

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradford R. Hill

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 relative to childhood immunizations.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bradford R. Hill

4th Essex

Bruce E. Tarr

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2115 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO 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 SECTION 1. Chapter 111 of the General Laws, is hereby amended by inserting after section 5A
2 the following section:-

3

4 Section 5A½.

5

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

11

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

21
22 (c) This law shall take effect on December 31, 2007.

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

30
31 (e) The department shall promulgate regulations to carry out the provisions of this section.