

AMENDED IN ASSEMBLY MAY 20, 2004
AMENDED IN ASSEMBLY MAY 12, 2004
AMENDED IN ASSEMBLY APRIL 20, 2004
AMENDED IN ASSEMBLY APRIL 12, 2004
AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2943

**Introduced by Assembly Member Pavley
(Coauthor: Assembly Member Levine)**

February 20, 2004

~~An act to add Article 10.4.1 (commencing with Section 25214.50) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste. An act to add Article 9 (commencing with Section 124172) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to vaccinations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2943, as amended, Pavley. ~~Mercury pollution prevention Mercury-containing vaccines.~~

~~(1) Existing law, the California Mercury Reduction Act of 2001, requires any mercury-containing vehicle light switch that is removed from a vehicle to be subject to the regulations adopted by the Department of Toxic Substances Control regarding the management of universal waste. Existing law prohibits any person, except as specified, from selling at retail or supplying a mercury fever thermometer to a~~

~~consumer or patient in the state, except by a prescription. Existing law also prohibits any person from manufacturing, offering for sale or use, or distributing for promotional purposes in this state a mercury-added novelty and prohibits any school from purchasing, for use in the classroom, specified devices and materials containing mercury, except measuring devices. Existing law, the Dry Cell Battery Management Act, regulates the sale of specified batteries and, among other things, prohibits the sale of dry cell batteries containing specified amounts of mercury. A violation of the hazardous waste control laws is a crime.~~

~~This bill would enact the “Mercury Pollution Prevention Act of 2004” and would prohibit any person, on and after June 1, 2005, from offering a mercury-added product for final sale or use or distributing a mercury-added product for promotional purposes in the state, unless the manufacturer of the mercury-added product notifies the Interstate Mercury Education and Reduction Clearinghouse (IMERC) in writing. The bill would require the notification to include specified information. The bill would require the manufacturer to update and revise the information in the notification whenever there is significant change in the information.~~

~~The bill would prohibit any person, on and after January 1, 2006, from offering for sale or use, or distributing for promotional purposes, a mercury-added product manufactured after January 1, 2006, unless both the product and its packaging are labeled, in accordance with the labeling requirements of another state that is member of the Interstate Mercury Education and Reduction Clearinghouse (IMERC).~~

~~The~~

~~Existing law requires the State Department of Health Services to maintain a program of maternal and child health.~~

~~This bill would prohibit, on and after January 1, 2006, a person who is pregnant or who is under 3 years of age from being vaccinated with a mercury-containing vaccine or injected with a mercury-added vaccine mercury-containing product that contains more than a specified amount of mercury.~~

~~The bill would state the intent of the Legislature that notices warning individuals feeding a young child, and women who are pregnant, nursing, or planning to become pregnant, be posted at locations where fresh or canned fish are sold, and be made available for public distribution at medical offices that service women and children. The bill would set forth specific information that should be contained in the notices if they are posted or made available, as specified.~~



~~The bill would prohibit, on and after January 1, 2006, the use or possession of elemental mercury in the practice of dentistry in a dental facility, unless that elemental mercury is contained in appropriate preencapsulated capsules, as defined, specifically designed for the mixing of dental amalgam.~~

~~Since a violation of the requirements and prohibitions of the bill would be a crime, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Article 10.4.1 (commencing with Section~~
2 *SECTION 1. Article 9 (commencing with Section 124172) is*
3 *added to Chapter 3 of Part 2 of Division 106 of the Health and*
4 *Safety Code, to read:*

5
6 *Article 9. Mercury-Containing Vaccines*

7
8 *124172. On and after January 1, 2006, a person who is*
9 *pregnant or who is under three years of age may not be vaccinated*
10 *with a mercury-containing vaccine or injected with a*
11 *mercury-containing product that contains more than 0.5*
12 *micrograms of mercury per 0.5 milliliter dose.*

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15 **All matter omitted in this version of the**
16 **bill appears in the bill as amended in the**
17 **Assembly, May 12, 2004 (JR 11)**
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