

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Garrett J. Bradley, Barbara A. L'Italien**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act further regulating early childhood immunizations. .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	3rd Plymouth
Barbara A. L'Italien	18th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2049 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**  
—————

AN ACT FURTHER REGULATING EARLY CHILDHOOD IMMUNIZATIONS. .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 111 of the General Laws, is hereby amended by inserting after section 5A the following  
2 section:—

3

4 Section 5A½.

5

6 (a) The department and, any health care provider, as defined in section 1, shall not administer, or allow to  
7 be administered, any vaccine, including the influenza vaccine, to any person who is knowingly pregnant  
8 or under the age of three that contains more than trace amounts of mercury. For the purpose of this act, a  
9 trace amount is that amount as determined by the United States Food and Drug Administration.

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11 (b) The Commissioner may declare an exemption for the department and health care providers from this  
12 section if he or she determines that there is an epidemic, an emergency or that, after diligent efforts to  
13 obtain the mercury free vaccines, or vaccine containing no more than trace amounts of mercury, there is a  
14 shortage of the mercury-free vaccine or vaccine containing no more than trace amounts of mercury. In  
15 such a case, a 12 month exemption shall be sought. The Commissioner may seek a second 12 month  
16 exemption should he or she determine that said epidemic, emergency, or shortage persists. All health care  
17 providers who administer to any child or adult, vaccinations subject to federal oversight, must be in  
18 compliance with the National Childhood Vaccine Injury Act (42 U.S.C. §300aa-26).

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20 (c) This law shall take effect on December 31, 2010.

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22 (d) On or before October 1, 2010, the Commissioner, in consultation with representatives from the  
23 Massachusetts Medical Society and the Massachusetts Chapter of the American Academy of Pediatrics,  
24 shall send a report to the Governor, the Joint Committee on Public Health, the Speaker of the House, and  
25 the Senate President regarding any issues with the implementation of this law, including any changes, if  
26 any, needed to amend existing sections of the Massachusetts General Laws relating to the purchase,  
27 procurement, or administration of vaccines.

28

29 (e) The department shall promulgate regulations to carry out the provisions of this section.

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