

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1947

H.P. 1366

House of Representatives, January 5, 2006

An Act To Protect Children from the Onset of Autism

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LERMAN of Augusta.
Cosponsored by President EDMONDS of Cumberland and
Representatives: BURNS of Berwick, CAMPBELL of Newfield, GROSE of Woolwich,
MILLER of Somerville, PINGREE of North Haven, WALCOTT of Lewiston, WEBSTER of
Freeport, Senator: BARTLETT of Cumberland.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §809-A is enacted to read:

§809-A. Immunizations

1. Mercury prohibited. Except as provided in subsection 2, beginning January 1, 2007, a vaccine containing more than a trace amount of mercury may not be made available to a medical provider in this State for administration to children under 8 years of age or to pregnant women. For the purposes of this section, "trace amount" is as defined by the United States Food and Drug Administration.

2. Exemptions. Notwithstanding subsection 1, the commissioner may allow the use of a vaccine prohibited under this section if the commissioner finds, and the Governor concurs, that an actual or potential bioterrorist incident or other actual or potential public health emergency, including an epidemic or shortage of supply of a vaccine that would prevent children under 8 years of age and pregnant women from receiving the needed vaccine, makes the administration of the vaccine necessary.

A. An exemption under this subsection may not be for more than 12 months.

B. Upon issuing an exemption under this subsection, the commissioner and the Governor shall within 48 hours notify the Legislature about the exemption and the commissioner's findings justifying the exemption's approval.

C. Upon request for an exemption under this subsection, the commissioner shall notify parties who have expressed their interest to the commissioner in writing that an exemption request has been made.

D. Upon issuing an exemption under this subsection, the commissioner shall within 7 days notify parties who have expressed their interest to the commissioner in writing of the exemption and the commissioner's findings justifying the exemption's approval.

At the end of the effective period of an exemption under this subsection, the commissioner may issue another exemption for up to 12 months for the same bioterrorist incident or public health emergency if the commissioner determines the exemption is necessary and the Governor concurs.

Sec. 2. 22 MRSA §1696-J is enacted to read:

§1696-J. Mercury warnings

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3 The Director of the Bureau of Health shall prepare an
4 advisory of the public health threat to pregnant women and
5 nursing women of mercury in certain fish. The advisory must be
6 in a form suitable for posting in supermarkets in this State.
7 For the purpose of this section, "supermarket" means a large
8 self-service grocery store selling groceries, meats, fish, dairy
9 products and household goods. The Bureau of Health shall send
10 copies of the advisory to all supermarkets in this State for
11 required posting in stores.

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SUMMARY

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14 This bill prohibits the use of trace amounts of mercury, as
15 defined by the United States Food and Drug Administration, in any
16 vaccine for administration to children 8 years of age and younger
17 and to pregnant women. It also gives criteria for exemptions if
18 the Commissioner of Health and Human Services determines, and the
19 Governor concurs, that the vaccinations are necessary due to an
20 actual or potential bioterrorist incident or public health
21 emergency. The bill also requires the Department of Health and
22 Human Services, Bureau of Health to prepare an advisory poster on
23 the dangers to pregnant women and nursing women of mercury in
24 certain fish.