

# HOUSE BILL REPORT

## SHB 1098

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### As Passed Legislature

**Title:** An act relating to the availability of vaccines during outbreaks.

**Brief Description:** Authorizing suspension of restriction on the availability of vaccines during outbreaks.

**Sponsors:** By House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Schual-Berke, Campbell, Morrell, Green, Darneille, Ormsby, B. Sullivan, Dickerson, Kenney, Moeller and Wallace).

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 1/18/07, 1/22/07 [DPS].

**Floor Activity:**

Passed House: 2/5/07, 94-1.

Senate Amended.

Passed Senate: 4/11/07, 49-0.

House Refuses to Concur.

Senate Amended.

Passed Senate: 4/17/07, 47-0.

House Concurred.

Passed House: 4/18/07, 97-0.

Passed Legislature.

### Brief Summary of Substitute Bill

- Authorizes the Secretary of the Department of Health (Secretary) to suspend the prohibition against using certain mercury-containing vaccines during the duration of a declared outbreak of vaccine-preventable disease or a shortage of vaccines that comply with the statutory mercury requirements (instead of during a declared public health emergency).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- Adds, to the Secretary's suspension authority, that persons known to be pregnant or lactating and the parents of minors must be informed if the person or minor is to be vaccinated with a product containing more mercury than the limits established in state law.

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## HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Condotta, Curtis, Green, Moeller, Pedersen and Seaquist.

**Staff:** Chris Cordes (786-7103).

### **Background:**

A 2006 law prohibits, beginning July 1, 2007, the vaccination of a person who is known to be pregnant or under three years of age with a vaccine or other product that contains more than a specified amount of mercury. The law excepts certain influenza vaccines and also authorizes the Secretary of the Department of Health (Secretary) to suspend the prohibition during the duration of a declared public health emergency.

Under the state's Emergency Management Act (Act), an "emergency" is an event that demands immediate action to preserve public health, protect life or public property, provide relief to stricken communities, or an event of such size or destruction that it warrants the governor's declaration of a state of emergency. The governor has general control and responsibility for carrying out the Act's purposes of providing for emergency management by the state and its political subdivisions and may assume direct operational control.

Among the Secretary's duties is the duty to investigate outbreaks and epidemics of disease that may occur and to advise local health officers about measures to be taken to prevent and control such outbreaks. The Department of Health defines "outbreak" as the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases. The Secretary's statutory authority to declare a public health emergency is explicit in specific circumstances, such as emergencies related to public water systems and water pollution. In these cases, a "public health emergency" is defined as a declaration by the Secretary or a local health officer of a situation in which either illness, or exposure known to cause illness, is occurring or is imminent.

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### **Summary of Substitute Bill:**

The Secretary's authority to suspend the prohibition against the use of certain mercury-containing vaccines and products is revised. Instead of the suspension applying during the duration of a declared public health emergency, the suspension applies during the duration of a

declared outbreak of vaccine-preventable disease or during a shortage of vaccine that complies with the statutory mercury requirements. The authority to declare the outbreak of vaccine-preventable disease or a vaccine shortage is expressly given to the Secretary of the Department of Health and to local health officers.

A notice requirement is added to the Secretary's suspension authority. Under that provision, a person known to be pregnant or lactating and the parents of a child under age 18 must be informed if the person or child is to be vaccinated with a product containing more mercury than the limits established in state law.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support, with amendment)The bill helps clarify the process for declaring an exception to the requirement to use certain low-mercury vaccines. The bill should also address what would happen if there is a shortage of vaccine meeting the low mercury levels required under the law.

(Opposed) None.

**Persons Testifying:** (In support, with amendment) Neil Kaneshira, American Academy of Pediatrics.

**Persons Signed In To Testify But Not Testifying:** None.