
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

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 22, 2006

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of ~~prohibiting~~ requiring certain individuals ~~from being to be~~
4 vaccinated with certain vaccines containing certain amounts of mercury on or
5 after a certain date unless certain vaccines are not readily available or
6 appropriate; ~~prohibiting certain individuals from being vaccinated or injected~~
7 ~~with certain vaccines or other products containing any amount of mercury on or~~
8 ~~after a certain date~~; granting the Secretary of Health and Mental Hygiene
9 authority to authorize the use of certain vaccines that may contain mercury in
10 the event of the threat or occurrence of certain chemical or biological terrorist
11 incidents or certain public health emergencies; ~~prohibiting the authorization of~~
12 ~~the use of certain vaccines for longer than a certain amount of time except under~~
13 ~~certain circumstances~~; ~~authorizing a person to make a certain request to the~~
14 ~~Secretary to use certain vaccines~~; ~~requiring the Secretary to provide certain~~
15 ~~notice under certain circumstances~~; and generally relating to requirements for
16 mercury-free vaccines.

17 BY adding to
18 Article - Health - General
19 Section 18-110
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2005 Supplement)

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

1

Article - Health - General

2 18-110.

3 ~~(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR~~
4 ~~AFTER JANUARY 1, 2007, AN INDIVIDUAL MAY NOT BE VACCINATED WITH A VACCINE~~
5 ~~THAT CONTAINS MORE THAN 1.25 MICROGRAMS OF MERCURY PER 0.5 MILLILITER~~
6 ~~DOSE.~~

7 ON OR AFTER JANUARY 1, 2008, AN INDIVIDUAL SHALL BE VACCINATED WITH A
8 VACCINE THAT CONTAINS LESS THAN 1.25 MICROGRAMS OF MERCURY PER 0.5
9 MILLILITER DOSE UNLESS A VACCINE THAT MEETS THIS REQUIREMENT IS NOT
10 READILY AVAILABLE OR APPROPRIATE.

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

15 ~~(B) (1) IN THE EVENT OF THE THREAT OR OCCURRENCE OF A CHEMICAL OR~~
16 ~~BIOLOGICAL TERRORIST INCIDENT OR OTHER PUBLIC HEALTH EMERGENCY,~~
17 ~~INCLUDING A PUBLIC HEALTH EPIDEMIC OR SHORTAGE OF A NECESSARY VACCINE~~
18 ~~AVAILABLE AT A REASONABLE COST, THE SECRETARY MAY AUTHORIZE THE USE OF~~
19 ~~A VACCINE THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS~~
20 ~~SECTION.~~

21 ~~(2) THE AUTHORIZATION OF THE USE OF A VACCINE UNDER~~
22 ~~PARAGRAPH (1) OF THIS SUBSECTION MAY NOT CONTINUE FOR LONGER THAN 1 YEAR~~
23 ~~UNLESS THE SECRETARY:~~

24 ~~(I) RENEWS THE AUTHORIZATION FOR THE USE OF THE VACCINE~~
25 ~~FOR NO LONGER THAN 1 YEAR FOR THE SAME INCIDENT OR PUBLIC HEALTH~~
26 ~~EMERGENCY;~~

27 ~~(II) DETERMINES THAT A RENEWAL OF AUTHORIZATION IS~~
28 ~~NECESSARY TO PROTECT THE PUBLIC HEALTH; AND~~

29 ~~(III) PROVIDES NOTICE TO THE GENERAL ASSEMBLY WITHIN 48~~
30 ~~HOURS OF AUTHORIZING THE RENEWAL INCLUDING THE REASONS FOR THE~~
31 ~~RENEWAL.~~

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

35 ~~(2) A PERSON MAY REQUEST, IN WRITING, THAT THE SECRETARY SEND~~
36 ~~THE REQUESTING PERSON NOTICE OF:~~

1 (4) ~~ANY REQUEST BY A PERSON THAT THE SECRETARY AUTHORIZE~~
2 ~~THE USE OF A VACCINE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (B)~~
3 ~~OF THIS SECTION; AND~~

4 (II) ~~THE DECISION OF THE SECRETARY TO USE A VACCINE IN~~
5 ~~ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION~~
6 ~~INCLUDING THE REASONS FOR AUTHORIZATION.~~

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

10 (4) ~~RECEIVES A WRITTEN REQUEST UNDER PARAGRAPH (1) OF~~
11 ~~THIS SUBSECTION; OR~~

12 (II) ~~AUTHORIZED THE USE OF A VACCINE IN ACCORDANCE WITH~~
13 ~~THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION.~~

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