



Sen. Don Harmon

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1 AMENDMENT TO HOUSE BILL 511

2 AMENDMENT NO. _____. Amend House Bill 511 by replacing
3 everything after the enacting clause with the following:

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 that would prevent
20 a person from receiving the needed vaccine, makes necessary the
21 administration of a vaccine containing more mercury than the
22 maximum level set forth in subsection (a) or subsection (b) of
23 Section 5 in the case of influenza vaccine. The exemption shall

1 meet all of the following conditions:

2 (1) The exemption shall not be issued for more than 12
3 months.

4 (2) At the end of the effective period of any
5 exemption, the Department may issue another exemption for
6 up to 12 months for the same incident or public health
7 emergency, if the Department makes a determination that any
8 exemption is necessary as set forth in this Section and the
9 Department notifies the legislature and interested parties
10 pursuant to paragraphs (3), (4), and (5).

11 (3) Upon issuing an exemption, the Department shall,
12 within 48 hours, notify the legislature about any exemption
13 and about the Department's findings justifying the
14 exemption's approval.

15 (4) Upon request for an exemption, the Department shall
16 notify an interested party, who has expressed his or her
17 interest to the Department in writing, that an exemption
18 request has been made.

19 (5) Upon issuing an exemption, the Department shall,
20 within 7 days, notify an interested party, who has
21 expressed his or her interest to the Department in writing,
22 about any exemption and about the Department's findings
23 justifying the exemption's approval.".