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SENATE BILL 5457

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State of Washington

61st Legislature

2009 Regular Session

By Senator Oemig

Read first time 01/22/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to vaccines; and amending RCW 70.95M.115 and  
2 70.95M.100.

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

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

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

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

14 (3) The secretary of the department of health may, upon the  
15 secretary's or local public health officer's declaration of an outbreak  
16 of vaccine-preventable disease or of a shortage of vaccine that  
17 complies with subsection (1) or (2) of this section, suspend the  
18 requirements of this section for the duration of the outbreak or  
19 shortage. (~~A person who is known to be pregnant or lactating or a~~

1 ~~parent or legal guardian of a child under eighteen years of age shall~~  
2 ~~be informed if the person or child is to be vaccinated or injected with~~  
3 ~~any mercury-containing product that contains more than the mercury~~  
4 ~~limits per dose in subsections (1) and (2) of this section.)~~)

5 (4) Patients who are to be vaccinated or injected with any mercury-  
6 containing product must be informed by the provider that the vaccine or  
7 injection contains mercury. If a child is to be vaccinated or injected  
8 with any mercury-containing product, the parent or legal guardian must  
9 be informed by the provider that the vaccine or injection contains  
10 mercury.

11 (5) The department of health must give priority and preference to  
12 the purchase of prescription drugs, medical or biological products such  
13 as vaccines, and over-the-counter substances regulated by the federal  
14 drug administration, if they are available without added mercury and  
15 are priced no more than five percent greater than the same mercury-  
16 added product.

17 (6) All vaccines and products referenced under this section must  
18 meet food and drug administration licensing requirements.

19 **Sec. 2.** RCW 70.95M.100 and 2003 c 260 s 12 are each amended to  
20 read as follows:

21 Nothing in this chapter, except the provisions of RCW 70.95M.115,  
22 applies to prescription drugs regulated by the food and drug  
23 administration under the federal food, drug, and cosmetic act (21  
24 U.S.C. Sec. 301 et seq.), to biological products regulated by the food  
25 and drug administration under the public health service act (42 U.S.C.  
26 Sec. 262 et seq.), or to any substance that may be lawfully sold over-  
27 the-counter without a prescription under the federal food, drug, and  
28 cosmetic act (21 U.S.C. Sec. 301 et seq.).

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