



Sen. Susan Garrett

Filed: 4/25/2007

09500SB0133sam002

LRB095 07396 KBJ 35506 a

1 AMENDMENT TO SENATE BILL 133

2 AMENDMENT NO. _____. Amend Senate Bill 133, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Mercury-Free Vaccine Act is amended by
6 changing Sections 5 and 10 as follows:

7 (410 ILCS 51/5)

8 Sec. 5. Banned mercury-containing vaccines.

9 (a) Except for an influenza vaccine, on or after January 1,
10 2008, a person who is knowingly pregnant or who is under 3
11 years of age shall not be vaccinated with a mercury-containing
12 vaccine or injected with a mercury-containing product that
13 contains more than 0.5 micrograms of mercury per 0.5 milliliter
14 dose. Commencing January 1, 2006, a person shall not be
15 vaccinated with a mercury containing vaccine that contains
16 more than 1.25 micrograms of mercury per dose.

1 (b) On and after January 1, 2008, a person who is knowingly
2 pregnant or who is under 3 years of age shall not be vaccinated
3 with a mercury-containing influenza vaccine that contains more
4 than 1.0 microgram of mercury per 0.5 milliliter dose.

5 ~~Commencing January 1, 2008, no person shall be vaccinated with~~
6 ~~a vaccine or injected with any product that contains, or prior~~
7 ~~to dilution, had contained as an additive, any mercury based~~
8 ~~product, whether at preservative or trace amount levels.~~

9 (Source: P.A. 94-614, eff. 1-1-06.)

10 (410 ILCS 51/10)

11 Sec. 10. Exemption.

12 The Director of Public Health may exempt the use of a
13 vaccine from the requirements of this Act if the Director
14 finds, and the Governor concurs, that an actual or potential
15 bioterrorist incident or other actual or potential public
16 health emergency, including an epidemic or a shortage of supply
17 of a vaccine that would prevent children under 3 years of age
18 and knowingly pregnant women from receiving the needed vaccine,
19 makes necessary the administration of a vaccine containing more
20 mercury than the maximum level set forth in this Act. The
21 exemption shall meet all of the following requirements:

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

24 (2) At the end of the effective period of the
25 exemption, the Director may issue another exemption for up

1 to 12 months for the same incident or public health
2 emergency if the Director makes a determination that the
3 exemption is necessary as set forth in this Section, the
4 Governor concurs with the exemption, and the Director
5 notifies the General Assembly and interested parties,
6 pursuant to subsections (3), (4), and (5) of this Section.

7 (3) Upon issuing an exemption, the Director and the
8 Governor shall, within 48 hours, notify the General
9 Assembly about the exemption and about the Director's
10 findings justifying the exemption's approval.

11 (4) Upon request for an exemption, the Department shall
12 notify an interested party who has expressed his or her
13 interest to the Department in writing that an exemption
14 request has been made.

15 (5) Upon issuing an exemption, the Director shall,
16 within 7 days, notify interested parties who have expressed
17 their interest to the Director in writing about the
18 exemption and about the Director's findings justifying the
19 exemption's approval.

20 ~~The Department of Public Health may exempt the use of a vaccine~~
21 ~~from this Act if the Department finds that an actual or~~
22 ~~potential bio-terrorist incident or other actual or potential~~
23 ~~public health emergency, including an epidemic or shortage of~~
24 ~~supply of a vaccine at a reasonable cost that would prevent a~~
25 ~~person from receiving the needed vaccine, makes necessary the~~
26 ~~administration of a vaccine containing more mercury than the~~

1 ~~maximum level set forth in subsection (a) or subsection (b) of~~
2 ~~Section 5 in the case of influenza vaccine. The exemption shall~~
3 ~~meet all of the following conditions:~~

4 ~~(1) The exemption shall not be issued for more than 12~~
5 ~~months.~~

6 ~~(2) At the end of the effective period of any~~
7 ~~exemption, the Department may issue another exemption for~~
8 ~~up to 12 months for the same incident or public health~~
9 ~~emergency, if the Department makes a determination that any~~
10 ~~exemption is necessary as set forth in this Section and the~~
11 ~~Department notifies the legislature and interested parties~~
12 ~~pursuant to paragraphs (3), (4), and (5).~~

13 ~~(3) Upon issuing an exemption, the Department shall,~~
14 ~~within 48 hours, notify the legislature about any exemption~~
15 ~~and about the Department's findings justifying the~~
16 ~~exemption's approval.~~

17 ~~(4) Upon request for an exemption, the Department shall~~
18 ~~notify an interested party, who has expressed his or her~~
19 ~~interest to the Department in writing, that an exemption~~
20 ~~request has been made.~~

21 ~~(5) Upon issuing an exemption, the Department shall,~~
22 ~~within 7 days, notify an interested party, who has~~
23 ~~expressed his or her interest to the Department in writing,~~
24 ~~about any exemption and about the Department's findings~~
25 ~~justifying the exemption's approval.~~

26 (Source: P.A. 94-614, eff. 1-1-06.)"