

HB367 INTRODUCED



1 HB367
2 4H7B3I3-1
3 By Representatives Butler, Stringer, Harrison, Robertson,
4 Whorton, Kiel, Colvin, Mooney, Gidley
5 RFD: State Government
6 First Read: 27-Feb-25



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SYNOPSIS:

This bill would prohibit any governmental entity or county health department from expending public funds to advertise or promote vaccines.

This bill would provide exceptions for certain printed material distributed directly to patients and communications required by federal law.

This bill would authorize the Attorney General to investigate alleged violations and calculate the amount of public funds used to unlawfully advertise vaccines.

This bill would require the Legislature to reduce the amount appropriated to a violating governmental entity by the amount expended on the advertising during the fiscal year following the violation.

This bill would also require the county health officer of a county health department that violates this act to reduce the amount allocated to the county health department by the amount expended on the advertising during the fiscal year following the violation.

A BILL



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29 TO BE ENTITLED

30 AN ACT

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32 Relating to vaccines; to prohibit any governmental
33 entity or county health department from expending funds to
34 advertise the use of vaccines, with exceptions; to authorize
35 the Attorney General to investigate alleged violations; and to
36 provide penalties for a violating governmental entity or
37 county health department.

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

39 Section 1. (a) For the purposes of this section, the
40 following terms have the following meanings:

41 (1) ADVERTISING. Any communication intended to promote
42 the sale, distribution of, or use of vaccines. This term
43 includes, but is not limited to, communications through
44 television, radio, print, digital media, or public service
45 announcement.

46 (2) GOVERNMENTAL ENTITY. The state or any department,
47 agency, board, commission, public institution of higher
48 education, or other body of the state and county health
49 departments.

50 (3) PUBLIC FUNDS. Any money appropriated, allocated, or
51 received by the state, including, but not limited to, funds
52 from state tax revenue, fees, or federal grants and programs.

53 (b) (1) No governmental entity may expend public funds
54 for the purpose of advertising or promoting the use of
55 vaccines to the public.

56 (2) This subsection does not apply to either of the



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57 following:

58 a. Printed educational materials distributed directly
59 to patients within public health care settings which provide
60 balanced information about vaccines, including both risks and
61 benefits. Any educational materials distributed under this
62 paragraph must also include information about: (i) state law
63 relating to vaccine requirements to attend K-12 schools or
64 institutions of higher education, including state law
65 providing for any exemptions to those vaccine requirements;
66 and (ii) the Vaccine Adverse Event Reporting System (VAERS)
67 and how to report a vaccine injury.

68 b. Communications explicitly required by federal law or
69 federal regulation.

70 (c) (1) Any violation of this section may be reported to
71 the Attorney General. After receiving a reported violation,
72 the Attorney General shall investigate the report.

73 (2) Except as provided in subdivision (3), if the
74 Attorney General determines that a governmental entity
75 violated this section:

76 a. The Attorney General shall determine how much the
77 governmental entity spent in violation of this section and
78 report the amount to the Chairs of the House of
79 Representatives Ways and Means Education Committee and Ways
80 and Means General Fund Committee and the Senate Finance and
81 Taxation Education Committee and Finance and Taxation General
82 Fund Committee; and

83 b. The Legislature shall reduce the amount appropriated
84 to the violating governmental entity by the amount reported by



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85 the Attorney General for the following fiscal year.

86 (3) If a county has established an independent county
87 health department and the Attorney General determines that an
88 independent county health department has violated this
89 section:

90 a. The Attorney General shall determine how much the
91 county health department spent in violation of this section
92 and report that amount to the respective county commission and
93 county health officer; and

94 b. The county commission shall reduce the amount of
95 funding allocated to the violating county health department by
96 the amount reported by the Attorney General for the following
97 fiscal year.

98 Section 2. This act shall become effective on July 1,
99 2025.