

HOUSE No. 02336

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

HOUSE No. 02336

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 2336) of Bradley relative to further regulating early childhood immunizations Joint Committee on Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2023 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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
2 following section:—

3 Section 5A½.

4 (a) The department and, any health care provider, as defined in section 1, shall not administer, or
5 allow to be administered, any vaccine, including the influenza vaccine, to any person who is
6 knowingly pregnant or under the age of three that contains more than trace amounts of mercury.

7 For the purpose of this act, a trace amount is that amount as determined by the United States
8 Food and Drug Administration.

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

18 (c) This law shall take effect on December 31, 2012.

19 (d) On or before October 1, 2012, the Commissioner, in consultation with representatives from
20 the Massachusetts Medical Society and the Massachusetts Chapter of the American Academy of
21 Pediatrics, shall send a report to the Governor, the Joint Committee on Public Health, the
22 Speaker of the House, and the Senate President regarding any issues with the implementation of
23 this law, including any changes, if any, needed to amend existing sections of the Massachusetts
24 General Laws relating to the purchase, procurement, or administration of vaccines.

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