

HOUSE No. 2115

By Mr. Hill of Ipswich, petition of Bradford Hill and Bradley H. Jones, Jr., relative to prohibiting the use of certain vaccines and serums containing mercury. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO 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:

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

3 Section 5A½.

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

11 (b) The Commissioner may declare an exemption for the depart-
12 ment and health care providers from this section if he or she deter-
13 mines that there is an epidemic, an emergency or that, after diligent
14 efforts to obtain the mercury free vaccines, or vaccine containing no
15 more than trace amounts of mercury, there is a shortage of the mer-
16 cury-free vaccine or vaccine containing no more than trace amounts
17 of mercury. In such a case, a 12 month exemption shall be sought.
18 The Commissioner may seek a second 12 month exemption should
19 he or she determine that said epidemic, emergency, or shortage per-
20 sists. All health care providers who administer to any child or adult,
21 vaccinations subject to federal oversight, must be in compliance
22 with the National Childhood Vaccine Injury Act (42 U.S.C. §300aa-
23 26).

24 (c) This law shall take effect on December 31, 2007.

25 (d) The Commissioner, in consultation with representatives from
26 the Massachusetts Medical Society and the Massachusetts Chapter
27 of the American Academy of Pediatrics, shall send a report to the
28 Governor, the Joint Committee on Public Health, the Speaker of the
29 House, and the Senate President regarding any issues with the imple-
30 mentation of this law, including any changes, if any, needed to
31 amend existing sections of the Massachusetts General Laws relating
32 to the purchase, procurement, or administration of vaccines.

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