GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

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HOUSE BILL 431 Committee Substitute Favorable 4/26/07

Short Tit	le: Phase Out Mercury in Childhood Vaccines.	(Public)
Sponsors	s:	
Referred	to:	
	March 1, 2007	
VACO The Gene "\$ 130A- (a) tetanus, v every chi	A BILL TO BE ENTITLED I PERTAINING TO THE ADMINISTRATION OF THIMEROSA CINES TO CERTAIN-AGED CHILDREN AND PREGNANT WOM eral Assembly of North Carolina enacts: SECTION 1. G.S. 130A-152 reads as rewritten: -152. Immunization required. Every child present in this State shall be immunized against developing cough, poliomyelitis, red measles (rubeola) and rubella. In ild present in this State shall be immunized against any other disease that he decrease that the immunized against any other disease that he immunized	iphtheria, addition, se upon a
health. E governme	ation by the Commission that the immunization is in the interest of the Every parent, guardian, person in loco parentis and person or agency ental or private, with legal custody of a child shall have the responsat the child has received the required immunization at the age required.	, whether sibility to
age, the r	sion. If a child has not received the required immunizations by the responsible person shall obtain the required immunization for the childle after the lack of the required immunization is determined.	_
(b)	Repealed by Session Laws 2002-179, s. 10, effective October 1, 200	2.
(c)	The Commission shall adopt and the Department shall enfo	
	ng the implementation of the immunization program. The rules shall	ll provide
for:	(1) The shilds are at administration of each according	
	(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 practice suggests that immunization would not be in the beinterests of a specific category of children;	
	(4) The procedures and practices for administering the vaccine; a	nd
	(5) Redistribution of vaccines provided to local health departmen	
(c1)	The Commission for Health Services shall, pursuant to G.S. 130A	1-152 and

G.S. 130A-433, adopt rules establishing reasonable fees for the administration of

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vaccines and rules limiting the requirements that can be placed on children, their parents, guardians, or custodians as a condition for receiving vaccines provided by the State. These rules shall become effective January 1, 1994.

- Only vaccine preparations which meet the standards of the United States Food and Drug Administration or its successor in licensing vaccines and are approved for use by the Commission may be used. Vaccines, containing the preservative thimerosal, administered to children under the age of eight years shall not contain more than 0.5 micrograms of mercury per 0.5 milliliter dose.
- Influenza vaccines administered to children 6-35 months of age and pregnant women shall not contain the preservative thimerosal, except:
 - Vaccines with a trace amount (<0.5ug/0/5ml dose) of mercury are (1) permissible only if there are no alternative vaccines available; or
 - In times of emergency, supply disruption, vaccine shortage, or (2) epidemic as determined by the State Health Director. If an emergency or epidemic is determined to exist, the State Health Director shall notify the Commission for Health Services, the Governor, the Joint Legislative Commission on Governmental Operations, and the general public.
- (e) When the Commission requires immunization against a disease not listed in paragraph (a) of this section, or requires an additional dose of a vaccine, the Commission is authorized to exempt from the new requirement children who are or who have been enrolled in school (K-12) on or before the effective date of the new requirement."

SECTION 2. The Department of Health and Human Services, Division of Public Health, shall include information on the use of thimerosal and other preservatives in vaccines in printed materials produced by the Department for distribution to parents, guardians, and others regarding immunizations required by G.S. 130A-152(a). The information shall include at a minimum the following information:

- Thimerosal is a preservative used in vaccines that contains forty-nine (1) and six-tenths percent (49.6%) mercury.
- A brief history of the use of thimerosal in vaccines, including the (2) request made in 1999 by the Academy of Pediatrics for the voluntary removal of thimerosal from vaccines.
- The availability of vaccines that do not contain thimerosal. (3)
- (4) History and factual information regarding thimerosal. This information shall be updated periodically to include recent developments in scientific knowledge, standards of health care practice, and legal requirements relevant to thimerosal.
- Other information that contributes to the ability of the patient, parent, (5) or guardian of the patient to make an informed decision when choosing the type of vaccine to be administered.

SECTION 3. The Department of Health and Human Services shall study and determine the feasibility of requiring that all vaccinations used to carry out the provisions of G.S. 130A-152(a) shall be free of the preservative thimerosal. The

- Department shall submit a written report of its findings, including a timetable for implementation, to the 2008 Regular Session of the General Assembly upon its convening.
- SECTION 4. Section 1 of this act becomes effective January 1, 2008. The remaining sections become effective when the act becomes law.