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By: **Delegates Kullen, Gilleland, Bohanan, Boteler, Bromwell, Cadden, Cluster, Costa, C. Davis, Donoghue, Frush, Jameson, Jones, Kaiser, King, Kohl, Levy, Love, Mayer, McConkey, Nathan-Pulliam, Niemann, Stern, V. Turner, and Weldon**

Introduced and read first time: January 26, 2006  
Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Health - Mercury-Free Vaccines - Requirements**

3 FOR the purpose of prohibiting certain individuals from being vaccinated with  
4 certain vaccines containing certain amounts of mercury on or after a certain  
5 date; prohibiting certain individuals from being vaccinated or injected with  
6 certain vaccines or other products containing any amount of mercury on or after  
7 a certain date; granting the Secretary of Health and Mental Hygiene authority  
8 to authorize the use of certain vaccines that may contain mercury in the event of  
9 the threat or occurrence of certain chemical or biological terrorist incidents or  
10 certain public health emergencies; prohibiting the authorization of the use of  
11 certain vaccines for longer than a certain amount of time except under certain  
12 circumstances; authorizing a person to make a certain request to the Secretary  
13 to use certain vaccines; requiring the Secretary to provide certain notice under  
14 certain circumstances; and generally relating to requirements for mercury-free  
15 vaccines.

16 BY adding to  
17 Article - Health - General  
18 Section 18-110  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2005 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Health - General**

24 18-110.

25 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR  
26 AFTER JANUARY 1, 2007, AN INDIVIDUAL MAY NOT BE VACCINATED WITH A VACCINE

1 THAT CONTAINS MORE THAN 1.25 MICROGRAMS OF MERCURY PER 0.5 MILLILITER  
2 DOSE.

3 (2) ON OR AFTER JUNE 1, 2009, AN INDIVIDUAL MAY NOT BE  
4 VACCINATED OR INJECTED WITH A VACCINE OR OTHER PRODUCT THAT CONTAINS  
5 MERCURY IN ANY AMOUNT INCLUDING PRESERVATIVE LEVEL AMOUNTS OR TRACE  
6 AMOUNTS.

7 (B) (1) IN THE EVENT OF THE THREAT OR OCCURRENCE OF A CHEMICAL OR  
8 BIOLOGICAL TERRORIST INCIDENT OR OTHER PUBLIC HEALTH EMERGENCY,  
9 INCLUDING A PUBLIC HEALTH EPIDEMIC OR SHORTAGE OF A NECESSARY VACCINE  
10 AVAILABLE AT A REASONABLE COST, THE SECRETARY MAY AUTHORIZE THE USE OF  
11 A VACCINE THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS  
12 SECTION.

13 (2) THE AUTHORIZATION OF THE USE OF A VACCINE UNDER  
14 PARAGRAPH (1) OF THIS SUBSECTION MAY NOT CONTINUE FOR LONGER THAN 1 YEAR  
15 UNLESS THE SECRETARY:

16 (I) RENEWS THE AUTHORIZATION FOR THE USE OF THE VACCINE  
17 FOR NO LONGER THAN 1 YEAR FOR THE SAME INCIDENT OR PUBLIC HEALTH  
18 EMERGENCY;

19 (II) DETERMINES THAT A RENEWAL OF AUTHORIZATION IS  
20 NECESSARY TO PROTECT THE PUBLIC HEALTH; AND

21 (III) PROVIDES NOTICE TO THE GENERAL ASSEMBLY WITHIN 48  
22 HOURS OF AUTHORIZING THE RENEWAL INCLUDING THE REASONS FOR THE  
23 RENEWAL.

24 (C) (1) A PERSON MAY PETITION THE SECRETARY, IN WRITING, TO REQUEST  
25 THAT THE SECRETARY AUTHORIZE THE USE OF A VACCINE IN ACCORDANCE WITH  
26 THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION.

27 (2) A PERSON MAY REQUEST, IN WRITING, THAT THE SECRETARY SEND  
28 THE REQUESTING PERSON NOTICE OF:

29 (I) ANY REQUEST BY A PERSON THAT THE SECRETARY AUTHORIZE  
30 THE USE OF A VACCINE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (B)  
31 OF THIS SECTION; AND

32 (II) THE DECISION OF THE SECRETARY TO USE A VACCINE IN  
33 ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION  
34 INCLUDING THE REASONS FOR AUTHORIZATION.

35 (3) THE SECRETARY SHALL NOTIFY A PERSON REQUESTING NOTICE  
36 UNDER PARAGRAPH (2) OF THIS SUBSECTION OF THE APPROPRIATE INFORMATION  
37 WITHIN 7 DAYS OF THE DAY THAT THE SECRETARY:

1 (I) RECEIVES A WRITTEN REQUEST UNDER PARAGRAPH (1) OF  
2 THIS SUBSECTION; OR

3 (II) AUTHORIZED THE USE OF A VACCINE IN ACCORDANCE WITH  
4 THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2006.