

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1364
Committee Substitute Favorable 8/9/05

Short Title: Pediatric Vaccines/No Thimerosal.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED
AN ACT PERTAINING TO THE ADMINISTRATION OF THIMEROSAL-FREE
VACCINES TO PREGNANT WOMEN AND CERTAIN-AGED CHILDREN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-152 reads as rewritten:

"§ 130A-152. Immunization required.

(a) Every child present in this State shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, every child present in this State shall be immunized against any other disease upon a determination by the Commission that the immunization is in the interest of the public health. Every parent, guardian, person in loco parentis and person or agency, whether governmental or private, with legal custody of a child shall have the responsibility to ensure that the child has received the required immunization at the age required by the Commission. If a child has not received the required immunizations by the specified age, the responsible person shall obtain the required immunization for the child as soon as possible after the lack of the required immunization is determined.

(b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.

(c) The Commission shall adopt and the Department shall enforce rules concerning the implementation of the immunization program. The rules shall provide for:

- (1) The child's age at administration of each vaccine;
- (2) The number of doses of each vaccine;
- (3) Exemptions from the immunization requirements where medical practice suggests that immunization would not be in the best health interests of a specific category of children;
- (4) The procedures and practices for administering the vaccine; and
- (5) Redistribution of vaccines provided to local health departments.

(c1) The Commission for Health Services shall, pursuant to G.S. 130A-152 and G.S. 130A-433, adopt rules establishing reasonable fees for the administration of

1 vaccines and rules limiting the requirements that can be placed on children, their
2 parents, guardians, or custodians as a condition for receiving vaccines provided by the
3 State. These rules shall become effective January 1, 1994.

4 (d) Only vaccine preparations which meet the standards of the United States
5 Food and Drug Administration or its successor in licensing vaccines and are approved
6 for use by the Commission may be used. Vaccines, containing the preservative
7 thimerosal, administered to children under the age of eight years shall not contain more
8 than 0.5 micrograms of the mercury per 0.5 milliliter dose. Influenza vaccines
9 administered to children 6-35 months of age and pregnant women shall not contain the
10 preservative thimerosal, except:

11 (1) Vaccines with a trace amount (<0.5ug/0.5ml dose) of mercury are
12 permissible only if there are no alternative vaccines available; and

13 (2) In times of emergency or epidemic as determined by the State Health
14 Director. If an emergency or epidemic is determined to exist, the State
15 Health Director shall notify the Commission for Health Services, the
16 Governor, and the Joint Legislative Commission on Governmental
17 Operations, and shall notify the general public.

18 (e) When the Commission requires immunization against a disease not listed in
19 paragraph (a) of this section, or requires an additional dose of a vaccine, the
20 Commission is authorized to exempt from the new requirement children who are or who
21 have been enrolled in school (K-12) on or before the effective date of the new
22 requirement."

23 **SECTION 2.** Part 2 of Article 6 of Chapter 130A of the General Statutes is
24 amended by adding the following new section to read:

25 **"§ 130A-152.1. Information regarding certain vaccines.**

26 (a) The Department of Health and Human Services, Division of Public Health,
27 shall develop and produce a brochure that explains the use of thimerosal and other
28 preservatives in vaccines. The brochure shall describe what alternatives are available
29 and what potential advantages and disadvantages are posed by the use of thimerosal and
30 the alternatives. The brochure shall include all of the following information:

31 (1) That thimerosal is a preservative that contains forty-nine and six-tenths
32 percent (49.6%) mercury used in vaccines.

33 (2) A brief history of thimerosal in vaccines, including the request made in
34 1999 by the Academy of Pediatrics for the voluntary removal of
35 thimerosal from vaccines.

36 (3) The availability of vaccines that do not contain thimerosal.

37 (4) History and factual information regarding thimerosal. This information
38 shall be updated periodically to include recent developments in
39 scientific knowledge and any standards of health care practice and
40 legal requirements relevant to thimerosal.

41 (5) Other information that contributes to the ability of the patient or parent
42 or guardian of the patient to make an informed decision when choosing
43 the type of vaccine to be administered.

1 (b) The Department of Health and Human Services, Division of Public Health,
2 shall develop and produce a poster that informs patients of the availability of the
3 brochure prepared under subsection (a) of this section and provides basic information
4 about vaccines containing preservatives, including those that contain and do not contain
5 thimerosal.

6 (c) Physicians licensed in this State who administer vaccines to patients shall
7 display in their offices the poster prepared under subsection (b) of this section and shall
8 make available for patients or the parents or guardians of patients the brochure prepared
9 under subsection (a) of this section."

10 **SECTION 3.** The Department of Health and Human Services shall study
11 and determine the feasibility of requiring that all vaccinations used to carry out the
12 provisions of G.S. 130A-152(a) shall be free of the preservative thimerosal. The
13 Department shall submit a written report of its findings, including a timetable for
14 implementation to the 2006 Regular Session of the General Assembly upon its
15 convening.

16 **SECTION 4.** Section 3 of this act is effective when it becomes law. The
17 remainder of this act becomes effective January 1, 2006.