



# Public Health Law

Office for State, Tribal, Local and Territorial Support  
Centers for Disease Control and Prevention

## Menu of State Long-Term Care Facility Pneumococcal Vaccination Laws

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This menu is one of a series of menus assessing vaccination requirements for patients and healthcare workers in healthcare facilities. To reduce the risk of disease as well as disease transmission and outbreaks, healthcare facilities across the country are increasingly requiring healthcare workers and patients to be vaccinated for certain vaccine-preventable diseases.<sup>1</sup> In some instances, facilities are establishing these requirements under mandates set forth by state statutes or regulations. Depending on the vaccine, the legal requirements might apply to either patients, healthcare workers, or both, and can include the following types of provisions:

- **Assessment Requirements**  
The healthcare facility must assess a healthcare worker or patient's vaccination status<sup>2</sup>
- **Administrative Requirements for Offering Vaccination**  
The healthcare facility must offer a vaccination to a healthcare worker or patient<sup>3</sup>
- **Administrative Requirements for Ensuring Vaccination**  
The healthcare facility must require a healthcare worker or patient to demonstrate proof of vaccination or immunity against a specific vaccine preventable disease<sup>4</sup>

*Streptococcus pneumoniae* bacteria, or pneumococcus, can cause many types of illnesses, some of which can be life-threatening.<sup>5</sup> For example, invasive pneumococcal disease is an infection caused by *Streptococcus pneumoniae*.<sup>6</sup> In fact, pneumococcal bacteria are one of the most common causes of severe pneumonia.<sup>7</sup> Each year in the United States, pneumococcal disease causes thousands of infections, such as meningitis, bloodstream infections, pneumonia, and ear infections.<sup>8</sup>

An estimated 900,000 Americans get pneumococcal pneumonia each year, and about 5%–7% die from it.<sup>9</sup> Most (>95%) pneumococcal deaths in the United States are in adults, yet about 67 million adults at increased risk remain unvaccinated, leaving them vulnerable to infection.<sup>10</sup>

CDC recommends that adults aged 65 years or older receive the pneumococcal vaccine. Visit CDC's [Recommended Vaccines for Adults](#) web page for information about this and other recommended vaccines. To learn more visit CDC's [Pneumococcal Vaccination](#) page.



Pneumococcal vaccines are very good at preventing severe disease, hospitalization, and death.<sup>11</sup> Vaccination is the safest, most effective way to protect against pneumococcal disease.<sup>12</sup> In healthcare settings, pneumococcal bacteria can be transmitted between healthcare workers and patients through direct contact with respiratory secretions.<sup>13</sup> There are two pneumococcal vaccines recommended for some adults. Pneumococcal conjugate vaccine is recommended for all babies and children younger than 2 years old, all adults aged 65 years or older, and people aged 2–64 years with certain medical conditions.<sup>14</sup> Pneumococcal polysaccharide vaccine is recommended for all adults aged 65 years or older, people aged 2–64 years who are at increased risk for disease due to certain medical conditions, and adults aged 19–64 years who smoke cigarettes.<sup>15</sup>

Results from this assessment showed that more than half of states have pneumococcal vaccination requirements for patients in long-term care facilities; far fewer have such requirements for healthcare workers in long-term care facilities. It is important to note that there is no ACIP recommendation for pneumococcal vaccination of healthcare workers who do not meet individual age or risk-based criteria for vaccination; therefore, it is expected that there would be far fewer healthcare worker vaccination requirements. Specifically, six states have pneumococcal vaccination requirements for healthcare workers<sup>16</sup> and 29 states have requirements for patients.<sup>17</sup> This menu assesses and gives examples of state laws that expressly establish pneumococcal vaccination requirements for healthcare workers and patients in long-term care facilities.<sup>18</sup>

## Pneumococcal Vaccination Laws for Healthcare Workers in Long-Term Care Facilities

Long-term care facilities “provide a variety of services, both medical and personal care, to people who are unable to manage independently in the community.”<sup>19</sup> Examples of long-term care facilities include nursing homes and skilled nursing facilities, among others.<sup>20</sup> These laws establish requirements based on the long-term care facility type and the type of vaccination requirements. In addition, some state laws allow for vaccination exemptions.

### Examples by Long-Term Care Facility Type

Six states’ pneumococcal vaccination provisions expressly reference long-term care facilities or apply to healthcare facilities that are considered long-term care facilities, such as nursing facilities.<sup>21</sup>

#### All Long-Term Care Facilities

- **New York** law requires that “[e]very long-term care facility shall . . . request that the employee agree to be immunized against influenza virus and pneumococcal disease.”<sup>22</sup>

#### Nursing Facility

- Under **District of Columbia** law, nursing facilities “shall ensure that each resident and each employee has either received immunization against influenza virus or has refused such, and that . . . each employee . . . has either received immunization against pneumococcal disease or has refused such vaccination.”<sup>23</sup>

### Examples by Healthcare Worker Type

#### All Healthcare Workers

Five states have pneumococcal vaccination requirements for all healthcare workers in long-term care facilities.<sup>24</sup>

- **Rhode Island** law requires that, “every facility in this state shall request that . . . employees be immunized for . . . pneumococcal disease.”<sup>25</sup>

### Healthcare Workers Who Meet Age- or Risk-Based Criteria

The District of Columbia is the only jurisdiction that establishes pneumococcal vaccination requirements for long-term care facility healthcare workers who are either 1) age 65 years or older or 2) at risk.<sup>26</sup>

- **District of Columbia** law states that “The following persons shall undergo immunization for pneumococcal disease: (a) . . . employees sixty-five (65) years of age or older; (b) . . . employees under the age of sixty-five (65) years with chronic cardiovascular disease, chronic pulmonary disease, diabetes mellitus, alcoholism, chronic liver disease, cerebrospinal fluid leaks, or functional or anatomic asplenia; and (c) . . . employees under the age of sixty-five (65) years who are immunocompromised, receiving immunosuppressive therapy, or who have received an organ or bone marrow transplant.”<sup>27</sup>

## Examples by Requirement Type

### Assessment

Four states have pneumococcal vaccination assessment requirements for healthcare workers in long-term care facilities.<sup>28</sup>

- **Kentucky** law requires that, “[u]pon employment, the long-term care facility shall . . . [a]ssess the employee's immunization status for . . . pneumococcal disease.”<sup>29</sup>
- Under **New York** law, a “long-term care facility shall require documentation of . . . immunization against pneumococcal disease for each employee.”<sup>30</sup>

### Administrative Offer

Four states require long-term care facilities to offer pneumococcal vaccination to healthcare workers.<sup>31</sup>

- Per **Utah** law, “[t]he long-term care facility shall annually make . . . pneumococcal immunizations available to all . . . employees” who are not immunized.<sup>32</sup>
- Under **Kentucky** law, “[u]pon employment, the long-term care facility shall . . . [p]rovide or arrange for immunizations against pneumococcal. . . .”<sup>33</sup> disease.

### Administrative Ensure

Five states require long-term care facilities to ensure that healthcare workers are vaccinated against pneumococcal disease.<sup>34</sup>

- **Rhode Island** law states that “every facility in this state shall request that . . . employees be immunized for . . . pneumococcal disease.”<sup>35</sup>
- Per **New York** law, “every long-term care facility in this state shall require . . . employees to be immunized for influenza virus and pneumococcal disease.”<sup>36</sup>

## Examples by Exemption Type

States with pneumococcal vaccination requirements often explicitly permit exemptions from those requirements in certain circumstances,<sup>37</sup> such as when vaccination is medically contraindicated or when it violates a person’s religious or philosophical beliefs.<sup>38</sup>

## Medical

Six states permit medical exemptions for pneumococcal vaccination requirements,<sup>39</sup> although even where not explicitly exempted by law, employees with a medically contraindicated condition would not be required to be vaccinated.

- Per **District of Columbia** law, nursing facility employees are not required to be immunized for pneumococcal disease “if such immunization is medically contraindicated for that individual.”<sup>40</sup>
- Under **Rhode Island** law, “No . . . employee shall be required to receive either the influenza or pneumococcal vaccine if . . . the vaccine is contraindicated . . . .”<sup>41</sup>

## Religious

Five states permit religious exemptions.<sup>42</sup>

- **New York** law states that “[n]o individual shall be required to receive either an influenza vaccine or pneumococcal vaccine if the vaccine . . . is against his or her religious beliefs.”<sup>43</sup>
- **Kentucky** law states that the employee is not required to receive the pneumococcal vaccine if “[t]he employee . . . objects to the immunizations due to religious beliefs . . . .”<sup>44</sup>

## Philosophical

Six states permit philosophical exemptions.<sup>45</sup>

- Under **Pennsylvania** law, “[n]o . . . employee shall be required to receive . . . the . . . pneumococcal vaccine if . . . the employee . . . refuses the vaccine after being fully informed of the health risks of such action.”<sup>46</sup>
- Per **Utah** law, “[t]he following are exempt from . . . pneumococcal immunizations . . . an employee who has refused the immunization(s) after having been given the opportunity to be immunized . . . .”<sup>47</sup>

## Pneumococcal Vaccination Laws for Patients in Long-Term Care Facilities

Twenty-nine states have pneumococcal vaccination laws for patients in long-term care facilities.<sup>48</sup> These laws establish requirements based on the long-term care facility and patient category and the type of vaccination requirements. In addition, state laws sometimes allow for vaccination exemptions.

### Examples by Long-Term Care Facility Type

#### All Long-Term Care Facilities

- In **Kentucky**, every “long-term care facility shall require residents to be immunized against pneumococcal disease . . . .”<sup>49</sup>

#### Nursing Homes

- Under **North Carolina** law, “a nursing home . . . shall require residents to also be immunized against pneumococcal disease.”<sup>50</sup>

### Examples by Patient Type

While many states have vaccination laws that apply to all patients, other states have vaccination laws for patients who are particularly vulnerable to pneumococcal disease.

#### All Patients

Twenty-two states have pneumococcal vaccination laws for all long-term care facility patients.<sup>51</sup>

- **Arkansas** law provides that nursing home facilities shall require that “all residents . . . be immunized against pneumococcal disease as a condition of residency in said facility. . . .”<sup>52</sup>

### Patients Aged 65 Years or Older

Nine states have pneumococcal vaccination laws for patients aged 65 years or older.<sup>53</sup>

- Under **Delaware** law, “all facilities shall have on file evidence of vaccination against pneumococcal pneumonia for all residents older than 65 . . . .”<sup>54</sup>

### Patients at Risk

Three states establish pneumococcal vaccination laws for at-risk patients, as identified by the long-term care facility.<sup>55</sup>

- **Texas** law requires that nursing homes “offer pneumococcal vaccination . . . to residents younger than 65 years of age who have not received this vaccine but are candidates for vaccination because of chronic illness.”<sup>56</sup>

## Examples by Requirement Type

### Assessment

Twenty-three states have pneumococcal vaccination assessment requirements for certain patients in long-term care facilities.<sup>57</sup>

- **Florida** law requires that nursing home facilities “assess each resident within 5 business days after admission for eligibility for pneumococcal vaccination or revaccination.”<sup>58</sup>
- Under **Rhode Island** law, “[e]very facility shall document . . . immunization . . . against pneumococcal disease for each resident which includes written evidence from a health care provider indicating the date and location the vaccine was administered.”<sup>59</sup>

### Administrative Offer

Twenty-four states require long-term care facilities to offer pneumococcal vaccination to their patients.<sup>60</sup>

- **Georgia** law requires that “all nursing homes . . . offer . . . a pneumococcal bacteria vaccine to all Medicare-eligible patients and all private-pay patients, 65 years of age or older . . . .”<sup>61</sup>
- **Texas** law requires that nursing homes “offer pneumococcal vaccination to all residents 65 years of age or older who have not received this immunization and to residents younger than 65 years of age who have not received this vaccine but are candidates for vaccination because of chronic illness.”<sup>62</sup>

### Administrative Ensure

Twenty-two states require long-term care facilities to ensure patients are vaccinated against pneumococcal disease.<sup>63</sup>

- **New York law** specifies that “every long-term care facility in this state shall require residents and employees to be immunized for . . . pneumococcal disease in accordance with regulations of the commissioner.”<sup>64</sup>
- Under **Texas** law, “[p]neumococcal vaccine must be offered . . . and . . . [v]accination must be completed unless the vaccine is medically contraindicated by a physician or the resident refuses the vaccine.”<sup>65</sup>

## Examples by Exemption Type

### Medical

Twenty-seven states explicitly permit long-term care facility patients to be exempted from receiving pneumococcal vaccination for medical reasons,<sup>66</sup> although even where not explicitly exempted by law, patients with a medically contraindicated condition would not be required to be vaccinated.

- **Hawaii** law states that “[e]ach resident shall receive age-appropriate immunizations or vaccinations including but not limited to pneumococcal . . . vaccines and any necessary immunizations following the recommendations of the Advisory Committee [on] Immunization Practices unless otherwise contraindicated.”<sup>67</sup>
- **Illinois** law requires that facilities administer or arrange for administration of a pneumococcal vaccination to each resident “unless . . . the vaccination is medically contraindicated.”<sup>68</sup>

### Religious

Fourteen states permit religious exemptions.<sup>69</sup>

- **Florida** law states that “[i]f indicated, the [nursing home] resident shall be vaccinated or revaccinated within 60 days after admission . . . subject to exemptions for . . . religious . . . beliefs.”<sup>70</sup>
- Per **Maryland** law, the resident is not required to receive the pneumococcal vaccine if “[t]he vaccine is against the resident’s . . . religious beliefs . . . .”<sup>71</sup>

### Philosophical

Twenty-three states permit philosophical exemptions.<sup>72</sup>

- Under **New Jersey** law, residential healthcare facilities “shall provide or arrange for pneumococcal vaccination of residents who have not received this immunization, prior to or on admission unless the resident refuses offer of the vaccine.”<sup>73</sup>
- **New York** law states that “[n]o individual shall be required to receive [a] pneumococcal vaccine if . . . he or she refuses the vaccine after being fully informed of the health risks of such action.”<sup>74</sup>

## Acknowledgments and Disclaimers

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*This menu includes states laws collected from WestlawNext during October 19–27, 2016.*

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## Appendix 1

### Pneumococcal Vaccination Laws for Healthcare Workers (HCWs) in Long-Term Care (LTC) Facilities

State	Citation	HCW Type			LTC Facility Type		Requirement Type			Exemptions			
		All employees	65+ years	Staff at risk	All LTC facilities	Nursing facility	Assessment	Administrative offer	Administrative ensure	None specified <sup>75</sup>	Medical	Religious	Philosophical <sup>76</sup>
KY	KRS § 209.552; 209.550;* 216.510*	X			X		X	X	X		X	X	X
	902 Ky. Admin. Regs. 2:065	X			X		X		X		X		X
NY	McKinney's Public Health Law § 2192, § 2194, § 2195, § 2191*	X <sup>77</sup>			X <sup>78</sup>		X <sup>79</sup>	X <sup>80</sup>	X <sup>81</sup>		X <sup>82</sup>	X <sup>83</sup>	X <sup>84</sup>
PA	35 P.S. § 632.3, §632.6, § 632.2*, § 632.4	X			X				X		X	X	X
RI	Gen. Laws 1956, § 23-17.19-3, § 23-17.19-2*, § 23-17.19-6	X			X				X <sup>85</sup>		X	X	X
UT	U.A.C. R432-40, R432-40-3*	X			X		X	X			X		X
DC	22-B DCMR § 3222, § 299*, § 298*		X	X		X	X	X	X		X	X	X

\*Provision includes definition.

## Appendix 2

### Pneumococcal Vaccination Laws for Patients in Long-Term Care (LTC) Facilities

State	Citation	LTC Facility Type						Patient Type			Requirement Type			Exemptions			
		All LTC facilities	Nursing facilities	Life care facilities	Shelter care Facilities	Veterans homes	Nursing Homes	All patients	65+ years	Patients at risk	Assessment	Admin. offer	Admin. ensure	None specified <sup>86</sup>	Medical	Religious	Philosophical <sup>87</sup>
AL	Ala. Code 1975 §22-21-10	X						X			X	X	X		X	X	X
AR	A.C.A. §20-10-1304, §20-10-1305, §20-10-1303*						X	X			X				X	X	X <sup>88</sup>
	Ark. Admin. Code 007.15.5-VI, 007.15.5-III*, 007.15.5-IV						X	X			X		X			X	X
CA	West's Ann. Cal. Health & Safety Code §120392.4, §120392.6, §120392*		X					X			X	X			X		X
	CAL. HEALTH & SAFETY CODE § 120392.2; 120392.6; 120392*		X						X			X			X		X
CT	C.G.S.A. § 19a-522, § 19a-521*						X	X					X		X	X	
	Regs. Conn. State Agencies §19-13-D8t, §19-13-D8t (a)*						X	X				X	X		X	X	
DE	16 Del. Admin. Code 3201-6.0, 3201-2.0*		X						X		X		X		X		X
FL	West's F.S.A. §400.141, § 400.021*						X	X			X		X		X	X	X
GA	Ga. Code Ann., §31-7-2.1, § 31-7-1*						X		X			X			X		
	Ga Comp. R. & Regs. 111-8-56-.27, 111-8-56-.01*						X		X			X			X		
HI	Haw. Admin. Rules §11-94.1-42, § 11-94.1-2		X					X					X		X		X

IL	77 Ill. Adm. Code 300.1060, 390.330*		X					X			X	X	X		X		X
	77 Ill. Adm. Code 340.1640; 340.1000*	X				X		X			X	X	X		X		X
	77 Ill. Adm. Code 390.1140	X <sup>89</sup>						X			X	X	X		X		X
	77 Ill. Adm. Code 330.1160				X			X			X	X	X		X		X
	210 ILCS 45/2-213, 45/1-113*						X	X			X	X	X		X		X
	210 ILCS 40/10.1, 210 Ill. Comp. Stat. Ann. 40/2*			X					X		X	X	X		X		X
IN	IC § 16-28-14-3, § 16- 28-15-3* ; ; 16-28-14- 5, 16-28-14-6 § 16- 28-14-2*					X		X			X	X	X		X	X	X
KY	KRS § 209.552, §209.550*	X						X			X	X	X		X	X	X
	902 Ky. Admin. Regs. 2:065	X						X			X		X		X		X
ME	10-144 CMR Ch. 101, Ch. II, § 67		X					X			X	X	X		X		X
MD	MD Code, Health - General, § 18-404, § 18-404*, § 19-301*	X						X			X	X	X		X	X	X
NE	Neb. Rev. St. § 71- 468, § 71-413*		X					X				X			X		
NH	N.H. Code Admin. R. He-P 803.23, 803.03*, N.H. REV. STAT. ANN. § 151:9-b						X	X			X	X	X		X <sup>90</sup>	X <sup>91</sup>	
NJ	N.J.A.C. 8:39–19.4, 8:39–1.2*	X							X		X	X	X		X		X
	N.J.A.C. §8:43–16.2, §8:39-1.2*					X			X		X	X	X		X		X
	N.J.A.C. 5:27A–16.2, 5:27A–1.3*					X			X		X	X	X		X		X
NY	McKinney's Public Health Law § 2192, § 2193, § 2195, § 2191*	X <sup>92</sup>						X <sup>93</sup>			X <sup>94</sup>	X <sup>95</sup>	X <sup>96</sup>		X <sup>97</sup>	X <sup>98</sup>	X <sup>99</sup>
NC	N.C.G.S.A. § 131E- 113, § 131E-101*					X	X				X	X	X		X	X	X

OH	OAC 3701-17-13, 3701-17-01*						X	X				X		X			
	R.C. § 3721.041, § 3721.01*						X	X			X	X			X		X
	OAC 3701-17-58, OAC 3701-17-01*						X	X				X			X		X
OK	Okla. Admin. Code 310:675-9-31, Okla. Admin. Code 310:675-1-2*		X					X						X			X
PA	35 P.S. § 632.3, §632.4, §632.6, § 632.2*	X						X			X	X	X		X	X	X
RI	Gen. Laws 1956, § 23-17.19-3, § 23- 17.19-4, § 23-17.19- 6, § 23-17.19-2*	X						X			X	X	X		X	X	X
	R.I. Admin. Code 31- 4-8:22.0, 31-4- 8:59.0*		X					X			X	X	X		X	X	X
SD	ARSD 44:73:04:10, 44:73:01:01*		X					X			X	X	X		X	X	X
TN	Tenn. Comp. R. & Regs. 1200-08-06- .06, 1200-08-06-01*						X		X		X	X	X		X		X
TX	40 TAC § 19.1601, § 19.101*						X		X	X	X	X	X		X		X
	25 TAC § 97.202, § 97.201, V.T.C.A., Health & Safety Code § 242.002*						X		X	X	X	X	X		X		X
	V.T.C.A., Health & Safety Code § 161.0051, § 161.0001*						X		X			X		X			
UT	U.A.C. R432-40, R432-40-3*	X							X	X	X	X			X		X
VA	VA Code Ann. § 32.1- 127, § 32.1-123*		X				X	X				X	X		X		X
	12 VAC 5-371-110, 12 VAC 5-371-10*		X				X	X				X	X		X		X

<b>WA</b>	West's RCWA 74.42.285, 74.42.010*						X	X			X			X			
<b>DC</b>	22-B DCMR § 3222, § 299*		X						X	X	X	X	X		X	X	X

\*Provision includes definition

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<sup>1</sup> Alexandra Stewart et al. *Mandatory Vaccination of Health-Care Personnel: Good Policy, Law, and Outcomes*, 53 *Jurimetrics J.* 341 (Apr. 2013).

<sup>2</sup> MC Lindley, GA Horlick, AM Shefer, FE Shaw & M Gorji. *Assessing State Immunization Requirements for Healthcare Workers and Patients*. *Am. j. of preventive med.* 32(6), 459–65, 460 (2007).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> [Types of Infection](#), Centers for Disease Control and Prevention, (last visited Jan. 17, 2017).

<sup>6</sup> [About Pneumococcal Disease](#), Centers for Disease Control and Prevention, (last visited Jan. 12, 2017).

<sup>7</sup> [Types of Infection](#), Centers for Disease Control and Prevention, (last visited Jan. 17, 2017).

<sup>8</sup> [Pneumococcal Vaccination](#), Centers for Disease Control and Prevention, (last visited Jan. 17, 2017).

<sup>9</sup> [Fast Facts](#), Centers for Disease Control and Prevention, (last visited Feb. 6, 2017).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> [Pneumococcal Vaccination](#), Centers for Disease Control and Prevention, (last visited Jan. 17, 2017).

<sup>13</sup> [About Pneumococcal Disease](#), Centers for Disease Control and Prevention, (last visited Jan. 12, 2017).

<sup>14</sup> [Pneumococcal Vaccination](#), Centers for Disease Control and Prevention, (last visited Jan. 17, 2017).

<sup>15</sup> *Id.*

<sup>16</sup> District of Columbia, Kentucky, New York, Pennsylvania, Rhode Island, and Utah. See Appendix 1 for citations.

<sup>17</sup> Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, and Washington. See Appendix 2 for citations.

<sup>18</sup> CDC's Public Health Law Program (PHLP) conducted a search for state statutes and regulations that establish express pneumococcal vaccination requirements for healthcare workers and patients using WestlawNext, a legal research database. Searches were conducted for all states and the District of Columbia during October 19–27, 2016. This assessment did not capture state requirements that incorporate CDC vaccination recommendations by reference. Laws regarding childhood vaccinations, school vaccinations, immunization registries, blood, tissue, and organ donor requirements, post-exposure vaccinations, physician standing orders, and primary care provider and individual healthcare provider requirements to vaccinate patients were not within the scope of this assessment. Laws establishing vaccination requirements as a condition for participation in a health plan were also excluded.

<sup>19</sup> Centers for Disease Control and Prevention, [Nursing Homes and Assisted Living \(Long-Term Care Facilities \[LTCFs\]\)](#), (last visited Jan. 30, 2017). PHLP did not consider the following facilities to be long-term care facilities regardless of the level of nursing care offered: assisted living facilities, substance abuse treatment facilities, rehabilitation facilities, adult day cares, hospice care facilities, home health agencies, health facilities for developmentally disabled persons, rest homes, and group homes.

<sup>20</sup> See, e.g., 22-B DCMR § 3222; U.A.C. R432-150.

<sup>21</sup> District of Columbia, Kentucky, New York, Pennsylvania, Rhode Island, and Utah. See Appendix 1 for citations.

<sup>22</sup> McKinney's Public Health Law § 2194.

<sup>23</sup> 22-B DCMR § 3222

<sup>24</sup> Kentucky, New York, Pennsylvania, Rhode Island, and Utah, See Appendix 1 for citations.

<sup>25</sup> Gen. Laws 1956, § 23-17.19-3

<sup>26</sup> District of Columbia. See Appendix 1 for citations.

<sup>27</sup> 22-B DCMR § 3222.

<sup>28</sup> District of Columbia, Kentucky, New York, and Utah. See Appendix 1 for citations.

<sup>29</sup> KRS § 209.552.

<sup>30</sup> McKinney's Public Health Law § 2194

<sup>31</sup> District of Columbia, Kentucky, New York, and Utah. See Appendix 1 for citations.

<sup>32</sup> U.A.C. R432-40.

<sup>33</sup> KRS § 209.552.

<sup>34</sup> District of Columbia, Kentucky, New York, Pennsylvania, and Rhode Island. See Appendix 1 for citations.

<sup>35</sup> Gen.Laws 1956, § 23-17.19-3.

<sup>36</sup> McKinney's Public Health Law § 2192.

<sup>37</sup> See, e.g., 22-B DCMR § 3222; Regs. Conn. State Agencies § 19-13-D8t; KRS § 209.552. Even where not explicitly exempted by law it is likely that patients with a medically contraindicated condition are not required to be vaccinated.

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- <sup>38</sup> Philosophical exemptions include exemptions based on philosophical or personal beliefs or allowing the right to decline or refuse an immunization.
- <sup>39</sup> District of Columbia, Kentucky, New York, Pennsylvania, Rhode Island, and Utah. See Appendix 1 for citations.
- <sup>40</sup> 22-B DCMR § 3222.
- <sup>41</sup> Gen.Laws 1956, § 23-17.19-6.
- <sup>42</sup> District of Columbia, Kentucky, New York, Pennsylvania, and Rhode Island. See Appendix 1 for citations.
- <sup>43</sup> McKinney's Public Health Law § 2195
- <sup>44</sup> KRS § 209.552
- <sup>45</sup> District of Columbia, Kentucky, New York, Pennsylvania, Rhode Island, and Utah. See Appendix 1 for citations.
- <sup>46</sup> 35 P.S. § 632.6.
- <sup>47</sup> U.A.C. R432-40.
- <sup>48</sup> Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, and Washington. See Appendix 2 for citations. Note, New Jersey law defines "residential health care facility" as "a facility located with, and operated by, a licensed health care facility that provides food, shelter, supervised health care and related services, in a homelike setting, to four or more persons 18 years of age or older who are unrelated to the owner or administrator" and has been included in this assessment as a "health care facility". N.J.A.C. 5:27A-16.2
- <sup>49</sup> KRS § 209.552.
- <sup>50</sup> N.C.G.S.A. § 131E-113.
- <sup>51</sup> Alabama, Arkansas, California, Connecticut, Florida, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, Virginia, and Washington. See Appendix 2 for citations.
- <sup>52</sup> Ark. Admin. Code 007.15.5-IV.
- <sup>53</sup> California, Delaware, District of Columbia, Georgia, Illinois, New Jersey, Tennessee, Texas, and Utah. See Appendix 2 for citations.
- <sup>54</sup> 16 Del. Admin. Code 3201-6.0.
- <sup>55</sup> District of Columbia, Texas, and Utah. See Appendix 2 for citations.
- <sup>56</sup> 25 TAC § 97.202.
- <sup>57</sup> Alabama, California, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, and Washington. See Appendix 2 for citations. Note, Florida law requires the facility to "[a]ssess each resident within 5 business days after admission for *eligibility* for pneumococcal vaccination or revaccination." *Assessing for eligibility* was considered an assessment requirement.
- <sup>58</sup> West's F.S.A. § 400.141.
- <sup>59</sup> Gen.Laws 1956, § 23-17.19-4.
- <sup>60</sup> Alabama, California, Connecticut, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, and Virginia. See Appendix 2 for citations.
- <sup>61</sup> Ga. Code Ann., § 31-7-2.1.
- <sup>62</sup> 25 TAC § 97.202.
- <sup>63</sup> Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, and Virginia. See Appendix 2 for citations.
- <sup>64</sup> McKinney's Public Health Law § 2192.
- <sup>65</sup> 25 TAC § 97.202.
- <sup>66</sup> Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Kentucky, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, and Virginia. See Appendix 2 for citations. Please note that even where not explicitly exempted by law it is likely that patients with a medically contraindicated condition are not required to be vaccinated.
- <sup>67</sup> Haw. Admin. Rules § 11-94.1-42.
- <sup>68</sup> 210 ILCS 45/2-213.
- <sup>69</sup> Alabama, Arkansas, Connecticut, District of Columbia, Florida, Indiana, Kentucky, Maryland, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, and South Dakota. See Appendix 2 for citations.

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<sup>70</sup> West's F.S.A. § 400.141.

<sup>71</sup> MD Code, Health - General, § 18-404.

<sup>72</sup> Alabama, Arkansas, California, Delaware, District of Columbia, Florida, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, and Virginia. See Appendix 2 for citations.

<sup>73</sup> N.J.A.C. 5:27A-16.2.

<sup>74</sup> McKinney's Public Health Law § 2195.

<sup>75</sup> Please note that even where not explicitly exempted by law, it is likely that patients with a medically contraindicated condition are not required to be vaccinated.

<sup>76</sup> Philosophical exemptions include exemptions based on philosophical or personal beliefs or allowing the right to decline an immunization.

<sup>77</sup> Expires soon. Current through L.2016, chapters 1 to 503.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> Rhode Island law states that "Except as provided in § 23-17.19-6, every facility in this state shall request that residents and employees be immunized for influenza virus and pneumococcal disease in accordance with this chapter." Chapter 17.19 states laws concerning immunization in long term facilities, this section specifically references long-term care resident and employee immunization requirements. § 23-17.19-6 provides the circumstances for which an employee or resident may be exempt from requirements stated in this section.

<sup>86</sup> Please note that even where not explicitly exempted by law, it is likely that patients with a medically contraindicated condition are not required to be vaccinated.

<sup>87</sup> Philosophical exemptions include exemptions based on philosophical or personal beliefs or allowing the right to decline an immunization.

<sup>88</sup> Arkansas law states that each nursing home facility shall "obtain consent from residents or their legal guardians upon admission to participate in all immunization programs that are conducted within the facility while that person is a resident of that facility, and not in violation of the resident's right to refuse treatment." ARK. CODE ANN. § 20-10-1304(b)(1).

<sup>89</sup> Note that 77 Ill. Adm. Code 390.1140 specifically refers to "Long-Term Care for Under Age 22 Facilities" which is defined by Ill. Admin. Code tit. 77, § 390.330 as follows: "Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities."

<sup>90</sup> Note that medical exemptions are incorporated by reference in N.H. Code Admin. R. He-P 803.23 where it states that "The licensee shall immunize all consenting residents for influenza and pneumococcal disease and all consenting personnel for influenza in accordance with RSA 151:9-b . . ." N.H. REV. STAT. ANN. § 151:9-b states that "[i]mmunization of all consenting patients shall be . . . subject to exemptions for medical contraindications . . ."

<sup>91</sup> Note that religious exemptions are incorporated by reference in N.H. Code Admin. R. He-P 803.23 where it states that "The licensee shall immunize all consenting residents for influenza and pneumococcal disease and all consenting personnel for influenza in accordance with RSA 151:9-b . . ." N.H. REV. STAT. ANN. § 151:9-b states that "[i]mmunization of all consenting patients shall be . . . subject to exemptions for . . . religious beliefs."

<sup>92</sup> Expires soon. Current through L.2016, chapters 1 to 503.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*