
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 Except for the influenza vaccine described in subsection (b),
14 effective on July 1, 2007, a person who is known to be pregnant
15 or who is under five years of age shall not be vaccinated with a
16 mercury-containing:

17 (1) Vaccine or injected with a mercury-containing product
18 that contains more than 0.5 micrograms of mercury per
19 0.5 milliliter dose; or

20 (2) Influenza vaccine that contains more than 1.0
21 microgram of mercury per 0.5 milliliter dose.



1 (b) The director of health may exempt the use of a vaccine
2 from this section if the director finds, and the governor
3 concurs, that an actual or potential bioterrorist incident or
4 other actual or potential public health emergency, including an
5 epidemic or shortage of supply of a vaccine that would prevent
6 children under five years of age and women known to be pregnant
7 from receiving the needed vaccine, makes necessary the
8 administration of a vaccine containing more mercury than the
9 maximum level prescribed in subsection (a)(1) or subsection
10 (a)(2) in the case of influenza vaccine. The exemption shall
11 meet all of the following conditions:

- 12 (1) The exemption shall not be issued for more than twelve
13 consecutive months;
- 14 (2) At the end of the effective period of exemption, the
15 director may issue a final exemption for up to six
16 months for the same incident or public health
17 emergency if the director makes a determination that
18 the exemption is necessary as set forth in this
19 subsection, the governor concurs with the exemption,
20 and the director notifies the legislature and
21 interested parties pursuant to paragraphs (3), (4),
22 and (5);



1 (3) Upon issuing an exemption, the director and the
2 governor, within forty-eight hours, shall notify the
3 legislature of the exemption and of the director's
4 findings justifying the exemption's approval;

5 (4) Upon request for an exemption, the director shall
6 notify interested parties who have expressed their
7 interest to the director in writing, that an exemption
8 request has been made; and

9 (5) Upon issuing an exemption, the director, within seven
10 days, shall notify interested parties who have
11 expressed their interest to the director in writing,
12 of the exemption and of the director's findings
13 justifying the exemption's approval."

14 SECTION 3. New statutory material is underscored.

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

16

INTRODUCED BY: Tony Wate

JAN 24 2007



Report Title:

Mercury-Containing Vaccines; Thimerosal; Prohibit Use

Description:

From 7/1/07, prohibits persons known to be pregnant or under age 5 from being vaccinated with (1) a mercury-containing vaccine containing more than 0.5 micrograms of mercury per 0.5 milliliter dose; and (2) influenza vaccine containing more than 1.0 microgram of mercury per 0.5 milliliter dose. Allows certain exemptions.

