

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Mercury-Free Vaccine Act is amended by  
5 changing Sections 5 and 10 and by adding Section 15 as follows:

6 (410 ILCS 51/5)

7 Sec. 5. Banned mercury-containing vaccines.

8 (a) Commencing January 1, 2006, a person shall not be  
9 vaccinated with a mercury-containing vaccine that contains  
10 more than 1.25 micrograms of mercury per dose.

11 (b) Commencing January 1, 2008, no person shall be  
12 vaccinated with a vaccine or injected with any product that  
13 contains, or prior to dilution, had contained as an additive,  
14 any mercury based product, whether at preservative or trace  
15 amount levels.

16 (c) The Department of Public Health shall implement a  
17 policy to distribute, preferentially, influenza vaccines that  
18 are thimerosal-free or contain only trace amounts of thimerosal  
19 for the immunization of children under the age of 3 who are  
20 participating in the Vaccines for Children program, provided  
21 that the supply of influenza vaccines to health care providers  
22 is not impeded by the exercise of this preference. The  
23 Department shall annually communicate this policy to the

1 General Assembly and health care providers.

2 (Source: P.A. 94-614, eff. 1-1-06.)

3 (410 ILCS 51/10)

4 Sec. 10. Exemption. The Department of Public Health may  
5 exempt the use of a vaccine from this Act if the Department  
6 finds that an actual or potential bio-terrorist incident or  
7 other actual or potential public health emergency, including an  
8 epidemic or shortage of supply of a vaccine at a reasonable  
9 cost that would prevent a person from receiving the needed  
10 vaccine, makes necessary the administration of a vaccine  
11 containing more mercury than the maximum level set forth in  
12 subsection (a) or subsection (b) of Section 5 in the case of  
13 influenza vaccine. The exemption shall meet all of the  
14 following conditions:

15 (1) The exemption shall not be issued for more than 12  
16 months.

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

24 (3) Upon issuing an exemption, the Department shall,  
25 within 48 hours, notify the legislature about any exemption

1 and about the Department's findings justifying the  
2 exemption's approval.

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

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

12 (6) Upon issuing an exemption, the Department shall  
13 remind health care providers to distribute,  
14 preferentially, influenza vaccines that are  
15 thimerosal-free or contain only trace amounts of  
16 thimerosal for the immunization of children under the age  
17 of 3, provided that the supply of influenza vaccines to  
18 health care providers is not impeded by the exercise of  
19 this preference.

20 (Source: P.A. 94-614, eff. 1-1-06.)

21 (410 ILCS 51/15 new)

22 Sec. 15. Notification. The Department of Public Health  
23 shall annually notify health care providers about the  
24 requirements of this Act and encourage health care providers to  
25 increase immunization rates among persons who are recommended

1 to receive influenza immunization, using all licensed  
2 vaccines, with preference given to influenza vaccines that are  
3 thimerosal-free or contain only trace amounts of thimerosal.  
4 The Department shall include this annual notification on its  
5 Internet web site. The Department shall annually report to the  
6 General Assembly, on or before December 31, on its efforts to  
7 inform health care providers about thimerosal-free vaccines.  
8 The Department shall notify health care providers about the  
9 availability of influenza vaccines and the most effective time  
10 for persons to be vaccinated.