

OCT 25 2004

EXECUTIVE ORDER
04-22
SECRETARY OF STATE
COMMISSIONS DIVISION

WHEREAS, on October 5, 2004, the federal Centers for Disease Control and Prevention (CDC) received notification by the Chiron Corporation that none of its influenza vaccine (Fluvirin®) would be available for distribution in the United States for the 2004–05 influenza season; and

WHEREAS, this action will reduce by approximately one-half the expected supply of trivalent inactivated vaccine (flu shot) available in the United States for the 2004–05 influenza season; and

WHEREAS, the remaining supply of influenza vaccine expected to be available in the United States this season is an estimated 55.4 million doses of Fluzone® (inactivated flu shot) manufactured by Aventis Pasteur, Inc. Of these doses, approximately 33 million doses already were distributed by the manufacturer. In addition, approximately 1.1 million doses of live attenuated influenza vaccine (LAIV/FluMist ®) manufactured by MedImmune will be available this season; and

WHEREAS, CDC and Aventis Pasteur have worked together to develop a plan to distribute in phases 22.4 million doses of unshipped vaccine to identified areas of need throughout the country in response to the loss of half of the nation's expected flu vaccine supply for the 2004-2005 season; and

WHEREAS, an estimated 14.2 million doses of vaccine will be allocated in Phase I over the next 6-8 weeks through Aventis Pasteur contracts directly to high-priority vaccine providers, including hospitals, long-term care facilities, nursing homes, and private providers who care for young children to help ensure that vaccine gets to those people who need it most; and

WHEREAS, CDC will continue to work with Aventis Pasteur and state and local health departments to identify people, by region, on the CDC Priority Group vaccination list in order to distribute to other high-need areas approximately 8.2 million doses remaining after the Phase I is completed; and

WHEREAS, because of this urgent situation, CDC, in coordination with its Advisory Committee for Immunization Practices (ACIP), issued interim recommendations for influenza vaccination during the 2004–05 season that includes designation of persons in high risk categories; and

WHEREAS, exposure to influenza in persons in these high risk categories can result in serious illness or death.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby order the following:

All health care providers and others that possess influenza vaccine in Missouri should limit influenza vaccinations to persons in the following high risk categories identified by the federal Centers for Disease Control and Prevention (CDC):

- all children aged 6 months to 23 months;
- adults aged 65 years and older;
- persons aged 2 years to 64 years with underlying chronic medical conditions;
- all women who will be pregnant during the influenza season;
- residents of nursing homes and long-term care facilities;
- children aged 6 months to 18 years on chronic aspirin therapy;
- health-care workers involved in direct patient care; and
- out-of-home caregivers and household contacts of children aged less than 6 months.

Individuals requesting vaccination who are not included in one of the high risk categories identified by CDC shall be informed about the urgent vaccine supply situations by their health care providers and others that possess influenza vaccine and asked to forgo vaccination to ensure that those in the high risk categories receive their vaccinations.

All health care providers and others that possess influenza vaccine shall cooperate with local public health agencies and the Missouri Department of Health and Senior Services to assess vaccine supply and determine the high need areas in Missouri. The Missouri Department of Health

and Senior Services shall convey to the Centers for Disease Control and Prevention the results of the assessment and the need in Missouri to receive vaccine in the Phase II distribution.

The Missouri Attorney General's Office shall take all appropriate actions to thoroughly investigate and prosecute all violations of Missouri law arising from profiteering or price gouging of influenza vaccine available for the 2004-2005 influenza season.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 25th day of October, 2004.

A handwritten signature in cursive script that reads 'Bob Holden'.

Bob Holden
Governor

ATTEST:

A handwritten signature in cursive script that reads 'Matt Blunt'.

Matt Blunt
Secretary of State