

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 431**

Short Title: Phase Out Mercury in Childhood Vaccines. (Public)

Sponsors: Representatives Dollar, Goforth (Primary Sponsors); Coates, Faison, Farmer-Butterfield, Moore, and Walend.

Referred to: Health.

March 1, 2007

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE ADMINISTRATION OF THIMEROSAL-FREE  
VACCINES TO CERTAIN-AGED CHILDREN AND PREGNANT WOMEN.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-152 reads as rewritten:

"§ 130A-152. **Immunization required.**

(a) Every child present in this State shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, every child present in this State shall be immunized against any other disease upon a determination by the Commission that the immunization is in the interest of the public health. Every parent, guardian, person in loco parentis and person or agency, whether governmental or private, with legal custody of a child shall have the responsibility to ensure that the child has received the required immunization at the age required by the Commission. If a child has not received the required immunizations by the specified age, the responsible person shall obtain the required immunization for the child as soon as possible after the lack of the required immunization is determined.

(b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.

(c) The Commission shall adopt and the Department shall enforce rules concerning the implementation of the immunization program. The rules shall provide for:

- (1) The child's age at administration of each vaccine;
- (2) The number of doses of each vaccine;
- (3) Exemptions from the immunization requirements where medical practice suggests that immunization would not be in the best health interests of a specific category of children;
- (4) The procedures and practices for administering the vaccine; and
- (5) Redistribution of vaccines provided to local health departments.

1 (c1) The Commission for Health Services shall, pursuant to G.S. 130A-152 and  
2 G.S. 130A-433, adopt rules establishing reasonable fees for the administration of  
3 vaccines and rules limiting the requirements that can be placed on children, their  
4 parents, guardians, or custodians as a condition for receiving vaccines provided by the  
5 State. These rules shall become effective January 1, 1994.

6 (d) Only vaccine preparations which meet the standards of the United States  
7 Food and Drug Administration or its successor in licensing vaccines and are approved  
8 for use by the Commission may be used. Vaccines, containing the preservative  
9 thimerosal, administered to children under the age of eight years shall not contain more  
10 than 0.5 micrograms of mercury per 0.5 milliliter dose. Influenza vaccines administered  
11 to children 6-35 months of age and pregnant women shall not contain the preservative  
12 thimerosal, except:

13 (1) Vaccines with a trace amount (<0.5ug/0/5ml dose) of mercury are  
14 permissible only if there are no alternative vaccines available; and

15 (2) In times of emergency or epidemic as determined by the State Health  
16 Director. If an emergency or epidemic is determined to exist, the State  
17 Health Director shall notify the Commission for Health Services, the  
18 Governor, and the Joint Legislative Commission on Governmental  
19 Operations, and the general public.

20 (e) When the Commission requires immunization against a disease not listed in  
21 paragraph (a) of this section, or requires an additional dose of a vaccine, the  
22 Commission is authorized to exempt from the new requirement children who are or who  
23 have been enrolled in school (K-12) on or before the effective date of the new  
24 requirement."

25 **SECTION 2.** Part 2 of Article 6 of Chapter 130A of the General Statutes is  
26 amended by adding the following new section to read:

27 "**§ 130A-152.1. Information regarding certain vaccines.**

28 (a) The Department of Health and Human Services, Division of Public Health,  
29 shall develop and produce a brochure that explains the use of thimerosal and other  
30 preservatives in vaccines. The brochure shall describe what alternatives are available  
31 and what potential advantages and disadvantages are posed by the use of thimerosal and  
32 the alternatives. The brochure shall include all of the following information:

33 (1) That thimerosal is a preservative that contains forty-nine and six-tenths  
34 percent (49.6%) mercury used in vaccines.

35 (2) A brief history of thimerosal in vaccines, including the request made in  
36 1999 by the Academy of Pediatrics for the voluntary removal of  
37 thimerosal from vaccines.

38 (3) The availability of vaccines that do not contain thimerosal.

39 (4) History and factual information regarding thimerosal. This information  
40 shall be updated periodically to include recent developments in  
41 scientific knowledge and any standards of health care practice and  
42 legal requirements relevant to thimerosal.

1           (5) Other information that contributes to the ability of the patient or parent  
2           or guardian of the patient to make an informed decision when choosing  
3           the type of vaccine to be administered.

4           (b) The Department of Health and Human Services, Division of Public Health,  
5 shall develop and produce a poster that informs patients of the availability of the  
6 brochure prepared under subsection (a) of this section and provides basic information  
7 about vaccines containing preservatives, including those that contain and do not contain  
8 thimerosal.

9           (c) Physicians licensed in this State who administer vaccines to patients shall  
10 display in their offices the poster prepared under subsection (b) of this section and shall  
11 make available for patients or the parents or guardians of patients the brochure prepared  
12 under subsection (a) of this section."

13           **SECTION 3.** The Department of Health and Human Services shall study  
14 and determine the feasibility of requiring that all vaccinations used to carry out the  
15 provisions of G.S. 130A-152(a) shall be free of the preservative thimerosal. The  
16 Department shall submit a written report of its findings, including a timetable for  
17 implementation to the 2008 Regular Session of the General Assembly upon its  
18 convening.

19           **SECTION 4.** Section 3 of this act is effective when it becomes law. The  
20 remainder of this act becomes effective January 1, 2008.