

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/15/07 S3/19/07 S3/22/07

A Bill

SENATE BILL 911

5 By: Senator Baker
6
7

For An Act To Be Entitled

8
9 *AN ACT TO REDUCE THE AMOUNT OF MERCURY IN*
10 *VACCINES FOR CHILDREN AND PREGNANT WOMEN; AND FOR*
11 *OTHER PURPOSES.*
12

Subtitle

13
14 *AN ACT TO REDUCE THE AMOUNT OF MERCURY*
15 *IN VACCINES FOR CHILDREN AND PREGNANT*
16 *WOMEN.*
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code Title 20, Chapter 27, Subchapter 1 is amended*
22 *to add an additional section to read as follows:*

23 *20-7-136. Reduction of mercury in vaccines for children and pregnant*
24 *women.*

25 *(a) The General Assembly finds that:*

26 *(1) Mercury is a toxic substance that can cause damage to nerve*
27 *and brain tissue;*

28 *(2) A mercury derived preservative known as thimerosal has been*
29 *used in the vaccine manufacturing process since the late 1920s, predating the*
30 *creation of the federal Food and Drug Administration;*

31 *(3) Since the late 1980s, the number of vaccines given to*
32 *American children has expanded while the age at which vaccinations are*
33 *administered has been lowered;*

34 *(4) The American Academy of Pediatrics and the United States*
35 *Public Health Service recommended in 1999 that mercury be removed as soon as*
36 *possible from all vaccines because of the potential for neurological damage*



1 posed by mercury;

2 (5) Most vaccines recommended for use in children are now
3 mercury-free, with the exception of the flu shot;

4 (6) Administering the standard flu shot to a child three (3)
5 years of age or younger results in mercury exposure levels far in excess of
6 maximum adult exposure limits set the federal Food and Drug Administration;

7 (7) Public concern about the presence of mercury in vaccines is
8 undermining the effectiveness of immunization programs that protect the
9 public health; and

10 (8) Eliminating the mercury in vaccines would minimize public
11 fear, increase public confidence in the safety of the vaccine supply and
12 serve to protect children from the potential negative impacts of mercury
13 exposure.

14 (b)(1) After August 1, 2008, no person who is eight (8) years of age
15 or younger and no woman who is pregnant shall be vaccinated in this state
16 with a vaccine, including without limitation, any flu vaccine, containing
17 more than five-tenths microgram (0.5 µg) of mercury in any form per five-
18 tenths milliliter (0.5 ml) dose of vaccine.

19 (2)(A) Before August 1, 2008, a written informed consent form
20 shall be obtained before the administration of a vaccine containing more than
21 five-tenths microgram (0.5 µg) of mercury in any form per five-tenths
22 milliliter (0.5 ml) dose of vaccine to a person who is eight (8) years of age
23 or younger or a woman who is pregnant.

24 (B) Before August 1, 2008, any public service
25 announcement, advertisement, or materials created by or distributed by a
26 state agency shall contain readily understandable information regarding the
27 amounts and effects of mercury in vaccines with special emphasis on the
28 effects of mercury in vaccines on persons who are eight (8) years of age or
29 younger and on women who are pregnant.

30 (C) The Division of Health of the Department of Health and
31 Human Services shall create and make available to the public the informed
32 consent form and information specified in subdivisions (b)(2)(A) and (B) of
33 this section.

34 (c)(1) The Division of Health of the Department of Health and Human
35 Services shall promulgate rules to implement the requirements of this
36 section.

