

**2003 DRAFTING REQUEST**

**Bill**

Received: **10/23/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **Judi Rhodes-Engels**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies: **MDK**

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Administration of vaccines by persons supervised by pharmacists

---

**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 10/23/2003			_____			
/P1	phurley 10/24/2003	kfollett 11/06/2003	jfrantze 11/06/2003	_____	sbasford 11/06/2003		
	phurley 01/06/2004	kfollett 01/06/2004		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			rschluet 01/06/2004	_____	sbasford 01/06/2004		
/2	phurley 01/13/2004	kfollett 01/15/2004 kfollett 01/21/2004	rschluet 01/21/2004	_____ _____ _____	lnorthro 01/21/2004	lemery 01/28/2004	

FE Sent For:

<END>

↳ Not Needed

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	phurley 01/06/2004	kfollett 01/06/2004		_____			

*Senate  
per  
Judi*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			rschluet _____ 01/06/2004 _____		sbasford _____ 01/06/2004 _____		
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	phurley 01/06/2004	kfollett 01/06/2004					

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/1                      1/2 kj  
                            1/2  
rschluet      \_\_\_\_\_      sbasford  
01/06/2004      \_\_\_\_\_      01/06/2004

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/P1	phurley 10/24/2003	kfollett 11/06/2003	jfrantze 11/06/2003		sbasford 11/06/2003		

11/6/03  
1/6

Handwritten signatures and dates: 11/6, 1/6, 4/6

FE Sent For:

**<END>**



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1/?	mkunkel 10/23/2003 phurley	1/11/03 11/6	Jb 11/6	J/ck 11/6			

FE Sent For:

<END>

-3560

**Kunkel, Mark**

---

**From:** Kennedy, Debora  
**Sent:** Wednesday, October 22, 2003 9:24  
**To:** Kunkel, Mark  
**Subject:** FW: vaccines -Version 2

I let Judi (Sen Fitzgerald's aide) know that you, rather than I, are the appropriate drafter for this--apparently the proposed language was crafted by Bill Black.

-----Original Message-----

**From:** Rhodes-Engels, Judi  
**Sent:** Wednesday, October 22, 2003 9:20 AM  
**To:** Kennedy, Debora  
**Subject:** FW: vaccines -Version 2

Attached is some suggested language. Here are my thoughts:

1. I wanted to keep it simple, and the interplay of a non statutorily defined "intern" makes things more complex regarding who would qualify. SO, I used the statutory qualifier of 450.03 (1)(f) and (g) because these are persons that the legislature has already deemed safe to practice pharmacy, and,, the best benefit is that the (1)(f) category, captures almost all the interns you would want to do this, (it would exclude academic if under 2 years, non academic if under 2 years, and foreign )..
2. So, this seems workable and safe, and the leg. already thinks these folks are safe.
3. Removed the non vaccine administration.

tlc to Judi 10-24-03  
interns need insurance?  
only supervising pharms

10/22/2003

**450.035 Administration of drug products and devices; vaccines.**

(1g) In this section, "drug product or device" does not include a vaccine.

(1r) A pharmacist may not administer by injection a prescribed drug product or device unless he or she has successfully completed a course of study and training in injection technique conducted by a course provider approved by the American Council on Pharmaceutical Education or the board. A pharmacist may administer a prescribed drug product or device under this subsection only in the course of teaching self-administration techniques to a patient. A pharmacist who administers a prescribed drug product or device under this subsection shall comply with the requirements and procedures established in rules promulgated by the board under s. 450.02 (2g) (b).

(2) A pharmacist may not administer a vaccine unless he or she has successfully completed 12 hours in a course of study and training, approved by the American Council on Pharmaceutical Education or the board, in vaccination storage, protocols, ~~injection~~ administration technique, emergency procedures and record keeping and has satisfied the requirements specified in sub. (2t). A pharmacist may not administer a vaccine under this subsection to a person who is under the age of 18.

(2g) A person engaged in the practice of pharmacy subject to s. 450.03 (1) (f) or (g) may not administer a vaccine unless he or she and the supervising pharmacist have both successfully completed 12 hours in a course of study and training, approved by the American Council on Pharmaceutical Education or the board, in vaccination storage, protocols, ~~injection~~ technique, emergency procedures and record keeping and have satisfied the requirements specified in sub. (2t). A person engaged in the practice of pharmacy subject to s. 450.03 (1) (f) or (g) may not administer a vaccine under this subsection to a person who is under the age of 18.

(2m) A pharmacist or person engaged in the practice of pharmacy subject to s. 450.03 (1) (f) or (g) may not delegate to any person any administration of a prescribed drug product or device or vaccine under sub. (1r), ~~or (2)~~, or (2g).

(2t) A pharmacist or person engaged in the practice of pharmacy subject to s. 450.03 (1) (f) or (g) may not administer a vaccine under sub. (2) or (2g) unless he or she satisfies each of the following:

(a) The pharmacist or person engaged in the practice of pharmacy subject to s. 450.03 (1) (f) or (g) has in effect liability insurance against loss, expense and liability resulting from errors, omissions or neglect in the administration of vaccines in an amount that is not less than \$1,000,000 for each occurrence and \$2,000,000 for all occurrences in any one policy year.

(b) The pharmacist or person engaged in the practice of pharmacy subject to s. 450.03 (1) (f) or (g) maintains proof that he or she satisfies the requirement specified in par. (a) and, upon request, provides copies of such proof to the department or the board.

(3) A pharmacist or person engaged in the practice of pharmacy subject to s. 450.03 (1) (f) or (g) who successfully completes a course of study and training specified in sub. (1r), ~~or (2) or (2g)~~ shall maintain proof of completion and, upon request, provide copies of such proof to the department or the board.

VaccineLeg(2)10-16-03



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3560-<sup>PI</sup> RME  
PJH: *[Signature]*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*by  
11-10-03*

*Gen*

- 1 AN ACT ...; **relating to:** the administration of vaccines by persons supervised by
- 2 a pharmacist.

***Analysis by the Legislative Reference Bureau***

Current law allows a pharmacist to administer a vaccine to a person over the age of 18 if the pharmacist has successfully completed 12 hours of study and training approved by the pharmacy examining board or by the American Council on Pharmaceutical Education and has in effect certain liability insurance that applies to the administration of vaccines. X

Current law also allows a person who has completed his or her second year in, and is enrolled at, an accredited school of pharmacy or who has applied for a pharmacist license to engage in the practice of pharmacy under the direct supervision of a licensed pharmacist. X

This bill allows a person who has completed his or her second year in, and is enrolled at, an accredited school of pharmacy or who has applied for a pharmacist license to administer, under the direct supervision of a licensed pharmacist, a vaccine to a person over the age of 18 if the person and the supervising pharmacist have successfully completed 12 hours of study and training approved by the pharmacy examining board or by the American Council on Pharmaceutical Education and if the supervising pharmacist has in effect certain liability insurance that applies to the administration of vaccines. X

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 450.035 (2) of the statutes is amended to read:

2           450.035 (2) A pharmacist may not administer a vaccine unless he or she has  
3 successfully completed 12 hours in a course of study and training, approved by the  
4 American Council on Pharmaceutical Education or the board, in vaccination storage,  
5 protocols, ~~injection~~ administration technique, emergency procedures and record  
6 keeping and has satisfied the requirements specified in sub. (2t). A pharmacist may  
7 not administer a vaccine under this subsection to a person who is under the age of  
8 18.

History: 1997 a. 68; 1997 a. 237 s. 727m.

9           **SECTION 2.** 450.035 (2g) of the statutes is created to read:

10           450.035 (2g) A person engaged in the practice of pharmacy under s. 450.03 (1)  
11 (f) or (g) may not administer a vaccine unless he or she and the supervising  
12 pharmacist have successfully completed 12 hours in a course of study and training,  
13 approved by the American Council on Pharmaceutical Education or the board, in  
14 vaccination storage, protocols, administration technique, emergency procedures and  
15 record keeping and the supervising pharmacist has satisfied the requirements  
16 specified in sub. (2t). A person engaged in the practice of pharmacy under s. 450.03  
17 (1) (f) or (g) may not administer a vaccine under this subsection to a person who is  
18 under the age of 18.

19           **SECTION 3.** 450.035 (2m) of the statutes is amended to read:

20           450.035 (2m) ~~A~~ Except as provided in sub. (2g), a pharmacist may not delegate  
21 to any person any administration of a prescribed drug product or device or vaccine  
22 under sub. (1r) or (2).

History: 1997 a. 68; 1997 a. 237 s. 727m.

23           **SECTION 4.** 450.035 (2t) (intro) of the statutes is amended to read:

(intro.)

1 450.035 (2t) (A pharmacist may not administer a vaccine under sub. (2) or  
 2 supervise a person administering a vaccine under sub. (2g) unless he or she the  
 3 pharmacist satisfies each of the following:

History: 1997 a. 68; 1997 a. 237 s. 727m.

4 SECTION 5. 450.035 (3) of the statutes is amended to read:

5 450.035 (3) A pharmacist or a person engaged in the practice of pharmacy  
 6 under s. 450.03 (1) (f) or (g) who successfully completes a course of study and training  
 7 specified in sub. (1r) ~~or (2)~~, (2), or (2g) shall maintain proof of completion and, upon  
 8 request, provide copies of such proof to the department or the board.

History: 1997 a. 68; 1997 a. 237 s. 727m.

9 (END)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reyn

A pharmacist may also inject a prescribed drug or device into a patient for the purpose of teaching the patient to self-administer techniques if the pharmacist has completed a specialized course of study and training in administration techniques.

by 1-7-04

1 AN ACT to amend 450.035 (2), 450.035 (2m), 450.035 (2t) (intro.) and 450.035 (3);  
2 and to create 450.035 (2g) of the statutes; relating to: the administration of  
3 vaccines by persons supervised by a pharmacist.

**Analysis by the Legislative Reference Bureau**

Current law allows a pharmacist to administer a vaccine to a person over the age of 18 if the pharmacist has successfully completed 12 hours of study and training approved by the Pharmacy Examining Board or by the American Council on Pharmaceutical Education and has in effect certain liability insurance that applies to the administration of vaccines.

Current law also allows a person who has completed his or her second year in, and is enrolled at, an accredited school of pharmacy or who has applied for a pharmacist license to engage in the practice of pharmacy under the direct supervision of a licensed pharmacist.

This bill allows a person who has completed his or her second year in, and is enrolled at, an accredited school of pharmacy or who has applied for a pharmacist license to administer, under the direct supervision of a licensed pharmacist, a vaccine to a person over the age of 18 if the person and the supervising pharmacist have successfully completed 12 hours of study and training approved by the Pharmacy Examining Board or by the American Council on Pharmaceutical Education and if



2 -  
Inset A

the supervising pharmacist has in effect certain liability insurance that applies to the administration of vaccines. A

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Inset B

1 SECTION ~~#~~ 450.035 (2) of the statutes is amended to read:

2 450.035 (2) A pharmacist may not administer a vaccine unless he or she has  
3 successfully completed 12 hours in a course of study and training, approved by the  
4 American Council on Pharmaceutical Education or the board, in vaccination storage,  
5 protocols, ~~injection~~ administration technique, emergency procedures and record  
6 keeping and has satisfied the requirements specified in sub. (2t). A pharmacist may  
7 not administer a vaccine under this subsection to a person who is under the age of  
8 18.

9 SECTION ~~#~~ 450.035 (2g) of the statutes is created to read:

10 450.035 (2g) A person engaged in the practice of pharmacy under s. 450.03 (1)  
11 (f) or (g) may not administer a vaccine unless he or she ~~and~~ the supervising  
12 pharmacist have successfully completed 12 hours in a course of study and training,  
13 approved by the American Council on Pharmaceutical Education or the board, in  
14 vaccination storage, protocols, administration technique, emergency procedures and  
15 record keeping and the supervising pharmacist has satisfied the requirements  
16 specified in sub. (2t). A person engaged in the practice of pharmacy under s. 450.03  
17 (1) (f) or (g) may not administer a vaccine under this subsection to a person who is  
18 under the age of 18.

acts under the direct supervision of a pharmacist and he or she ~~may~~

19 SECTION ~~#~~ 450.035 (2m) of the statutes is amended to read:

(It or)

1           450.035 (2m) ~~A~~ Except as provided in sub. (2g), a pharmacist may not delegate  
2 to any person any administration of a prescribed drug product or device or vaccine  
3 under sub. (1r) or (2).

4           ~~SECTION 4~~ 450.035 (2t) (intro.) of the statutes is amended to read:

5           450.035 (2t) (intro.) A pharmacist may not administer a vaccine under sub. (2)  
6 or supervise a person administering a vaccine under sub. (2g) unless ~~he or she~~ the  
7 pharmacist satisfies each of the following:

8           ~~SECTION 5~~ 450.035 (3) of the statutes is amended to read:

9           450.035 (3) A pharmacist or a person engaged in the practice of pharmacy  
10 under s. 450.03 (1) (f) or (g) who successfully completes a course of study and training  
11 specified in sub. (1r) ~~or (2)~~, (2), or (2g) shall maintain proof of completion and, upon  
12 request, provide copies of such proof to the department or the board.

(It or)

(END)

13

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3560/P1ms  
PJH:kjfjf

1           INSERT A:

No ~~Φ~~ The bill also allows a person who has completed his or her second year in, and is enrolled at, an accredited school of pharmacy or who has applied for a pharmacist license to administer, under the direct supervision of a licensed pharmacist, a prescribed drug or device into a patient for the purpose of teaching the patient self-administration techniques if the person and the supervising pharmacist have completed a specialized course of study and training in administration techniques.

2           INSERT B:

3           **SECTION 1.** 450.035 (1<sup>t</sup>) of the statutes is created to read:

4           450.035 (1<sup>t</sup>) A person engaged in the practice of pharmacy under s. 450.03 (1)  
5 (f) or (g) may not administer a prescribed drug product or device unless he or she has  
6 successfully completed a course of study and training in administration technique  
7 conducted by a course provider approved by the American Council on  
8 Pharmaceutical Education or the board. A person engaged in the practice of  
9 pharmacy under s. 450.03 (1) (f) or (g) may administer a prescribed drug product or  
10 device under this subsection only under the direct supervision of a pharmacist and  
11 only in the course of teaching self-administration techniques to a patient. A person  
12 engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) who administers a  
13 prescribed drug product or device under this subsection shall comply with the  
14 requirements and procedures established in rules promulgated by the board under  
15 s. 450.02 (2g) (b).

## Hurley, Peggy

---

**From:** Rhodes-Engels, Judi  
**Sent:** Monday, January 12, 2004 2:42 PM  
**To:** Hurley, Peggy  
**Subject:** FW: Vaccination redraft

Peggy,

Is there a way we can fix this?

Feel free to contact Bill Black directly if you want to. That is who we are working with anyways. They have a PEB meeting Wednesday which I would like to have a final draft for if possible.

Thanks!

Judi Engels

----- Original Message -----

**From:** "Black, William" <William.Black@drl.state.wi.us>  
**To:** "'Marshland Pharmacies, Inc - Horicon'" <marshland@powerweb.net>  
**Sent:** Tuesday, January 06, 2004 4:27 PM  
**Subject:** RE: Vaccination redraft

> ✓ (1t) doesn't contain the requirement that the supervising pharmacist  
> also have taken the course. (1t) should be modeled after (2g) in this  
> respect.

> 2. I am still a little concerned that (2t) doesn't EXPLICITLY require  
> either;

> a. the supervising pharmacist have insurance to cover the acts of  
> the supervised intern, or;

> b. the intern have insurance.

> As it stands now, new section (2g) only requires the supervising  
pharmacist

> meet the requirements of (2t), which in terms of insurance, means have in  
> effect a policy to cover administration of vaccines. So, just so you  
know,

> that policy may or may not cover interns, I just couldn't say.

> Other than that it looks ok and the sections appear to mesh, gulp hope I  
> didn't miss something but I worked through it with the amendments and  
it

> seems to fit. (other than what I noted above)

> -----Original Message-----

> **From:** Marshland Pharmacies, Inc - Horicon [mailto:marshland@powerweb.net]  
> **Sent:** Tuesday, January 06, 2004 3:37 PM  
> **To:** William Black  
> **Subject:** Fw: Vaccination redraft

> How's this look to you?

> Sue

> ----- Original Message -----

> **From:** "Rhodes-Engels, Judi" <Judi.Rhodes-Engels@legis.state.wi.us>  
> **To:** <tome@pswi.org>; <marshland@powerweb.net>  
> **Sent:** Tuesday, January 06, 2004 2:51 PM  
> **Subject:** Vaccination redraft



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3560/1 <sup>2</sup> *rmr*  
PJH:kjf: *W*

*Today*

**2003 BILL**

*1-13-04*

1 *cap*  
AN ACT *to amend* 450.035 (2), 450.035 (2m), 450.035 (2t) (intro.) and 450.035 (3);  
2 and *to create* 450.035 (1t) and 450.035 (2g) of the statutes; **relating to:** the  
3 administration of vaccines by persons supervised by a pharmacist.

***Analysis by the Legislative Reference Bureau***

Current law allows a pharmacist to administer a vaccine to a person over the age of 18 if the pharmacist has successfully completed 12 hours of study and training approved by the Pharmacy Examining Board or by the American Council on Pharmaceutical Education and has in effect certain liability insurance that applies to the administration of vaccines. A pharmacist may also inject a prescribed drug or device into a patient for the purpose of teaching the patient self-administration techniques if the pharmacist has completed a specialized course of study and training in administration techniques.

Current law also allows a person who has completed his or her second year in, and is enrolled at, an accredited school of pharmacy or who has applied for a pharmacist license to engage in the practice of pharmacy under the direct supervision of a licensed pharmacist.

This bill allows a person who has completed his or her second year in, and is enrolled at, an accredited school of pharmacy or who has applied for a pharmacist license to administer, under the direct supervision of a licensed pharmacist, a vaccine to a person over the age of 18 if the person and the supervising pharmacist have successfully completed 12 hours of study and training approved by the Pharmacy Examining Board or by the American Council on Pharmaceutical Education and if

**BILL**

the supervising pharmacist has in effect certain liability insurance that applies to the administration of vaccines. The bill also allows a person who has completed his or her second year in, and is enrolled at, an accredited school of pharmacy or who has applied for a pharmacist license to administer, under the direct supervision of a licensed pharmacist, a prescribed drug or device into a patient for the purpose of teaching the patient self-administration techniques if the person and the supervising pharmacist have completed a specialized course of study and training in administration techniques.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 450.035 (1t) of the statutes is created to read:

2           450.035 (1t) A person engaged in the practice of pharmacy under s. 450.03 (1)  
3 (f) or (g) may not administer a prescribed drug product or device unless he or she has  
4 successfully completed a course of study and training in administration technique  
5 conducted by a course provider approved by the American Council on  
6 Pharmaceutical Education or the board. A person engaged in the practice of  
7 pharmacy under s. 450.03 (1) (f) or (g) may administer a prescribed drug product or  
8 device under this subsection only under the direct supervision of a pharmacist and  
9 only in the course of teaching self-administration techniques to a patient. A person  
10 engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) who administers a  
11 prescribed drug product or device under this subsection shall comply with the  
12 requirements and procedures established in rules promulgated by the board under  
13 s. 450.02 (2g) (b).

14           **SECTION 2.** 450.035 (2) of the statutes is amended to read:

15           450.035 (2) A pharmacist may not administer a vaccine unless he or she has  
16 successfully completed 12 hours in a course of study and training, approved by the  
17 American Council on Pharmaceutical Education or the board, in vaccination storage,  
18 protocols, ~~injection~~ administration technique, emergency procedures and record

Insert  
A

**BILL**

1 keeping and has satisfied the requirements specified in sub. (2t). A pharmacist may  
2 not administer a vaccine under this subsection to a person who is under the age of  
3 18.

4 **SECTION 3.** 450.035 (2g) of the statutes is created to read:

5 **450.035 (2g)** <sup>ΔΔ</sup> A person engaged in the practice of pharmacy under s. 450.03 (1)  
6 (f) or (g) may not administer a vaccine unless he or she acts under the direct  
7 supervision of a pharmacist and he or she and the supervising pharmacist have  
8 successfully completed 12 hours in a course of study and training, approved by the  
9 American Council on Pharmaceutical Education or the board, in vaccination storage,  
10 protocols, administration technique, emergency procedures and record keeping and  
11 the supervising pharmacist has satisfied the requirements specified in sub. (2t). A  
12 person engaged in the practice of pharmacy under s. 450.03 (1) (f) or (g) may not  
13 administer a vaccine under this subsection to a person who is under the age of 18.

14 **SECTION 4.** 450.035 (2m) of the statutes is amended to read:

15 **450.035 (2m)** -A Except as provided in sub. (1t) or (2g), a pharmacist may not  
16 delegate to any person any administration of a prescribed drug product or device or  
17 vaccine under sub. (1r) or (2).

18 **SECTION 5.** 450.035 (2t) (intro.) of the statutes is amended to read:

19 **450.035 (2t)** (intro.) A pharmacist may not administer a vaccine under sub. (2)  
20 or supervise a person administering a vaccine under sub. (2g) unless he or she the  
21 pharmacist satisfies each of the following:

22 **SECTION 6.** ~~450.035~~ <sup>#</sup> 450.035 (3) of the statutes is amended to read:

23 **450.035 (3)** A pharmacist or a person engaged in the practice of pharmacy  
24 under s. 450.03 (1) (f) or (g) who successfully completes a course of study and training

Insert B

**BILL**

1 specified in sub. (1r) ~~or (2), (1t), (2), or (2g)~~ shall maintain proof of completion and,  
2 upon request, provide copies of such proof to the department or the board.

3 (END)



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1           INSERT A:

2           who has successfully completed a course of study and training in  
3           administration technique conducted by a course provider approved by the American  
4           Council on Pharmaceutical Education or the board,

5           INSERT B:

6           ~~SECTION 1.~~ 450.035<sup>✓</sup> (2t) (a) of the statutes is amended to read:

7           450.035 (2t) (a) The pharmacist has in effect liability insurance that covers the  
8           pharmacist and a person who administers a vaccine under sub. (2g)<sup>✓</sup> against loss,  
9           expense and liability resulting from errors, omissions or neglect in the  
10          administration of vaccines in an amount that is not less than \$1,000,000 for each  
11          occurrence and \$2,000,000 for all occurrences in any one policy year.

History: 1997 a. 68; 1997 a. 237 s. 727m.