

SENATE BILL No. 537

By Senator Hensley

2-9

9 AN ACT concerning public health, relating to vaccinations.

10

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) On and after January 1, 2007, no person who is eight
13 years of age or younger or who is knowingly pregnant shall be vaccinated
14 in this state with a vaccine containing more than 0.5 micrograms of mer-
15 cury per 0.5 milliliter dose.

16 (b) The secretary of health and environment may exempt the use of
17 a vaccine from this section if the secretary finds, and the governor con-
18 curs, that an actual or potential bioterrorist incident or other actual or
19 potential public health emergency, including an epidemic or shortage of
20 supply of a vaccine that would prevent children eight years of age or
21 younger and knowingly pregnant women from receiving the needed vac-
22 cine, makes necessary the administration of a vaccine containing more
23 than 0.5 micrograms of mercury per 0.5 milliliter dose. The exemption
24 shall meet all of the following conditions:

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

26 (2) At the end of the effective period of the exemption, the secretary
27 may issue another exemption for up to 12 months for the same incident
28 or public health emergency, if the secretary makes a determination that
29 the exemption is necessary as set forth in this subsection and the governor
30 concurs with the exemption.

31 (3) The secretary notifies the legislature and interested parties about
32 the exemption pursuant to paragraphs (4), (5) and (6).

33 (4) Upon issuing an exemption, the secretary and the governor shall,
34 within 48 hours, notify the legislature about the exemption and about the
35 secretary's findings justifying the exemption's approval.

36 (5) Upon request for an exemption, the secretary shall notify inter-
37 ested parties, who have expressed their interest to the secretary in writing,
38 that an exemption request has been made.

39 (6) Upon issuing an exemption, the secretary shall, within seven days,
40 notify interested parties, who have expressed their interest to the secre-
41 tary in writing, about the exemption and about the secretary's findings
42 justifying the exemption approval.

43 (c) Should the secretary of health and environment pursuant to sub-

1 section (b) authorize the use of a vaccine containing more mercury than
2 the level described in subsection (a), the vaccine may be administered to
3 a child of eight years of age or younger upon the informed consent of the
4 parent to the administration of such vaccine to the parent's child or to a
5 knowingly pregnant woman who provides an informed consent to the
6 administration of such vaccine.

7 Sec. 2. On and after July 1, 2008, no vaccine or other drug admin-
8 istered in the state shall contain any level of mercury.

9 Sec. 3. The department of health and environment shall establish
10 procedures for the random testing of vaccines and other drugs in this
11 state to determine the amount of mercury contained therein. The de-
12 partment shall semiannually report its findings, by manufacturers, prod-
13 uct name, lot number, lot expiration date, and in micrograms of mercury
14 per milliliter or gram of vaccine or other drug, to the citizens of this state
15 by posting such findings on its website.

16 Sec. 4. A person who knowingly administers a vaccine or other drug
17 in violation of this act is guilty of a class C misdemeanor. Such person
18 may also be civilly liable under the act. Any person awarded damages in
19 a civil action arising from a violation of the act shall be entitled to reim-
20 bursement for reasonable attorney fees and court costs.

21 Sec. 5. This act shall take effect and be in force from and after Jan-
22 uary 1, 2007, and its publication in the statute book.