

AMENDED IN SENATE AUGUST 19, 2004

AMENDED IN SENATE JULY 1, 2004

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~~)

(*Coauthors: Assembly Members Jackson, Levine, and Lieber*)

(*Coauthor: Senator Romero*)

February 20, 2004

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-containing vaccines.

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

This bill, with certain exemptions, would prohibit, on and after July 1, 2006, a person who is *knowingly* pregnant or who is under 3 years of

age from being vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than a specified amount of mercury. *The bill would require notice to be given to the Legislature and interested parties regarding any exemptions and requests for exemptions.*

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

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

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

4
5 Article 9. ~~Mercury-Containing~~ *Mercury-containing* Vaccines

6
7 124172. (a) ~~On~~ *Except for an influenza vaccine described in*
8 *subdivision (b), on and after July 1, 2006, a person who is*
9 *knowingly pregnant or who is under three years of age may shall*
10 *not be vaccinated with a mercury-containing vaccine or injected*
11 *with a mercury-containing product that contains more than 0.5*
12 *micrograms of mercury per 0.5 milliliter dose.*

13 (b) *On and after July 1, 2006, a person who is knowingly*
14 *pregnant or who is under three years of age shall not be vaccinated*
15 *with a mercury-containing influenza vaccine that contains more*
16 *than 1.0 microgram of mercury per 0.5 milliliter dose.*

17 (c) The Secretary of the Health and Human Services Agency
18 may exempt the use of a vaccine from this section if the secretary
19 finds, and the Governor concurs, that an actual or potential
20 bioterrorist incident or other actual or potential public health
21 emergency, including an epidemic or shortage of supply of a
22 vaccine that would prevent children under three years of age and
23 *knowingly* pregnant women from receiving the needed vaccine,
24 makes necessary the administration of a vaccine containing more
25 ~~than 0.5 micrograms of mercury per 0.5 milliliter dose. The~~
26 ~~exemption~~ *mercury than the maximum level set forth in*
27 *subdivision (a), or subdivision (b) in the case of influenza vaccine.*
28 *The exemption shall meet all of the following conditions:*

29 (1) It shall not be issued for more than 12 months.



1 (2) At the end of the effective period of the exemption, the
2 secretary may issue another exemption for up to 12 months for the
3 same incident or public health emergency, if the secretary makes
4 a determination that the exemption is necessary as set forth in this
5 subdivision, the Governor concurs with the exemption, and the
6 secretary notifies the Legislature and interested parties pursuant to
7 paragraphs (3), (4), and (5).

8 (3) Upon issuing an exemption, the secretary and the Governor
9 shall, within 48 hours, notify the Legislature about the exemption
10 and about the secretary's findings justifying the exemption's
11 approval.

12 (4) Upon request for an exemption, the secretary shall notify
13 interested parties, who have expressed their interest to the
14 secretary in writing, that an exemption request has been made.

15 (5) Upon issuing an exemption, the secretary shall, within
16 seven days, notify interested parties, who have expressed their
17 interest to the secretary in writing, about the exemption and about
18 the secretary's findings justifying the exemption's approval.

