HOUSE . . . . . No. 2049

By Representatives Bradley of Hingham and L'Italien of Andover, petition of Garrett J. Bradley and others relative to further regulating early childhood immunizations. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Garrett J. Bradley
Barbara A. L'Italien
Bradford Hill

In the Year Two Thousand and Seven.

AN ACT FURTHER REGULATING EARLY CHILDHOOD IMMUNIZATIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 111 of the General Laws, is hereby amended by inserting after section 5A the following section:—-

Section 5A½.

(a) The department and, any health care provider, as defined in Section 1, shall not administer, or allow to be administered, any vaccine, including the influenza vaccine, to any person who is knowingly pregnant or under the age of three that contains more than trace amounts of mercury. For the purpose of this act, a trace amount is that amount as determined by the United States Food and Drug Administration.

(b) The Commissioner may declare an exemption for the department and health care providers from this section if he or she determines that there is an epidemic, an emergency or that, after diligent efforts to obtain the mercury free vaccines, or vaccine containing no more than trace amounts of mercury, there is a shortage of the mercury-free vaccine or vaccine containing no more than trace amounts of mercury. In such a case, a 12 month exemption shall be sought. The Commissioner may seek a second 12 month exemption should

he or she determine that said epidemic, emergency, or shortage persists. All health care providers who administer to any child or adult, vaccinations subject to federal oversight, must be in compliance with the National Childhood Vaccine Injury Act (42 U.S.C. §300aa-26).

(c) This law shall take effect on December 31, 2008.

(d) On or before October 1, 2008, the Commissioner, in consultation with representatives from the Massachusetts Medical Society and the Massachusetts Chapter of the American Academy of Pediatrics, shall send a report to the Governor, the Joint Committee on Public Health, the Speaker of the House, and the Senate President regarding any issues with the implementation of this law, including any changes, if any, needed to amend existing sections of the Massachusetts General Laws relating to the purchase, procurement, or administration of vaccines.

(e) The department shall promulgate regulations to carry out the provisions of this section.

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