



Public Health Law

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

Menu of State Hospital Pneumococcal Vaccination Laws

This menu is one of a series of menus assessing vaccination requirements for patients and healthcare workers in healthcare facilities. Healthcare facilities across the country are increasingly requiring healthcare workers to be vaccinated for certain vaccine-preventable diseases to reduce disease outbreaks.¹ In some instances, facilities are establishing these requirements under mandates set forth by state statutes or regulations. Depending on the vaccination, 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.²
- **Administrative Requirements for Offering Vaccination**
The healthcare facility must offer a vaccination to a healthcare worker or patient.³
- **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.⁴

Hospital-acquired pneumonia can be a serious condition because many patients in hospitals have compromised immune systems.⁵ In addition, the types of "germs" present in the hospital are often more dangerous than those acquired outside of the hospital.⁶ This is of particular concern because pneumonia can be spread by healthcare workers passing germs from hands or clothes to other workers or to patients.⁷

This menu assesses and gives examples of state laws that expressly establish pneumococcal vaccination requirements for hospitals. Although there are no provisions requiring healthcare workers to receive the pneumococcal vaccination, 13 states establish pneumococcal vaccination requirements for patients.

CDC recommends that adults aged 60 years or older receive the pneumococcal vaccine. Visit the CDC's [Recommended Vaccines for Adults](#) webpage for information about this and other recommended vaccines. To learn more visit the CDC's [Pneumococcal Vaccination](#) page.



Hospital Patient Pneumococcal Laws

Thirteen states have pneumococcal vaccination laws relevant to patients in hospitals.⁸ These laws establish requirements based on the hospital and patient types as well as the type of vaccination requirements. In addition, state laws sometimes allow for vaccination exemptions.

Examples by Hospital Type

Hospitals are healthcare facilities that provide inpatient, diagnostic, and therapeutic services for both surgical and non-surgical conditions, 24 hours a day.⁹ Eleven states have laws that refer to pneumococcal vaccination in hospitals generally.¹⁰ Two states¹¹ specify that their pneumococcal vaccination laws apply to general acute care hospitals, and one state¹² has a patient pneumococcal vaccination law specifically for a university hospital.

All Hospitals¹³

- In **Tennessee**, “[a]ll hospitals shall each year from October 1 through March 1 offer the immunization for . . . pneumococcal diseases to any inpatient who is sixty-five (65) years of age or older prior to discharging.”¹⁴
- **Georgia** law specifies that, “[p]rior to discharging any inpatient who is 65 years of age or older, a hospital shall offer the inpatient vaccinations for the . . . pneumococcal disease.”¹⁵

General Acute Care Hospitals¹⁶

- **California** law specifies that “a general acute care hospital, as defined in subdivision (a) of Section 1250, shall offer, prior to discharge, immunizations for . . . pneumococcal disease to inpatients, aged 65 years or older.”¹⁷
- In **Nebraska**, “each general acute hospital” shall “offer onsite vaccinations” for “pneumococcal disease.”¹⁸

University Hospital

- In **Illinois**, pneumococcal vaccination requirements apply not only to hospitals generally; the law also specifies that the University of Illinois Hospital “shall adopt” a “pneumococcal immunization policy.”¹⁹

Examples by Patient Type

Hospital pneumococcal vaccination provisions are generally limited to patients who are aged 65 years or older. Ten states²⁰ have laws that are specific to patients aged 65 years and older. In addition, one state²¹ has a pneumococcal vaccination law for patients at risk, at the discretion of the hospital. Three states²² do not specify a patient type and simply refer to patients in hospitals generally.

Patients Aged 65 Years and Older

- In **California**, “a general acute care hospital . . . shall offer, prior to discharge, immunizations for . . . pneumococcal disease to inpatients, aged 65 years or older.”²³
- Similar language is seen in **Florida**, where “each hospital . . . shall implement a program to offer immunizations against the . . . pneumococcal bacteria to all patients age 65 or older.”²⁴

Patients at Risk

- In **Illinois**, “(e)very hospital shall adopt” a “pneumococcal immunization policy that includes, but need not be limited to, the following: (1) Procedures for identifying patients age 65 or older and, at the discretion of the facility, other patients at risk. (2) Procedures for offering immunization. . . against pneumococcal disease upon admission or discharge, to patients.”²⁵

All Patients

- In **Nebraska** “each general acute hospital” shall “offer onsite vaccinations for . . . pneumococcal disease . . . to all inpatients prior to discharge.”²⁶

Examples by Requirement Type for Patients

Pneumococcal vaccination requirements fall into three categories: assessment, administrative offer, and administrative ensure. *Assessment* provisions require hospitals to evaluate a patient’s immunization status. *Administrative Offer* provisions require hospitals to offer the pneumococcal vaccination. *Administrative Ensure* provisions require hospitals to ensure that patients have received or will receive the pneumococcal vaccination. Five states²⁷ have assessment provisions, thirteen states²⁸ have administrative offer provisions, and one state²⁹ has an administrative ensure provision for pneumococcal vaccinations of patients.

Assessment

- **New Jersey’s** provision requires that diligence “be exercised to determine whether the patient has received the pneumococcal vaccination within the preceding 10 years.”³⁰
- Similarly, in **Pennsylvania** “[i]t shall be the responsibility of the person administering the vaccine to inquire as to whether the eligible person has already received a vaccination against . . . pneumococcal disease.”³¹

Administrative Offer

- For example, in **Florida**, each hospital “shall implement a program to offer immunizations against . . . pneumococcal bacteria to all patients age 65 or older.”³²
- Similarly, in **Louisiana** each general hospital shall “offer the following immunizations to all inpatients sixty-five years of age and older, prior to discharge . . . [i]mmunization against pneumococcal diseases if ordered by the patient's attending physician.”³³

Administrative Ensure

- Only one state, **New Hampshire**, requires that hospitals ensure that patients receive a pneumococcal vaccination. In New Hampshire, the hospital “shall immunize all consenting patients for . . . pneumococcal disease.”³⁴

Examples by Exemption Type for Patients

States with pneumococcal vaccination laws for hospitals often explicitly permit exemptions in certain circumstances,³⁵ such as when vaccination is medically contraindicated or violates a person’s religious or philosophical beliefs.³⁶ Ten states³⁷ provide for medical exemptions to the pneumococcal vaccination, one state³⁸ provides for a religious exemption, and four states³⁹ allow for philosophical exemptions.

Medical

- In **Louisiana**, a general hospital shall offer “to all inpatients sixty-five years of age and older, prior to discharge, unless contraindicated for a patient.”⁴⁰

Religious

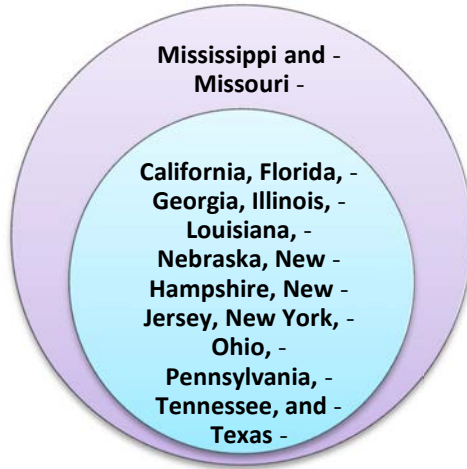
- For example, in **New Hampshire** “[i]mmunization of all consenting patients shall be subject to exemptions for medical contraindications and religious beliefs.”⁴¹

Philosophical

- In **Ohio**, “[e]ach hospital shall offer to each patient who is admitted to the hospital . . . vaccination against pneumococcal pneumonia”; however, a “patient may refuse vaccination.”⁴²

Hospital Patient Vaccination Requirements: Pneumococcal and Flu

Pneumococcal vaccination laws are often established in conjunction with flu vaccination requirements. The inner circle below indicates states with both flu and pneumococcal vaccination laws for hospital patients. The outer circle indicates states with flu vaccination laws only.



For more information on hospital flu vaccination requirements, see the Public Health Law Program's [Menu of State Hospital Influenza Vaccination Laws](#).

Acknowledgments and Disclaimers

This document was developed by Alexandra Bhatti, JD, MPH, contractor, Cherokee Nation Assurance, LLC; Dawn Pepin, JD, MPH, contractor, Cherokee Nation Assurance, LLC; Aila Hoss, JD, former contractor, Carter Consulting, Inc.; and Jennifer Black, JD, Emory Public Interest Fellow with the Public Health Law Program (PHLP) within the CDC's Office for State, Tribal, Local and Territorial Support. This document was produced in collaboration with the CDC's National Center for Immunization and Respiratory Diseases. The authors would like to thank Lindsay Culp, JD, MPH, Megan Lindley, MPH, and Matthew Penn, JD, MLIS, for their research and editorial assistance.

For further technical assistance with this inventory, please contact phlawprogram@cdc.gov. PHLP provides technical assistance and public health law resources to advance the use of law as a public health tool. PHLP cannot provide legal advice on any issue and cannot represent any individual or entity in any matter. PHLP recommends seeking the advice of an attorney or other qualified professional with questions regarding the application of law to a specific circumstance. The findings and conclusions in this summary are those of the authors and do not necessarily represent the official views of the Centers for Disease Control and Prevention.

This menu includes states laws collected from WestlawNext during January 23–27, 2015.

Published November 25, 2015.

Author's note:

Updates include the change of Ensure Requirement definition from “requiring a healthcare facility to ensure that a healthcare worker or patient has been vaccinated, unless vaccination is specifically exempted or declined” to “the healthcare facility must require a healthcare worker or patient to demonstrate proof of vaccination or immunity against a specific vaccine preventable disease”. This change did not alter the coding results. Updates also include change in the interpretation of Offer Requirement such that an offer includes conditions whereby a facility is required to offer, provide, make available, arrange for vaccination, or similar language that results in the facility being responsible for providing the individual the opportunity to receive the vaccination. This did change the coding results; offer requirements identified based on this change are indicated by a dagger†.

Appendix

State	Citation	Hospital Type			Patient Type			Requirement Type			Exemptions			
		All Hospitals ⁴³	University Hospital	General Acute Care ⁴⁴	All Patients	65+ Years of Age	Patients at Risk	Assessment	Administrative Offer	Administrative Ensure	None Specified ⁴⁵	Medical	Religious	Philosophical ¹
CA	WEST'S ANN. CAL. HEALTH & SAFETY CODE § 120392.9 WEST'S ANN. CAL. HEALTH & SAFETY CODE § 120392.6 WEST'S ANN. CAL. HEALTH & SAFETY CODE § 1250(A)*			X		X			X			X		X
FL	FLA. STAT. ANN. § 381.005 FLA. STAT. ANN. § 395.002*	X				X			X		X ⁴⁶			
GA	GA. CODE ANN. § 31-7-18 GA. CODE ANN. § 31-7-1*	X				X			X			X		
	GA COMP. R. & REGS. 111-8-40-.20 GA. COMP. R. & REGS. 111-8-40-.02*	X				X			X			X		
IL	110 ILL. COMP. STAT. ANN. 330/8 110 ILL. COMP. STAT. ANN. 330/1*		X			X	X		X			X		
	210 ILL. COMP. STAT. ANN. 85/6.26 210 ILL. COMP. STAT. ANN. 85/3*	X				X	X		X			X		
	ILL. ADMIN. CODE tit. 77, § 250.330 ILL. ADMIN. CODE tit. 77, § 250.100*	X				X	X		X			X		
LA	LA. REV. STAT. ANN. 40:2023 LA. REV. STAT. ANN. 40:2017.12*	X				X			X			X		
NE	NEB. REV. STAT. § 71-468 NEB. REV. STAT. § 71-412*			X	X				X			X		
NH	N.H. REV. STAT. ANN. § 151:9-b	X			X	X		X		X		X ⁴⁷	X	



	N.H. REV. STAT. ANN. § 151-C:2*													
	N.H. CODE ADMIN. R. ANN. HE-P 802.21 N.H. CODE ADMIN. R. ANN. HE-P 802.03* N.H. REV. STAT. ANN. § 151-C:2*	X			X			X		X		X ⁴⁸	X	
	N.H. CODE ADMIN. R. ANN. HE-P 309.08 N.H. CODE ADMIN. R. ANN. HE-P 309.01* N.H. REV. STAT. ANN. § 151-C:2*	X			X			X			X			
NJ	N.J. ADMIN. CODE § 8:43G-14.6 N.J. ADMIN. CODE § 8:43G-1.2*	X				X		X	X			X		X
NY	N.Y. PUB. HEALTH LAW § 2805-H N.Y. PUB. HEALTH LAW § 2801*	X				X ⁴⁹		X ⁵⁰	X			X		X
OH	OHIO REV. CODE ANN. § 3727.19 OHIO REV. CODE ANN. § 3727.01*	X			X				X			X		X
PA	35 PA. CONS. STAT. ANN. § 634.3 35 PA. CONS. STAT. ANN. § 634.2* 35 PA. CONS. STAT. ANN. § 448.802A*	X				X		X	X			X		
TN	TENN. CODE ANN. § 68-11-266 TENN. CODE ANN. § 68-11-201*	X				X			X			X		
	TENN. COMP. R. & REGS. 1200-08-01-.06 TENN. COMP. R. & REGS. 1200-08-01-.01*	X				X			X			X		
TX	25 TEX. ADMIN. CODE § 133.45 25 TEX. ADMIN. CODE § 133.2*	X				X		X	X			X ⁵¹		
	TEX. HEALTH & SAFETY CODE ANN. § 161.0052	X				X		X	X			X ⁵²		

TEX. HEALTH & SAFETY CODE ANN. § 161.131*														
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

* This provision defines hospital.

¹ Alexandra Stewart et al. *Mandatory Vaccination of Health-Care Personnel: Good Policy, Law, and Outcomes*, 53 JURIMETRICS J. 341 (April 2013). -

² 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). -

³ *Id.* -

⁴ *Id.* -

⁵ [Hospital-acquired pneumonia](#), US National Library of Medicine (Jan. 24, 2013).

⁶ *Id.*

⁷ *Id.*

⁸ California, Florida, Georgia, Illinois, Louisiana, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Texas. See appendix for citations. -

⁹ For definitions of hospital in state law, *see, e.g.*, WEST’S ANN. CAL. HEALTH & SAFETY CODE § 1250; FLA. STAT. ANN. § 395.002; GA. COMP. R. & REGS. 111-8-40-.02(f); - LA. REV. STAT. ANN. 40:2102(A). Reference to federally qualified health centers that did not specifically reference hospitals were excluded from this assessment. - *See, e.g.*, ARK. CODE ANN. § 016.06.31-212.200. -

¹⁰ Florida, Georgia, Illinois, Louisiana, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Texas. See appendix for citations. The legal provisions in the “all hospitals” category include laws which reference hospitals generally. Therefore, in some states the “all hospitals” provisions may also be applicable to specialty and general acute care hospitals, but have been coded only as “all hospitals.” *See, e.g.*, UTAH ADMIN. CODE R. R386-705, which establishes healthcare worker vaccination assessment requirements, and UTAH CODE ANN. § 26-21-2, which includes definitions of both general acute care and specialty hospitals. See appendix for citations defining “hospital” in state law are provided in the appendix for reference. -

¹¹ California and Nebraska. See appendix for citations. The provisions in this category specifically reference “general acute care hospitals” thus these provisions may not apply to other types of specialty hospitals. States that define hospitals as providing acute care or treating acute illness did not meet the threshold of a “general acute care hospital.” *See, e.g.*, TENN. COMP. R. & REGS. 1200-08-01-.01(37). See appendix for where available, citations defining “general acute hospital” in state law (where available) are provided for reference in the appendix. -

¹² Illinois. See appendix for citation. -

¹³ The legal provisions in the “all hospitals” category include laws which reference hospitals generally. Therefore, in some states the “all hospitals” provisions may also be applicable to specialty and general acute care hospitals, but have been coded only as “all hospitals.” *See, e.g.*, UTAH ADMIN. CODE R. R386-705, which establishes healthcare worker vaccination assessment requirements, and UTAH CODE ANN. § 26-21-2, which includes definitions of both general acute care and specialty hospitals. Citations defining “hospital” in state law are provided in the appendix for reference. -

¹⁴ TENN. COMP. R. & REGS. 1200-08-01-.06. -

¹⁵ GA. CODE ANN. § 31-7-18. -

¹⁶ The provisions in this category specifically reference “general acute care hospitals” thus these provisions may not apply to other types of specialty hospitals. States that define hospitals as providing acute care or treating acute illness did not meet the threshold of a “general acute care hospital.” *See* TENN. COMP. R. & REGS. 1200-08-01-.01(37). Where available, citations defining “general acute hospital” in state law are provided for reference in the appendix. -

-
- ¹⁷ WEST'S ANN. CAL. HEALTH & SAFETY CODE § 120392.9. -
- ¹⁸ NEB. REV. STAT. § 71-468. -
- ¹⁹ 110 ILL. COMP. STAT. ANN. 330/8. -
- ²⁰ California, Florida, Georgia, Illinois, Louisiana, New Jersey, New York, Pennsylvania, Tennessee, and Texas. See appendix for citations. -
- ²¹ Illinois. See appendix for citation. -
- ²² Nebraska, New Hampshire, Ohio. See appendix for citations. -
- ²³ WEST'S ANN. CAL. HEALTH & SAFETY CODE § 120392.9. -
- ²⁴ FLA. STAT. ANN. § 381.005. -
- ²⁵ 210 ILL. COMP. STAT. ANN. 85/6.26. -
- ²⁶ NEB. REV. STAT. § 71-468. -
- ²⁷ New Hampshire, New Jersey, New York, Pennsylvania, Texas. See appendix for citations. -
- ²⁸ California, Florida, Georgia, Illinois, Louisiana, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Texas. See appendix for citations. -
- ²⁹ New Hampshire. See appendix for citation. -
- ³⁰ N.J. ADMIN. CODE § 8:43G-14.6. -
- ³¹ 35 PA. CONS. STAT. ANN. § 634.3. -
- ³² FLA. STAT. ANN. § 381.005. -
- ³³ LA. REV. STAT. ANN. 40:2023. -
- ³⁴ N.H. CODE ADMIN. R. ANN. He-P 802.21. -
- ³⁵ *See, e.g.*, LA. REV. STAT. ANN. 40:2023; N.H. REV. STAT. ANN. § 151:9-b. Please note that even where not explicitly exempted by law it is likely that patients with a medically contraindicated condition are not required to receive a vaccination. -
- ³⁶ Philosophical exemptions include exemptions based on philosophical or personal beliefs or allowing the right to decline an immunization. *See, e.g.*, WEST'S ANN. CAL. HEALTH & SAFETY CODE § 120392.6; N.J. ADMIN. CODE § 8:43G-14.6; N.Y. PUB. HEALTH LAW § 2805-H; OHIO REV. CODE ANN. § 3727.19. -
- ³⁷ California, Georgia, Illinois, Louisiana, Nebraska, New Hampshire, New Jersey, New York, Ohio, and Texas. See appendix for citations. -
- ³⁸ New Hampshire. See appendix for citation. -
- ³⁹ California, New Jersey, New York, and Ohio. See appendix for citations. -
- ⁴⁰ LA. REV. STAT. ANN. 40:2023. -
- ⁴¹ N.H. REV. STAT. ANN. § 151:9-b. -
- ⁴² OHIO REV. CODE ANN. § 3727.19. -
- ⁴³ The legal provisions in the “all hospitals” category include laws which reference hospitals generally. Therefore, in some states the “all hospitals” provisions may also be applicable to specialty and general acute care hospitals, but have been coded only as “all hospitals.” *See, e.g.*, UTAH ADMIN. CODE R386-705, which establishes healthcare worker vaccination assessment requirements, and UTAH CODE ANN. 1953 § 26-21-2, which includes definitions of both general acute care and specialty hospitals. Citations defining “hospital” in state law are provided in the appendix for reference. -
- ⁴⁴ The provisions in this category specifically reference “general acute care hospitals” thus these provisions may not apply to other types of specialty hospitals. States that define hospitals as providing acute care or treating acute illness did not meet the threshold of a “general acute care hospital.” *See, e.g.*, 22 ME. REV. STAT. ANN. § 1843(4); S.C. CODE ANN. REGS. 61-16 § 101(E); TENN. COMP. R. & REGS. 1200-08-01-.01(37). Where available, citations defining “general acute hospital” in state law are provided for reference in the appendix. -
- ⁴⁵ Please note that even where not explicitly exempted by law it is likely that patients with a medically contraindicated condition are not required to receive a vaccination. -

⁴⁶ FLA. STAT. ANN. § 381.005(2) requires that “each hospital...shall implement a program to offer immunizations against the influenza virus and pneumococcal bacteria to all patients age 65 or older . . . subject to the clinical judgment of the responsible practitioner.” PHLP did not consider the phrase “subject to the clinical judgment of the responsible practitioner” to be a medical exemption.

⁴⁷ N.H. REV. STAT. ANN. § 151:9-b(l) requires that “[a]ll hospitals . . . shall document evidence of immunization against influenza, for all consenting patients.” PHLP did not consider the phrase “all consenting” as a right to decline. These provisions should be read with N.H. CODE ADMIN. R. He-P 802.21(h).

⁴⁸ N.H. CODE ADMIN. R. He-P 802.21(h) states that “[t]he licensee shall immunize all consenting patients for influenza and pneumococcal disease and all consenting personnel for influenza.” PHLP did not consider the phrase “all consenting” as a right to decline. These provisions should be read with N.H. Rev. Stat. § 151:9-b(l).

⁴⁹ N.Y. PUBLIC HEALTH LAW § 2805-h states that the hospital’s pneumococcal immunization policy shall include “procedures for identifying persons age sixty-five or older and at the discretion of the facility other individuals at risk” but later specifies that pneumococcal immunization is offered “upon admission or discharge to persons age sixty-five or older.”

⁵⁰ N.Y. PUBLIC HEALTH LAW § 2805-h(2) (McKinney) states that “it shall be the duty of the administrative officer or other person in charge of each general hospital to offer each admitted person age sixty-five or older vaccination against influenza virus. Such officer or person need not offer the vaccination to persons who have already received such vaccine or for whom it is otherwise inappropriate.” PHLP considered the phrase “need not offer the vaccination to persons who have already received” as an assessment requirement.

⁵¹ 25 TEX. ADMIN. CODE § 133.45 requires that hospitals develop an influenza vaccination policy for elderly patients in which the “influenza vaccine shall be made available.” PHLP considers the phrase “made available” to be an administrative offer requirement.

⁵² TEX. HEALTH & SAFETY CODE ANN. § 161.0052(b) requires that hospitals “inform each elderly person admitted to the hospital for a period of 24 hours or more that the pneumococcal and influenza vaccines are available.” PHLP considers the term “available” in this instance to be an administrative offer requirement.