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HOUSE BILL 1276

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Shea, Young, and DeBolt

1 AN ACT Relating to preventing human and environmental exposure to  
2 mercury; amending RCW 70.95M.100 and 70.95M.115; creating a new  
3 section; and repealing 2006 c 231 s 1 (uncodified).

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) All forms of mercury are neurotoxic, nephrotoxic, and  
7 immunotoxic and there is no known safe level of human exposure.  
8 Reduction of human exposure to all sources of mercury is a global  
9 goal being undertaken by many organizations, including the United  
10 Nations, the world health organization, and the children's health  
11 defense;

12 (b) Consumers are being exposed to mercury in certain products  
13 even when mercury-free versions are available, and it is in the best  
14 interest of human and environmental health to restrict such sources  
15 and eliminate them whenever possible. The production, manufacturing,  
16 use, and consumption of mercury-containing products ultimately leads  
17 to the accumulation and recirculation of mercury in the environment;

18 (c) Contrary to earlier assertions, substantial credible evidence  
19 exists that ethylmercury, the form in the preservative thimerosal  
20 found in many products, including pharmaceuticals, biologicals, over-  
21 the-counter medicines, antiseptics, and cosmetics, is as toxic to

1 humans as methylmercury, the form that contaminates fish.  
2 Ethylmercury rapidly leaves the blood, but not the body, and it  
3 accumulates in the brain;

4 (d) Ethylmercury is toxic at very low exposures, has been shown  
5 to be destructive to cell mitochondria, and metabolizes into highly  
6 neurotoxic forms. Current research has raised concerns that when  
7 exposure in the presence of the neurotoxin aluminum, such as is found  
8 in vaccine adjuvants and ingredients in other products, synergistic  
9 effects increase toxicity; and

10 (e) The difference in cost between a mercury-free and mercury-  
11 containing vaccine is less than one dollar. For any individual, the  
12 potential risks associated with increased mercury exposure far  
13 outweigh the relatively insignificant savings. The financial  
14 consequences to public health in terms of medical care, lost  
15 productivity, education, and support services for even a small number  
16 of mercury-injured individuals far outweigh any savings afforded from  
17 purchasing mercury-containing products.

18 (2) The legislature intends to eliminate or restrict mercury from  
19 certain products to protect humans and the environment.

20 **Sec. 2.** RCW 70.95M.100 and 2012 c 119 s 3 are each amended to  
21 read as follows:

22 ~~((Nothing in this chapter applies to))~~ (1) Persons in Washington  
23 state responsible for purchasing, distributing, prescribing, or  
24 selling prescription drugs and devices regulated by the food and drug  
25 administration under the federal food, drug, and cosmetic act (21  
26 U.S.C. Sec. 301 et seq.), ((to)) biological products regulated by the  
27 food and drug administration under the public health service act (42  
28 U.S.C. Sec. 262 et seq.), or ((to)) any substance that may be  
29 lawfully sold over-the-counter without a prescription under the  
30 federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.)  
31 must give priority and preference to the purchase of products that  
32 contain no mercury-added compounds or components, unless there is no  
33 economically feasible nonmercury-added alternative that performs a  
34 similar function. In circumstances in which a nonmercury-added  
35 product is not available, preference must be given to the purchase of  
36 products that contain the least amount of mercury added to the  
37 product necessary for the required performance.

38 (2) Persons who may be exposed to a mercury-containing product as  
39 described in subsection (1) of this section must be notified and

1 warned prior to exposure and given the opportunity to avoid the  
2 exposure.

3 (3) All products referenced under this section must meet food and  
4 drug administration licensing requirements.

5 **Sec. 3.** RCW 70.95M.115 and 2007 c 268 s 1 are each amended to  
6 read as follows:

7 (1) Beginning ~~((July 1, 2007))~~ September 1, 2019, a person who is  
8 known to be pregnant or who is under ~~((three))~~ eighteen years of age  
9 ~~((shall))~~ may not be vaccinated ~~((with a mercury-containing vaccine~~  
10 ~~or injected with a mercury-containing product that contains more than~~  
11 ~~0.5 micrograms of mercury per 0.5 milliliter dose))~~ or injected with  
12 any product that contains or was manufactured with mercury in any  
13 amount.

14 (2) ~~((Notwithstanding subsection (1) of this section, an~~  
15 ~~influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5~~  
16 ~~milliliter dose))~~ Beginning September 1, 2019, except for a person  
17 who is known to be pregnant and covered by subsection (1) of this  
18 section, a person who is eighteen years of age and older may not be  
19 vaccinated with or injected with a mercury-containing product that  
20 contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.  
21 A person must be informed of the presence of mercury in the product  
22 prior to accepting or declining vaccination.

23 (3) An employer may not require vaccination or administration of  
24 any product that contains mercury in any amount as a condition of  
25 employment.

26 (4) The secretary of the department of health may, upon the  
27 secretary's or local public health officer's declaration of ~~((an~~  
28 ~~outbreak of vaccine-preventable disease or of))~~ a shortage of vaccine  
29 that complies with subsection ~~((1) or))~~ (2) of this section, suspend  
30 the requirements of subsection (2) of this section for the duration  
31 of the ~~((outbreak or))~~ shortage. In the event of any suspension, a  
32 mercury warning must be issued to health care providers and the  
33 general public. The mercury warning must be posted visibly where the  
34 mercury-containing products are available. In addition, the  
35 department of health must widely distribute information about  
36 alternative prevention measures for the targeted infection, such as  
37 good hygienic practices and healthy lifestyle choices, to health care  
38 providers and the public. A person who is ~~((known to be pregnant or~~  
39 ~~lactating or a parent or legal guardian of a child under eighteen~~

1 ~~years of age shall be informed if the person or child is to be~~  
2 ~~vaccinated or injected with))~~ offered or prescribed any mercury-  
3 containing product that contains more than the mercury limits per  
4 dose in (~~subsections (1) and~~) subsection (2) of this section shall  
5 be informed of the amount and the potential health consequences prior  
6 to accepting or declining vaccination.

7 ((~~4~~)) (5) All vaccines and products referenced under this  
8 section must meet food and drug administration licensing  
9 requirements.

10 NEW SECTION. **Sec. 4.** 2006 c 231 s 1 (uncodified) is repealed.

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