



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1875

Introduced 2/25/2005, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

New Act

Creates the Mercury-Free Vaccine Act. Provides that a person shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product. Provides that the Department of Public Health may exempt the use of a vaccine containing mercury from the provisions of the Act, provided certain conditions are met, if the Department finds that an actual or potential bio-terrorist incident or other actual or potential public health emergency makes necessary the administration of a vaccine containing mercury. Effective January 1, 2007.

LRB094 11483 RXD 42427 b

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. Legislative findings and purpose.

7 (a) Thimerosal, a mercury based preservative, is found in
8 many vaccines in use today, according to the American Academy
9 of Pediatrics. This chemical, ethyl mercuri thiosalicylic
10 acid, has been shown to be toxic in laboratory tests on animals
11 and the results indicated that the toxic effects of thimerosal
12 may be responsible for adverse reactions in humans.

13 (b) The General Assembly recognizes the problems
14 affiliated with mercury and wishes to reduce the public's
15 exposure to mercury as a method of promoting health and
16 protecting the environment.

17 Section 10. Banned mercury-containing vaccines. A person
18 shall not be vaccinated with a mercury-containing vaccine or
19 injected with a mercury-containing product.

20 Section 15. Exemption. The Department of Public Health may
21 exempt the use of a vaccine from Section 10 of this Act if the
22 Department finds that an actual or potential bio-terrorist
23 incident or other actual or potential public health emergency,
24 including an epidemic or shortage of supply of a vaccine that
25 would prevent a person from receiving the needed vaccine, makes
26 necessary the administration of a vaccine containing mercury.
27 The exemption shall meet all of the following conditions:

28 (1) The exemption shall not be issued for more than 12
29 months.

30 (2) At the end of the effective period of the

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

7 (3) Upon issuing an exemption, the Department shall,
8 within 48 hours, notify the legislature about the exemption
9 and about the Department's findings justifying the
10 exemption's approval.

11 (4) Upon receiving a request for an exemption, the
12 Department shall notify any interested party who has
13 expressed his or her interest to the Department in writing
14 that an exemption request has been made.

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

20 Section 99. Effective date. This Act takes effect January
21 1, 2007.