angie Cradock		
kindalay Cummings-akers		
Clayton Novak		
Elisabeth L Daley		
Katharine Callard		
Maya Getter		
David Weilburg		
Jesse Pack		
Abraham Rebollo		
Robyn Ochs		
Elizabeth A Hawley		
Stanley sayer		
Kris Grymonpre		
Matthew Allen		
Ada Okun		
Abby Kaplan		
Megan Burns		
Jen Douglas		

SENATE DOCKET, NO. 699 FILED ON: 2/4/2021

SENATE . . . . . No. 1515

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1515) of Rebecca L. Rausch, Sonia Chang-Diaz, Liz Miranda, Mindy Domb and other members of the General Court for legislation relative to equity in COVID-19 vaccination. 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:

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

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

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

(b) The director shall undertake similar direct delivery methods and community partnerships to: (i) assist residents of communities described in paragraph (a) in completing self-

attestation forms and otherwise preparing for vaccination appointments; and (ii) support transportation-limited residents of communities described in paragraph (a) in getting to vaccination appointments or arranging for vaccinators to otherwise reach said residents.

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

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

SECTION 3. (a) Notwithstanding any general or special law to the contrary, the department of public health shall immediately deploy, in partnership with local or regional public health officials and experts whenever practicable, no fewer than 30 vans, buses, or other vehicles as vaccination vehicles to municipalities designated in this section for a minimum of 40 hours per week per vehicle, including some early morning, late evening, and weekend hours, for the sole and express purpose of vaccinating residents of those municipalities. The department shall

make reasonable efforts to utilize zero-emissions vehicles to satisfy the requirements of this section. The vaccination vehicles shall be deployed as follows: (i) 1 to the communities in the Cape and Islands region with the highest percent positivity rate in the region in the prior two weeks; (ii) 1 to the communities in the MetroWest/495 region with the highest percent positivity rate in the region in the prior two weeks; (iii) 2 to the communities in southeastern Massachusetts with the highest percent positivity rate in the region in the prior two weeks; (iv) 2 to the communities in the Merrimack Valley with the highest percent positivity rate in the region in the prior two weeks; (v) 2 to the communities in western Massachusetts with the highest percent positivity rate in the region in the prior two weeks; (vi) 2 to the communities in central Massachusetts with the highest percent positivity rate in the region in the prior two weeks; (iv) 3 to the neighborhoods in the city of Boston experiencing the highest percent positivity rates in the prior 2 weeks; and (viii) the remainder to other high-test, highest-contagion communities throughout the commonwealth, provided, however, that the director may deviate from the high-test, high-contagion requirement set forth in this element (viii) only if a strong health equity rationale exists for so deviating and only upon publication of said rationale. For purposes of this Act, the term “high-test, highest-contagion municipality” shall mean a municipality with one of the highest percent positivity rates among the 30 municipalities with the highest test counts in the commonwealth in the prior two weeks.

(b) Residents of the areas designated to be served by the vaccination vehicle program described in paragraph (a) of this section shall be eligible for vaccination via said program consistent with approvals by the federal drug administration and regardless of phase designations in the commonwealth’s vaccine distribution plan. Residency may be established by self-attestation.

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

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

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

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

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

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

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

(b) Further to the interim draft vaccination plan published by the department on its website in October of 2020 and submitted to and approved by the federal government, the department shall immediately publish on its website any updates to said plan and a detailed set of implementation protocols to overcome the vaccination disparities described in section 1 and ensure that 20 percent of the commonwealth's vaccine supply will be administered to residents of demographic communities with high social vulnerability and disproportionately and negatively impacted by COVID-19. The vaccination plan and implementation protocols shall be publicly updated within 24 hours of any subsequent modification or change thereto.

(c) To further effectuate transparency and equity regarding COVID vaccination, the department shall: (i) no less than weekly on Wednesdays beginning on February 10, 2021, publish on its website the number of unused vaccine doses in the commonwealth, an explanation for why the doses remain unused, and its plan to redistribute the doses; (ii) no less than weekly on Wednesdays beginning on February 10, 2021, publish on its website the vaccine doses

allocated throughout the commonwealth, delineated by vaccination location; and (iii) effective immediately, collect COVID vaccination data by key socioeconomic and demographic indicators, including race, gender, ethnicity, age, disability, sexual orientation and gender identity, primary language, occupation, household income, residence in elder care facilities and other congregate care settings, housing status, and zip code, and publish said data on its website not less than weekly except where publication would result in disclosure of personal information as defined in chapter 93H of the general laws.

SECTION 8. (a) No later than February 26, 2021, the director shall submit to the chairs of the senate and house committees on ways and means, the chairs of the joint standing committee on COVID-19 and emergency preparedness and management, the chairs of the joint committee on public health, and the chairs of the joint committee on state administration and regulatory oversight a budget for effectuating the purposes of sections 1 to 4, inclusive. Said budget shall specify the source or sources of funding, whether state, federal, or both, is planned for each implementation element and whether any additional state appropriations are necessary to achieve compliance with said sections.

(b) No later than March 26, 2021, and at least on every subsequent final Friday of the month for the duration of the COVID-19 public health state of emergency, the secretary of the executive office of health and human services or her designee shall report to the chairs of the senate and house committees on ways and means, the chairs of the joint standing committee on COVID-19 and emergency preparedness and management, the chairs of the joint committee on public health, the chairs of the joint committee on state administration and regulatory oversight, and the auditor the following financial information pertaining to COVID-19 vaccination in the commonwealth, including without limitation vaccination education and information

dissemination and vaccination distribution: (i) funds expended on vaccinating residents of the commonwealth, delineated by spending item and region of the commonwealth; provided, however, that compliance with section 104 of Chapter 227 of the Acts of 2020 shall be considered compliance with the requirements of this section; (ii) any amounts beyond existing state and federal appropriations and reimbursements that may be needed to effectuate the commonwealth's vaccination distribution plan generally, and the purposes of section 1 specifically; (iii) any updates to the budget submitted pursuant to paragraph (a) of this section; (iv) a detailed accounting of all funds, including state and federal funds, distributed to local boards of health, including any body that acts as a board of health, public health commission, regional health district or health department of a municipality, since the last report, indicating whether the funds came from state or federal sources, and a budget plan detailing planned or anticipated distribution of funds to these local health agencies in the coming 3 months, indicating the source of the funds; and (v) any additional financial information pertinent to the implementation of the commonwealth's vaccination distribution plan and other provisions of this act.

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

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

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