



Sen. Don Harmon

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1 AMENDMENT TO HOUSE BILL 511

2 AMENDMENT NO. _____. Amend House Bill 511 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Mercury-Free Vaccine Act.

6 Section 5. Banned mercury-containing vaccines.

7 (a) Commencing January 1, 2006, a person who is knowingly
8 pregnant or who is under 3 years of age shall not be vaccinated
9 with a mercury-containing vaccine that contains more than 1.25
10 micrograms of mercury per dose.

11 (b) Commencing January 1, 2008, (i) except for a hepatitis
12 vaccine described in item (ii), a person who is knowingly
13 pregnant or who is under 3 years of age shall not be vaccinated
14 with a mercury-containing vaccine, (ii) a person who is
15 knowingly pregnant or who is under 3 years of age shall not be
16 vaccinated with a mercury-containing hepatitis vaccine that
17 contains more than 0.5 micrograms of mercury per dose, and
18 (iii) all other persons shall not be vaccinated with a
19 mercury-containing vaccine that contains more than 1.25
20 micrograms of mercury per dose.

21 (c) Commencing January 1, 2010, no person shall be
22 vaccinated or injected with any product that contains, or prior
23 to dilution, had contained as an additive, any mercury based
24 product, whether at preservative or trace amount levels.

1 Section 10. Exemption. The Department of Public Health may
2 exempt the use of a vaccine from this Act if the Department
3 finds that an actual or potential bio-terrorist incident or
4 other actual or potential public health emergency, including an
5 epidemic or shortage of supply of a vaccine that would prevent
6 children under 3 years of age and knowingly pregnant women from
7 receiving the needed vaccine, makes necessary the
8 administration of a vaccine containing more mercury than the
9 maximum level set forth in subsection (a) or subsection (b) of
10 Section 5 in the case of influenza vaccine. The exemption shall
11 meet all of the following conditions:

12 (1) The exemption shall not be issued for more than 12
13 months.

14 (2) At the end of the effective period of any
15 exemption, the Department may issue another exemption for
16 up to 12 months for the same incident or public health
17 emergency, if the Department makes a determination that any
18 exemption is necessary as set forth in this Section and the
19 Department notifies the legislature and interested parties
20 pursuant to paragraphs (3), (4), and (5).

21 (3) Upon issuing an exemption, the Department shall,
22 within 48 hours, notify the legislature about any exemption
23 and about the Department's findings justifying the
24 exemption's approval.

25 (4) Upon request for an exemption, the Department shall
26 notify an interested party, who has expressed his or her
27 interest to the Department in writing, that an exemption
28 request has been made.

29 (5) Upon issuing an exemption, the Department shall,
30 within 7 days, notify an interested party, who has
31 expressed his or her interest to the Department in writing,
32 about any exemption and about the Department's findings
33 justifying the exemption's approval."