

SENATE BILL NO. 81

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATOR KELLY BY REQUEST, Senator Ellis

Introduced: 2/10/97

Referred: State Affairs, HESS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to immunization records for children under the age of seven."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 18.23.030(a) is amended to read:

4 (a) Except as provided in (b) of this section and AS 18.50.230(b), all data and
5 information acquired by a review organization, in the exercise of its duties and
6 functions, shall be held in confidence and may not be disclosed to anyone except to
7 the extent necessary to carry out the purposes of the review organization, and is not
8 subject to subpoena or discovery. Except as provided in (b) of this section, a person
9 described in AS 18.23.020 may not disclose what transpired at a meeting of a review
10 organization except to the extent necessary to carry out the purposes of a review
11 organization, and the proceedings and records of a review organization are not subject
12 to discovery or introduction into evidence in a civil action against a health care
13 provider arising out of the matter that is the subject of consideration by the review
14 organization. Information, documents, or records otherwise available from original
15 sources are not immune from discovery or use in a civil action merely because they

1 were presented during proceedings of a review organization, nor may a person who
2 testified before a review organization or who is a member of it be prevented from
3 testifying as to matters within the person's knowledge, but a witness may not be asked
4 about the witness's testimony before a review organization or opinions formed by the
5 witness as a result of its hearings, except as provided in (b) of this section.

6 * **Sec. 2.** AS 18.50.230(b) is amended to read:

7 (b) The funeral director or person acting as the funeral director who first
8 assumes custody of a dead body shall file the death certificate. **Except as otherwise**
9 **provided in this subsection, in the case of the death of a child who is under the**
10 **age of seven, the death certificate must be accompanied by a record of the dates,**
11 **if any, on which the child was immunized against diseases, the name and type of**
12 **each vaccine administered, the name of each vaccine's manufacturer, and each**
13 **vaccine's lot and batch number.** The funeral director or the person acting as the
14 funeral director shall obtain the personal data **and immunization record** from the next
15 of kin or the best qualified person or source available and the medical certification of
16 cause of death from the person responsible for this information. **If the immunization**
17 **record cannot be obtained within three days of the child's death, the funeral**
18 **director or person acting as the funeral director shall file the death certificate in**
19 **compliance with the time limit in (a) of this section, continue efforts to obtain the**
20 **immunization record from the next of kin or other source, and request the**
21 **immunization record from the mortality review committee established by the**
22 **commissioner of health and social services as described in AS 18.23.070(5)(C).**
23 **The committee shall provide the requested information within 90 days if the**
24 **information is known by the committee, and, if the information is provided by the**
25 **committee or other source, the funeral director or person acting as the funeral**
26 **director shall file the information with the local registrar for retention with the**
27 **death certificate.**

28 * **Sec. 3.** This Act applies to deaths occurring on or after the effective date of this Act.