

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Mercury-Free Vaccine Act.

6 Section 5. Banned mercury-containing vaccines.

7 (a) Except for an influenza vaccine described in subsection
8 (b), a person who is knowingly pregnant or who is under 3 years
9 of age shall not be vaccinated with a mercury-containing
10 vaccine or injected with a mercury-containing product that
11 contains more than 0.5 micrograms of mercury per 0.5 milliliter
12 dose.

13 (b) A person who is knowingly pregnant or who is under 3
14 years of age shall not be vaccinated with a mercury-containing
15 influenza vaccine that contains more than 1.0 microgram of
16 mercury per 0.5 milliliter dose.

17 Section 10. Exemption. The Department of Public Health may
18 exempt the use of a vaccine from this Act if the Department
19 finds that an actual or potential bio-terrorist incident or
20 other actual or potential public health emergency, including an
21 epidemic or shortage of supply of a vaccine that would prevent
22 children under 3 years of age and knowingly pregnant women from
23 receiving the needed vaccine, makes necessary the
24 administration of a vaccine containing more mercury than the
25 maximum level set forth in subsection (a) or subsection (b) of
26 Section 5 in the case of influenza vaccine. The exemption shall
27 meet all of the following conditions:

28 (1) The exemption shall not be issued for more than 12
29 months.

30 (2) At the end of the effective period of the
31 exemption, the Department may issue another exemption for

1 up to 12 months for the same incident or public health
2 emergency, if the Department makes a determination that the
3 exemption is necessary as set forth in this Section and the
4 Department notifies the legislature and interested parties
5 pursuant to paragraphs (3), (4), and (5).

6 (3) Upon issuing an exemption, the Department shall,
7 within 48 hours, notify the legislature about the exemption
8 and about the Department's findings justifying the
9 exemption's approval.

10 (4) Upon request for an exemption, the Department shall
11 notify an interested party, who has expressed his or her
12 interest to the Department in writing, that an exemption
13 request has been made.

14 (5) Upon issuing an exemption, the Department shall,
15 within 7 days, notify an interested party, who has
16 expressed his or her interest to the Department in writing,
17 about the exemption and about the Department's findings
18 justifying the exemption's approval.