

---

---

# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that thimerosal is a  
2 preservative that has been used in some vaccines since the 1930s  
3 and consists of 49.6 per cent mercury by weight and is  
4 metabolized or degraded into ethylmercury and thiosalicylate.  
5 While the use of mercury-containing preservatives has declined  
6 in recent years, thimerosal is still used in certain vaccines  
7 recommended for adults, pregnant women, and children.

8           The United States Food and Drug Administration acknowledges  
9 that: "depending on the vaccine formulations used and the  
10 weight of the infant, some infants could have been exposed to  
11 cumulative levels of mercury during the first six months of life  
12 that exceeded EPA [Environmental Protection Agency] recommended  
13 guidelines for safe intake of methylmercury. As a precautionary  
14 measure, the Public Health Service (including the FDA, National  
15 Institutes of Health [NIH], Centers for Disease Control and  
16 Prevention [CDC] and Health Resources and Services  
17 Administration [HRSA]) and the American Academy of Pediatrics  
18 issued a Joint Statement on July 7, 1999, urging vaccine



1 manufacturers to reduce or eliminate thimerosal in vaccines as  
2 soon as possible."

3       Legislation to ban thimerosal-containing vaccines has been  
4 enacted in six states - California, Delaware, Illinois, Iowa,  
5 Missouri, and New York. Fourteen other states have introduced  
6 similar legislation.

7       The purpose of this Act is to limit the use of mercury-  
8 containing vaccines in Hawaii.

9       SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12       "**§321- Mercury-containing vaccines; prohibited.** (a)  
13 Depending upon availability in this state, preference during the  
14 2006-2007 influenza season shall be given to children under  
15 twelve years of age and pregnant women to receive no vaccine  
16 containing more than a trace of mercury, defined as 1.25  
17 micrograms per administered dose amount.

18       The department of health may seek an exemption from this  
19 section only when it determines, and the governor agrees, that  
20 an emergency exists, and only if there is a shortage of the  
21 mercury-free product. In that case, the exemption shall not  
22 last longer than six months; provided further that anyone



1 receiving a vaccine that is not mercury-free shall be informed  
2 in advance in writing that the product contains a mercury-based  
3 preservative. The exemption shall apply to children under  
4 twelve the age of years only if the mercury-free, pediatric  
5 formulation of influenza vaccine is unavailable. Likewise,  
6 exemptions for individuals thirteen years of age and older shall  
7 apply only in the absence of the mercury-free adult formulation  
8 of influenza vaccine.

9 The department of health shall immediately notify all  
10 vaccine providers of this subsection.

11 (b) Commencing in the fall, at the onset of the 2007-2008  
12 influenza season, to the greatest extent possible, no person  
13 shall be vaccinated with a vaccine or injected with any product  
14 that contains, or prior to dilution had contained as an  
15 additive, any mercury-based product, whether as a preservative  
16 or at a trace amount level.

17 The department may seek an exemption from this subsection  
18 only when it determines, and the governor agrees, that an  
19 emergency exists, and only if there is a shortage of the  
20 mercury-free product. In such case, the exemption shall not  
21 last longer than six months; provided that anyone receiving a



1 vaccine that is not mercury-free shall be informed in advance in  
2 writing that the product contains a mercury-based preservative.

3 The department of health is required to notify all medical  
4 providers of this subsection."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.



HB 3154  
HD 1

**Report Title:**

Mercury-Containing Vaccines; Thimerosal; Prohibit Use

**Description:**

For 2006-2007 flu season, gives preference to children under 10 and pregnant women not to be given vaccines containing more than a trace amount of mercury. For 2007-2008 flu season, prohibits such vaccinations for all. Allows certain exemptions. (HB3154 HD1)

HB3154 HD1 HMS 2006-2003

