



State & Federal Thimerosal Legislation

AL SB 529: "Mercury-Free Vaccines Act," restricts flu vaccines with thimerosal for pregnant women and children under seven. Only applies to vaccines that contain more than 1.0 microgram of mercury per 0.5 milliliter dose, and the bill does contain exemptions for public health emergencies or shortages.

Sponsor: Senator Quinton T. Ross (D)

Bill Text:

<http://alisondb.legislature.state.al.us/acas/searchableinstruments/2008RS/Printfiles/SB529-int.pdf>

Status: Introduced on 3/25/08 and sent to committee, died due to adjournment on 5/19/08.

Action: Reached out to the sponsor on 3/27, followed up with educational materials.

DE H.B. 322: This bill provides that vaccines containing mercury may not be given to children under 8 years of age or to pregnant women, except under the special circumstances described in the bill. This bill is a "curative" statute which corrects an unintended statutory flaw in House Substitute No. 1 for House Bill No. 194, and tracks the language enacted as 16 Del. C. §510 on July 12, 2007. However, a bill enacted in 2005 [House Substitute No. 2 to House Bill No. 108] struck and replaced that language as of January 1, 2008; hence, the retroactivity of this bill to January 2, 2008.

Sponsor: Rep. Pamela Maier (R)

Bill Text:

[http://legis.delaware.gov/LIS/lis144.nsf/vwLegislation/HB+322/\\$file/legis.html?open](http://legis.delaware.gov/LIS/lis144.nsf/vwLegislation/HB+322/$file/legis.html?open)

Status: Introduced on 3/5, and referred to the House Health & Human Development Committee. Passed the House on 4/8, approved in the Senate HELP Committee on May 7, and signed by the governor on 5/22/08.

HIDA Action: Noting that the language is similar to and references DE HB 194 (which passed the year before), staff contacted the sponsor's office for clarification. Rep. Maier assured us that the legislation was procedural, and would not change existing legislation.

FL H.B. 33; S.B. 308: The bill does not specifically require information about vaccine preservatives, but does require that 2 health care providers disclose information about childhood vaccinations to a minor's parent or legal guardian before vaccination; prohibits a health care provider from administering a vaccination to a minor until after the minor's parent or guardian signs a state form within a designated time period; requires certain health care providers to provide information about childhood vaccines to patients who are pregnant. This act would take effect July 1, 2009.

Sponsor: Representative Kevin C. Ambler (R)

Bill Text:

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h003300.pdf>

Status: Filed in the House on 11/24/08, and filed in the Senate on 12/5 and referred to the Health Regulation Committee.

FL H.B. 39; S.B. 200: The "Vaccine Safety Act" would ban the sale, purchase, manufacture, delivery, importation, administration, or distribution of any vaccine that contains any organic or inorganic mercury compound in excess of 0.1 microgram per milliliter. As written, there is no exemption for public health emergencies. This act would take effect July 1, 2010.

Sponsor: Representative Michael J. Scionti (D); Senator Jeremy Ring (D); Senator Michael Bennett (R)

Bill Text:

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h003900.pdf>

Status: Filed 11/26/08 in the House; filed on 12/3/08 in the Senate and referred to the Health Regulation Committee on 12/17. On 12/30/08, referred to Health Care Regulation Policy (HFPC); Public Safety & Domestic Security Policy (CCJP); Health & Family Services Policy Council; Human Services Appropriations (CGHC); Full Appropriations Council on General Government & Health Care.

Note: FL S.B. 154 was withdrawn from committee on 1/15/09.

HI S.B. 805: Requires HCP to provide parents/guardians with written info on thimerosal in vaccine if more than trace is to be given.

Sponsor: Senator Josh Green (D)

Bill Text: http://www.capitol.hawaii.gov/session2009/bills/SB805_.HTM

Status: Introduced on 1/23/09; referred to Committee on Health

IN H.B. 1567: Prohibits the administration of influenza vaccines containing thimerosal to: (1) children at least six months but less than 36 months of age; and (2) pregnant women; unless no alternative vaccines are available or unless there is an emergency. Requires the state department of health to develop informational materials concerning trace amounts of mercury in vaccines to give to individuals administering vaccines. Requires individuals administering vaccines to give the materials to individuals receiving vaccines. Provides that a health care practitioner may be subject to disciplinary sanctions for failure to comply with these requirements.

Sponsor: Matthew Bell (R)

Bill Text: <http://www.in.gov/legislative/bills/2009/IN/IN1567.1.html>

Status: Introduced and referred to the Public Health Committee on 1/16/09.

IA H.B. 56: A bill for an act relating to early childhood immunizations for influenza containing mercury and making penalties applicable. This bill relates to early childhood immunizations for influenza containing mercury. Currently, early childhood immunizations administered in Iowa cannot contain more than trace amounts of mercury. An exception to this prohibition exists for early childhood immunizations for influenza and in times of emergency or epidemic. The bill eliminates the exception for influenza immunizations. A violation of these provisions is a simple misdemeanor. A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$65 but not more than \$625 or by both.

Sponsor: Rep. John Whitaker (D)

Bill Text:

<http://coolice.legis.state.ia.us/Legislation/83rdGA/Bills/HouseFiles/Introduced/HF56.htm>
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Status: On 1/22/09, the bill was introduced and referred to Human Resources

MD S.B. 304/H.B. 586: The bill, which originally restricted flu vaccines that contained thimerosal, now calls for a study on the cost of single-vial vaccine manufacturing and distribution. {Previously prohibiting specified persons from administering vaccines that contain more than a specified amount of mercury per dose; prohibiting the sale, offer for sale, or distribution in the State of specified drugs that contain mercury; prohibiting the sale, offer for sale, or distribution in the State of cosmetics that contain lead or mercury; etc.}

Sponsor: Senator Thomas McLain Middleton (D) and Delegate Sue Kullen (D)

Bill Text: <http://mlis.state.md.us/2008rs/bills/hb/hb0586t.pdf>

Status: SB 304 introduced on 1/28/08, referred to Senate Finance, Education, & Health and Environmental Affairs Committees. HB 586 introduced on 1/31, referred to House Health & Government Operations Committee. On 2/19, both bills went up for hearings in their respective chambers. On 3/22, the bill was approved with new amendments that effectively remove the vaccine restrictions earlier outlined in the legislation. On 4/3, the bill was reported favorably by the Finance Committee. On 4/24, Governor O'Malley signed the bill into law.

HIDA Action: On 2/19, HIDA submitted written testimony opposing the original legislation. The testimony can be found on www.hida.org.

MD S.B. 105: Maryland SB 105, filed in congruence with HB 140, directs the Department of Health and Mental Hygiene to establish a Committee that will 1) determine where community vaccine shortages exist and which vaccines are in short supply; 2) develop a recommendation plan to effectuate the equitable distribution of vaccines; and 3) study and make recommendations about other related issues as determined by the Commission regarding a universal vaccine purchasing system and a thimerosal update (affordability of mercury-free vaccines).

Sponsor: Senator Thomas Miller (D)

Bill Text: <http://mlis.state.md.us/2007RS/bills/sb/sb0105t.pdf>

Status: First read in Senate Education, Health, and Environmental Affairs Committee on 1/22/07. After a public hearing on 2/15, the bill passed the Senate on 3/9. On 3/14, the

bill was read in the House and after a hearing on 3/27, passed the House on 3/29. The Governor approved the bill on 5/17.

HIDA Action: On August 17, HIDA met with Dennis McGrath of the University of Baltimore and Dr. Alan Lyles of the Health Services Management Program, who are leading a team of researchers that is conducting a study of state vaccine purchasing systems, mandated by the Maryland legislature. The educational meeting was productive in explaining the vital role of distributors and the perils of a universal vaccine purchasing system. HIDA will stay in touch to address the importance of the supply chain.

MA H.B. 2049: An Act regulating early childhood immunizations. The Department and any health care provider shall not administer any vaccine, including the influenza vaccine, to any person who is knowingly pregnant or under the age of three that contains more than trace amounts of mercury. The Commissioner may declare an exemption for the department and health care providers from this section if it is determined that there is an epidemic, emergency or there is a shortage of mercury-free vaccine or vaccine containing no more than trace amounts of mercury. This law shall take effect on December 31, 2008.

Sponsors: Representatives Garrett Bradley (D); Barbara L'Italien (D); and Bradford Hill (R)

Bill Text: <http://www.mass.gov/legis/bills/house/185/ht02pdf/ht02049.pdf>

Status: On 1/03/08, the bill was reported favorably by committee and referred to the committee on Health Care Financing. On 1/11/07, the Senate concurred. 1/11/07, the bill was referred to the committee on Public Health. On 4/10, the bill was accompanied by a study order (H4675) and referred to the Rules Committee, effectively tabled.

HIDA Action: The Massachusetts Health Care Financing Committee has effectively tabled legislation that would have restricted flu vaccine access, designating them for further study with H.R. 4675. In March, HIDA Vice President Andrew E. Van Ostrand held an educational session with health committee staff to provide an educational briefing on the role of Distributors in the flu vaccine supply chain. We continue to work with our contacts on the committees in tracking flu legislation, as the MA legislature has proposed numerous pieces of flu legislation across the last few years.

MA H.B. 2023: The department and, any health care provider shall not administer any vaccine, including the influenza vaccine, to any person who is knowingly pregnant or under the age of three that contains more than trace amounts of mercury. Allows for a shortage exemption, and would come into effect on December 31, 2010.

Sponsors: Reps. Garrett J. Bradley, Barbara A. L'Italien

Bill Text: <http://www.mass.gov/legis/bills/house/186/ht02pdf/ht02023.pdf>

Status: Filed on 1/16/2009, referred to Joint Committee on Public Health

MI H.B. 4278: Requires labeling on select products to identify “mercury-added products,” including pharmaceuticals. No mention of vaccines or influenza.

Sponsor: Rep. Mary Valentine (D)

Bill Text: <http://www.legislature.mi.gov/documents/2009-2010/billintroduced/House/htm/2009-HIB-4278.htm>

Status: Introduced on 2/17/09 by Reps. Valentine, Liss, Byrnes, Miller, Scripps, Smith, Robert Jones, Roberts and Lisa Brown and referred to the Committee on Great Lakes and Environment.

NJ SB 2272, A.B. 3595: Requires parents of children receiving influenza vaccinations to be informed of thimerosal-free alternatives. This bill requires a health care provider to provide a parent or guardian with information concerning thimerosal-Free influenza vaccination alternatives for children, which may be available to be administered to a child upon request by the parent or guardian. "For the 2008-2009 influenza season, there is one thimerosal-Free product licensed for children six to 23 months-old."

Sponsor: Senator Loretta Weinberg (D), Assm. Marcia Karrow (R)

Bill Text: http://www.njleg.state.nj.us/2008/Bills/S2500/2272_I1.htm

Status: On 10/22/08, the bill was introduced and referred to the Committee on Health, Human Resources, and Senior Citizens. On 1/13/09 the House version was reintroduced.

NJ AB 1055/SB 359: Eliminates use of vaccines containing mercury over three years. This bill would phase out the use of vaccines that contain mercury over a three-year period. The bill provides specifically as follows: · Beginning January 1, 2007, health care providers are prohibited from administering an influenza vaccine that contains more than 0.5 micrograms of mercury per 0.25 milliliter dose for children under three years of age, and 1.0 microgram of mercury per 0.5 milliliter dose for persons over three years of age, and any other vaccine that contains more than a trace amount of mercury. Trace amount means a concentration of less than .0002%. · Beginning January 1, 2008, health care providers are prohibited from administering vaccines that contain more than a trace amount of mercury. · Beginning January 1, 2009, health care providers are prohibited from administering vaccines containing any mercury. · The bill provides an exception under which the Commissioner of Health and Senior Services may authorize the use of vaccines containing a higher level of mercury than otherwise provided in the bill if the commissioner determines that it is necessary to prevent or respond to an outbreak of disease or that there are insufficient amounts of these vaccines to adequately protect the public health. Persons who receive a vaccine containing more than a trace amount of mercury are to be informed in advance that the vaccine contains mercury.

Sponsor: Assemblyman Peter Biondi (R), Senator Andrew Ciesla (R)

Bill Text: http://www.njleg.state.nj.us/2008/Bills/A1500/1055_I1.htm

http://www.njleg.state.nj.us/2008/Bills/S0500/359_I1.htm

Status: Introduced and referred to Health and Senior Services Committee(s) on 1/08/08.

NC H.B. 431: Phase Out Mercury in Childhood Vaccines. An act pertaining to the administration of thimerosal-free vaccines to certain-aged children and pregnant women. The bill would limit the use of thimerosal in vaccines for children under 8 years of age and would prohibit thimerosal-containing vaccine for children 6 to 35 months old and pregnant women. The bill includes a provision allowing trace amounts of thimerosal if no thimerosal-free vaccine is available, as well as an exemption for emergency or epidemic.

Sponsor: Representative Nelson Dollar (R)

Bill Text: <http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H431v1.html>

Status: Filed in House 2/28/07. Passed 1st reading 3/01; Referred to Committee on Health. Passed the Health Committee, and is being reviewed in the Appropriations Committee as of 4/26. On 7/25, the bill passed Appropriations Committee. The bill passed the House on 7/26. The bill was introduced to the Senate on 7/27 and referred to the Health Committee. The NC Legislature adjourned on 8/02 and will reconvene 5/13/08. HB 431 carries over to next session.

HIDA Action: HIDA spoke with Representative Nelson Dollar, sponsor of HB 431, and is in touch moving forward.

OH SCR 29: To memorialize the Congress of the United States to review the allowance of mercury as an ingredient in vaccines and take legislative action to ensure that there is no risk of harm in vaccines.

Sponsor: Senator Susan L. Morano (D)

Bill Text: http://www.legislature.state.oh.us/ResolutionText127/127_SCR_29_I_N.html

Status: Introduced 8/30/08

OH : To memorialize the Congress of the United States to review the allowance of mercury as an ingredient in vaccines and take legislative action to ensure that there is no risk of harm in vaccines.

Sponsor: Rep. Jennifer Brady (D)

Bill Text: http://www.legislature.state.oh.us/res.cfm?ID=127_HCR_0049

Status: Introduced on 11/18/08 and referred to the House Health Committee.

OH H.B. 577: Health insurance-cover thimerosal-free influenza vaccine for those under six. The Bill will enact sections 1751.661 and 3923.602 of the Revised Code to require insurers that provide coverage for the influenza vaccine to cover a thimerosal-Free influenza vaccine for children under six years of age.

Sponsor: Representative Diana M. Fessler (R)

Bill Text: http://www.legislature.state.oh.us/bills.cfm?ID=127_HB_0577

Status: 05/23/08 House Introduction and referred to Insurance House Committee

OK S.B. 3: Beginning January 1, 2010, influenza vaccines administered in this state to children less than three (3) years of age and knowingly pregnant women shall not contain more than 0.625 micrograms of mercury per 0.25 milliliter dose. Contains three-month exemption for shortages/outbreaks.

Sponsor: Senator Jay Paul Gumm (D)

Bill Text: <http://www.legislature.mi.gov/documents/2009-2010/billintroduced/House/htm/2009-HIB-4278.htm>

Status: Introduced on 2/2/09 and referred to Health & Human Services Committee.

RI 5854: On and after December 31, 2009, a person who is knowingly pregnant or who is under three years of age shall not be vaccinated with a mercury-containing influenza vaccine that contains more than one (1.0) microgram of mercury per five tenths (0.5) milliliter dose. Includes shortage exemptions.

Sponsors: Representatives Jackson, JP O'Neill, Sullivan, and Palumbo

Bill Text:

Status: Introduced on 2/26/2009, referred to House Health, Education & Welfare.

SD S.B. 198: Requires notice if certain immunizations contain more than trace amounts of mercury. Trace amounts, means any amount less than 0.5 microgram of mercury per 0.5 milliliter dose of vaccine.

Sponsor: Senator Jim Peterson (D)

Bill Text: <http://legis.state.sd.us/sessions/2009/Bills/SB198P.htm>

Status: First read in Senate and referred to Senate Health and Human Services on 2/3/09, and deferred to 41st legislative day on 2/9/09.

SD H.B. 1165: No childhood immunization (8 years or younger) or immunization for a pregnant woman may be administered in this state that contains more than trace amounts of mercury or preservatives containing thimerosal. Bill does contain provision for emergency.

Sponsor: Representatives Ahlers, Elliott, Engels, Feinstein, Gassman, Gillespie, Hunt, Lucas, McLaughlin, Nygaard, Olson (Betty), Rave, and Van Norman and Senators Katus, Gant, Heidepriem, Jerstad, Sutton, and Turbak Berry

Bill Text: <http://legis.state.sd.us/sessions/2008/Bills/HB1165P.htm>

Status: Introduced on 1/15/08, referred to Health and Human Services Committee. Scheduled for hearing on 2/11/08. The Health and Human Services Committee approved the bill on 2/11 and deferred it to the 36th legislative day.

WA S.B. 5457: A person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

Sponsors: Sen. Eric Oemig (D)

Bill Text: <http://apps.leg.wa.gov/documents/billdocs/2009-10/hm/Bills/Senate%20Bills/5457.htm>

Status: Read first time 1/22/09, and referred to Committee on Health & Long-Term Care.

Note: HIDA held a conference call with Sen. Oemig on 2/8/08. Also, the chairwoman of the Health & Wellness committee is a nurse who is pro-vaccine.

WV H.B. 4359: The bill seeks to eliminate, to the maximum extent possible, the use of vaccines that contain mercury.

Sponsor: Delegate Ralph Rodighiero (D)

Bill Text:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/hb4359%20intr.htm

Status: On 1/31/08 the bill was introduced and sent to Health and Human Resources Committee.

WV H.B. 2152: Creates West Virginia Elimination of Mercury in Vaccines Act of 2007 and provides for the elimination of mercury in vaccines, effective July 1, 2007.

Sponsor: Delegate Patrick Lane (R)

Bill Text:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb2152%20intr.htm

Status: Introduced 1/16/07, Referred to House Health and Human Resources Committee, now in the Judiciary Committee.

WV H.C.R. 57: Health (And Related Subheadings) Legislature - Requesting the Joint Committee on Government and Finance to conduct a study on the need to eliminate mercury and mercury preservatives in vaccines.

Sponsor: Delegate Patrick Lane (R)

Bill Text:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hcr57%20intr.htm

Status: Filed for introduction 2/27/07, sent to House Rules Committee. Placed on Special Calendar 3/06. Adopted by House 3/07, sent to Senate. Introduced in Senate 3/08. Sent to Health and Human Resources Committee 3/08, and then sent to the Rules Committee.