

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1364

Short Title: Pediatric Vaccines/No Thimerosal. (Public)

Sponsors: Representatives Dollar, Goforth (Primary Sponsors); Insko and Wiley.

Referred to: Health.

April 21, 2005

A BILL TO BE ENTITLED
AN ACT PERTAINING TO THE ADMINISTRATION OF THIMEROSAL-FREE
VACCINES TO PREGNANT WOMEN AND CERTAIN-AGED CHILDREN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-152 reads as rewritten:

"§ 130A-152. Immunization required.

(a) Every child present in this State shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, every child present in this State shall be immunized against any other disease upon a determination by the Commission that the immunization is in the interest of the public health. Every parent, guardian, person in loco parentis and person or agency, whether governmental or private, with legal custody of a child shall have the responsibility to ensure that the child has received the required immunization at the age required by the Commission. If a child has not received the required immunizations by the specified age, the responsible person shall obtain the required immunization for the child as soon as possible after the lack of the required immunization is determined.

(b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.

(c) The Commission shall adopt and the Department shall enforce rules concerning the implementation of the immunization program. The rules shall provide for:

- (1) The child's age at administration of each vaccine;
- (2) The number of doses of each vaccine;
- (3) Exemptions from the immunization requirements where medical practice suggests that immunization would not be in the best health interests of a specific category of children;
- (4) The procedures and practices for administering the vaccine; and
- (5) Redistribution of vaccines provided to local health departments.

(c1) The Commission for Health Services shall, pursuant to G.S. 130A-152 and G.S. 130A-433, adopt rules establishing reasonable fees for the administration of

1 vaccines and rules limiting the requirements that can be placed on children, their
2 parents, guardians, or custodians as a condition for receiving vaccines provided by the
3 State. These rules shall become effective January 1, 1994.

4 (d) Only vaccine preparations which meet the standards of the United States
5 Food and Drug Administration or its successor in licensing vaccines and are approved
6 for use by the Commission may be used. Vaccines administered to children under the
7 age of eight years and pregnant women shall not contain the neurotoxin commonly
8 known as thimerosal, except:

9 (1) That vaccines with a trace amount of thimerosal is permissible only if
10 there is no alternative available; and

11 (2) In times of emergency or epidemic as determined by the State Health
12 Director. If an emergency or epidemic is determined to exist, the State
13 Health Director shall notify the Commission for Health Services, the
14 Governor, and the Joint Legislative Commission on Governmental
15 Operations, and shall notify the general public upon request.

16 (e) When the Commission requires immunization against a disease not listed in
17 paragraph (a) of this section, or requires an additional dose of a vaccine, the
18 Commission is authorized to exempt from the new requirement children who are or who
19 have been enrolled in school (K-12) on or before the effective date of the new
20 requirement."

21 **SECTION 2.** Part 2 of Article 6 of Chapter 130A of the General Statutes is
22 amended by adding the following new section to read:

23 "**§ 130A-152.1. Information regarding certain vaccines.**

24 (a) The Department of Health and Human Services, Division of Public Health,
25 shall develop a brochure that explains the use of thimerosal and other preservatives in
26 vaccines. The brochure must describe what alternatives are available and what potential
27 advantages and disadvantages are posed by the use of thimerosal and the alternatives.
28 The brochure shall include the following information:

29 (1) That thimerosal is a preservative that contains forty-nine and six tenths
30 percent (49.6%) mercury used in vaccines;

31 (2) A brief history of thimerosal in vaccines, including the request made in
32 1999 by the Academy of Pediatrics for the voluntary removal of
33 thimerosal from vaccines;

34 (3) The availability of vaccines that do not contain thimerosal;

35 (4) History and factual information regarding thimerosal. This information
36 shall be updated periodically to include recent developments in
37 scientific knowledge and any standards of health care practice and
38 legal requirements relevant to thimerosal; and

39 (5) Other information that contributes to the ability of the patient or parent
40 or guardian of the patient to make an informed decision when choosing
41 the type of vaccine to be administered.

42 (b) The Department of Health and Human Services, Division of Public Health,
43 shall develop a poster that informs patients of the availability of the brochure prepared

1 under subsection (a) of this section and provides basic information about vaccines
2 containing preservatives, including those that contain and do not contain thimerosal.

3 (c) Physicians licensed in this State who administer vaccines to patients shall
4 display in their offices the poster prepared under subsection (b) of this section and shall
5 make available for patients or the parents or guardians of patients the brochure prepared
6 under subsection (a) of this section."

7 **SECTION 3.** This act becomes effective January 1, 2006.