H-3849.1

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**HOUSE BILL 2840**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Shea, McCaslin, Eslick, and Young

AN ACT Relating to protecting patients from vaccines containing mercury or aluminum; amending RCW 70.95M.115; and adding a new section to chapter 43.70 RCW.

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

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

((~~(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury~~‑~~containing vaccine or injected with a mercury~~‑~~containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.~~

~~(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.~~

~~(3) The secretary of the department of health may, upon the secretary's or local public health officer's declaration of an outbreak of vaccine-preventable disease or of a shortage of vaccine that complies with subsection (1) or (2) of this section, suspend the requirements of this section for the duration of the outbreak or shortage. A person who is known to be pregnant or lactating or a parent or legal guardian of a child under eighteen years of age shall be informed if the person or child is to be vaccinated or injected with any mercury-containing product that contains more than the mercury limits per dose in subsections (1) and (2) of this section.~~

~~(4) All vaccines and products referenced under this section must meet food and drug administration licensing requirements.~~)) A vaccine with any mercury-containing product in any amount may not be purchased, distributed, or administered to any person in the state.

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

No vaccine purchased, distributed, or administered to any person in the state may exceed the following amounts of aluminum in the recommended individual dose of the vaccine:

(1) 0.85 milligrams, if determined by assay;

(2) 1.14 milligrams, if determined by calculation on the basis of the amount of aluminum compound added; or

(3) 1.25 milligrams determined by assay, provided that data demonstrating that the amount of aluminum used is safe and necessary to produce the intended effect are submitted to and approved by the director of the food and drug administration's center for biologics evaluation and research or the director of the food and drug administration's center for drug evaluation and research.

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