

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) Commencing January 1, 2006, a person shall not be
8 vaccinated with a mercury-containing vaccine that contains
9 more than 1.25 micrograms of mercury per dose.

10 (b) Commencing January 1, 2008, no person shall be
11 vaccinated with a vaccine or injected with any product that
12 contains, or prior to dilution, had contained as an additive,
13 any mercury based product, whether at preservative or trace
14 amount levels.

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

26 (1) The exemption shall not be issued for more than 12
27 months.

28 (2) At the end of the effective period of any
29 exemption, the Department may issue another exemption for
30 up to 12 months for the same incident or public health
31 emergency, if the Department makes a determination that any

1 exemption is necessary as set forth in this Section and the
2 Department notifies the legislature and interested parties
3 pursuant to paragraphs (3), (4), and (5).

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

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

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