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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2350**

March 24, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health; prohibiting the use of certain vaccines containing mercury
1.3 or mercury compounds; requiring providers to notify patients when a vaccine
1.4 contains more than a trace amount of mercury; amending Minnesota Statutes
2006, section 121A.15, subdivision 3a.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 121A.15, subdivision 3a, is amended to
1.8 read:

1.9 Subd. 3a. **Disclosures required.** (a) This paragraph applies to any written
1.10 information about immunization requirements for enrollment in a school or child care
1.11 facility that:

1.12 (1) is provided to a person to be immunized or enrolling or enrolled in a school or
1.13 child care facility, or to the person's parent or guardian if the person is under 18 years
1.14 of age and not emancipated; and

1.15 (2) is provided by the Department of Health; the Department of Education; the
1.16 Department of Human Services; an immunization provider; or a school or child care
1.17 facility.

1.18 Such written information must describe the exemptions from immunizations permitted
1.19 under subdivision 3, paragraphs (c) and (d). The information on exemptions from
1.20 immunizations provided according to this paragraph must be in a font size at least equal to
1.21 the font size of the immunization requirements, in the same font style as the immunization
1.22 requirements, and on the same page of the written document as the immunization
1.23 requirements.

2.1 (b) Before immunizing a person, an immunization provider must provide the
2.2 person, or the person's parent or guardian if the person is under 18 years of age and not
2.3 emancipated, with the following information in writing:

2.4 (1) a list of the immunizations required for enrollment in a school or child care
2.5 facility;

2.6 (2) a description of the exemptions from immunizations permitted under subdivision
2.7 3, paragraphs (c) and (d);

2.8 (3) a list of additional immunizations currently recommended by the commissioner;
2.9 and

2.10 (4) in accordance with federal law, a copy of the vaccine information sheet from the
2.11 federal Department of Health and Human Services that lists possible adverse reactions to
2.12 the immunization to be provided.

2.13 (c) The commissioner ~~will~~ shall continue the educational campaign to providers
2.14 and hospitals on vaccine safety including, but not limited to, information on the vaccine
2.15 adverse events reporting system (VAERS), the federal vaccine information statements
2.16 (VIS), and medical precautions and contraindications to immunizations.

2.17 (d) The commissioner ~~will~~ shall encourage providers to provide the vaccine
2.18 information statements at multiple visits and in anticipation of subsequent immunizations.

2.19 (e) The commissioner ~~will~~ shall encourage providers to use existing screening for
2.20 immunization precautions and contraindication materials and make proper use of the
2.21 vaccine adverse events reporting system (VAERS).

2.22 (f) In consultation with groups and people identified in subdivision 12, paragraph
2.23 (a), clause (1), the commissioner will continue to develop and make available patient
2.24 education materials on immunizations including, but not limited to, contraindications and
2.25 precautions regarding vaccines.

2.26 (g) ~~The commissioner will encourage health care providers to use thimerosal-free~~
2.27 ~~vaccines when available.~~ (1) Effective August 1, 2007, no vaccine may be administered to
2.28 a pregnant woman or person under the age of 18 in the state which contains, or prior to
2.29 dilution, contained as an additive, any mercury or mercury compounds, including but not
2.30 limited to, thimerosal, whether at preservative or trace amounts, unless:

2.31 (i) a vaccine containing no mercury is not manufactured; or

2.32 (ii) the provider found that the mercury-free medically recommended vaccine was
2.33 not readily obtainable by utilizing reasonable efforts because of a shortage of supplies or
2.34 because the vaccine was not available for timely purchase.

2.35 (2) If a mercury-free vaccine is not available according to this paragraph, then
2.36 a vaccine containing a trace amount of mercury as defined by the Food and Drug

3.1 Administration may be administered. If neither a mercury-free vaccine nor a vaccine
3.2 containing a trace amount of mercury is available, then the vaccine containing mercury
3.3 may be administered.

3.4 (h)(1) Effective August 1, 2008, no vaccine may be administered to anyone in
3.5 the state which contains, or prior to dilution, had contained as an additive, more than
3.6 a trace amount of mercury or mercury compounds as defined by the Food and Drug
3.7 Administration, including but not limited to, thimerosal, unless:

3.8 (i) a vaccine containing no more than a trace amount of mercury is not manufactured;
3.9 or

3.10 (ii) the provider found that the vaccine containing no more than a trace amount of
3.11 mercury was not readily obtainable by utilizing reasonable efforts because of a shortage of
3.12 supplies or because the vaccine was not available for timely purchase.

3.13 (2) If a vaccine containing no more than a trace amount of mercury is not available
3.14 according to this paragraph, then a vaccine containing more than a trace amount of
3.15 mercury may be administered.

3.16 (i) The commissioner of health shall inform immunization providers of the
3.17 requirements of paragraphs (g) and (h) before August 1, 2007.

3.18 (j) The commissioner of health shall provide on the Department of Health Web
3.19 site information including contact information for vaccine manufacturers, how vaccines
3.20 can be purchased or obtained, and the mercury content of vaccines. This information
3.21 must be updated no less than quarterly and within seven days when a new product is
3.22 approved for sale.

3.23 (k) A provider administering a vaccine containing more than a trace amount of
3.24 mercury as defined by the Food and Drug Administration shall provide the patient with the
3.25 following disclosure in written form as well as with an explanation: "THIS VACCINE
3.26 CONTAINS MORE THAN A TRACE AMOUNT OF THIMEROSAL, A MERCURY
3.27 COMPOUND."

3.28 **EFFECTIVE DATE.** This section is effective July 1, 2007, unless otherwise
3.29 specified.