
By: **Senators Middleton, Colburn, Della, Dyson, Gladden, Hollinger, Hooper,
Jimeno, Kelley, Klausmeier, Stone, and Teitelbaum**

Introduced and read first time: January 30, 2006

Assigned to: Education, Health, and Environmental Affairs

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
27 THAT CONTAINS MORE THAN 1.25 MICROGRAMS OF MERCURY PER 0.5 MILLILITER
28 DOSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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