

ASSEMBLY, No. 2570

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 10, 2014

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

SYNOPSIS

Eliminates use of vaccines containing mercury over three years.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning vaccines that contain mercury and
2 supplementing Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. Except as otherwise provided in this section, beginning
8 January 1, 2007, a health care provider shall not administer to any
9 person in this State an influenza vaccine that contains more than 0.5
10 micrograms of mercury per 0.25 milliliter dose to a child under
11 three years of age or 1.0 microgram of mercury per 0.5 milliliter
12 dose to a person over three years of age, and any other vaccine that
13 contains more than a trace amount of mercury.

14 b. Except as otherwise provided in this section, beginning
15 January 1, 2008, a health care provider shall not administer to any
16 person in this State a vaccine that contains more than a trace
17 amount of mercury.

18 c. Except as otherwise provided in this section, beginning
19 January 1, 2009, a health care provider shall not administer to any
20 person in this State a vaccine that contains any amount of mercury.

21 d. The Commissioner of Health and Senior Services may
22 authorize the use of vaccines containing a higher level of mercury
23 than that specified in subsections a., b. and c. of this section if he
24 determines it is necessary to prevent or respond to an outbreak of
25 disease and there are insufficient amounts of such vaccines to
26 adequately protect the public health. Persons who receive a vaccine
27 containing more than a trace amount of mercury shall be informed
28 in advance that the vaccine contains mercury.

29 e. For purposes of this section, "trace amount" means a
30 concentration of less than .0002%.

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32 2. The Commissioner of Health and Senior Services shall adopt
33 rules and regulations, pursuant to the "Administrative Procedure
34 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out
35 the provisions of this act.

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37 3. This act shall take effect immediately.

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STATEMENT

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42 This bill would phase out the use of vaccines that contain
43 mercury over a three-year period. Beginning January 1, 2007,
44 health care providers would be prohibited from administering an
45 influenza vaccine that contains more than 0.5 micrograms of
46 mercury per 0.25 milliliter dose for children under three years of
47 age, and 1.0 microgram of mercury per 0.5 milliliter dose for
48 persons over three years of age, and any other vaccine that contains

1 more than a trace amount of mercury. "Trace amount" means a
2 concentration of less than .0002%. Beginning January 1, 2008,
3 health care providers would be prohibited from administering
4 vaccines that contain more than a trace amount of mercury, and
5 beginning January 1, 2009, health care providers would be
6 prohibited from administering vaccines containing any mercury.

7 The bill provides an exception under which the Commissioner of
8 Health and Senior Services may authorize the use of vaccines
9 containing a higher level of mercury if he determines it is necessary
10 to prevent or respond to an outbreak of disease and there are
11 insufficient amounts of such vaccines to adequately protect the
12 public health. Persons who receive a vaccine containing more than
13 a trace amount of mercury shall be informed in advance that the
14 vaccine contains mercury.

15 Since the 1930s, thimerosal, which is approximately 50% ethyl
16 mercury by weight, has been used as a preservative in vaccines.
17 The federal Food and Drug Administration has encouraged drug
18 manufacturers to reduce or eliminate thimerosal from vaccines in
19 order to reduce the cumulative levels of mercury to which children
20 may be exposed after receiving recommended childhood
21 immunizations. According to the federal Centers for Disease
22 Control and Prevention (CDC), with the exception of influenza
23 vaccines, the last lots of vaccines manufactured with thimerosal that
24 are used in the childhood immunization schedule expired in 2003.
25 In 2004, the CDC added influenza vaccines to the recommended
26 childhood immunization schedule. It is expected that the
27 manufacturing capacity of influenza vaccines with no thimerosal or
28 trace amounts of thimerosal will increase in the next few years.