

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.