

SENATE BILL No. 1

By Senators Hensley and Wilson

11-15

- 9 AN ACT concerning public health, relating to vaccinations.
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- 11 *Be it enacted by the Legislature of the State of Kansas:*
- 12 Section 1. (a) The legislature:
- 13 (1) Finds that immunizations are among the most effective preven-
14 tative measures to preserve and protect public health;
- 15 (2) recognizes public concern regarding the use of the mercury-de-
16 rived preservative thimerosal in vaccines;
- 17 (3) finds that lingering public concerns about the safety of vaccines
18 may be remedied by the removal of thimerosal from vaccines where such
19 removal can be accomplished without injury to the public health or dim-
20 inution in the available supply of vaccines;
- 21 (4) endorses in the strongest possible terms the childhood and adult
22 vaccination schedules promulgated by the advisory committee on im-
23 munization practices and the American academy of pediatrics; and
- 24 (5) urges Kansans to comply with these recommendations.
- 25 (b) It is the intent of the legislature to minimize public fear and to
26 increase public confidence in the safety of Kansas' vaccine supply by ex-
27 plicitly limiting the mercury content of vaccines where substitutes are
28 available.
- 29 Sec. 2. (a) On and after January 1, 2008, no person who is eight years
30 of age or younger or who is knowingly pregnant shall be vaccinated in
31 this state with a vaccine containing more than 0.5 micrograms of mercury
32 per 0.5 milliliter dose.
- 33 (b) The secretary of health and environment may exempt the use of
34 a vaccine from this section if the secretary finds, and the governor con-
35 curs, that an actual or potential bioterrorist incident or other actual or
36 potential public health emergency, including an epidemic or shortage of
37 supply of a vaccine that would prevent children eight years of age or
38 younger and knowingly pregnant women from receiving the needed vac-
39 cine, makes necessary the administration of a vaccine containing more
40 than 0.5 micrograms of mercury per 0.5 milliliter dose. The exemption
41 shall meet all of the following conditions:
- 42 (1) It shall not be issued for more than 12 months.
- 43 (2) At the end of the effective period of the exemption, the secretary

1 may issue another exemption for up to 12 months for the same incident
2 or public health emergency, if the secretary makes a determination that
3 the exemption is necessary as set forth in this subsection and the governor
4 concurs with the exemption.

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

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

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

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

17 (c) Should the secretary of health and environment pursuant to sub-
18 section (b) authorize the use of a vaccine containing more mercury than
19 the level described in subsection (a), the vaccine may be administered to
20 a child of eight years of age or younger upon the written and signed
21 informed consent of the parent to the administration of such vaccine to
22 the parent's child or to a knowingly pregnant woman who provides a
23 written and signed informed consent to the administration of such vac-
24 cine. Such written informed consent, at a minimum, shall include a state-
25 ment that the person signing the informed consent has been informed
26 that the vaccine contains more than 0.5 micrograms of mercury per 0.5
27 milliliter dose; shall state the possible risks of receiving the vaccine con-
28 taining the higher level of mercury; and shall state that the person signing
29 the informed consent understands and accepts the risks and consents to
30 the vaccination being given to the child or pregnant woman.

31 Sec. 3. On and after July 1, 2009, no vaccine administered in the
32 state shall contain any level of mercury.

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

38 Sec. 5. This act shall take effect and be in force from and after Jan-
39 uary 1, 2008, and its publication in the statute book.