

# ASSEMBLY, No. 1597

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## STATE OF NEW JERSEY 220th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman GREGORY P. MCGUCKIN**

**District 10 (Ocean)**

**Assemblyman JOHN CATALANO**

**District 10 (Ocean)**

**SYNOPSIS**

Eliminates use of vaccines containing mercury over three years.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning vaccines that contain mercury and  
2 supplementing Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. a. Except as otherwise provided in this section, beginning  
8 January 1, 2016, a health care provider shall not administer to any  
9 person in this State an influenza vaccine that contains more than 0.5  
10 micrograms of mercury per 0.25 milliliter dose to a child under  
11 three years of age or 1.0 microgram of mercury per 0.5 milliliter  
12 dose to a person over three years of age, and any other vaccine that  
13 contains more than a trace amount of mercury.

14 b. Except as otherwise provided in this section, beginning  
15 January 1, 2017, a health care provider shall not administer to any  
16 person in this State a vaccine that contains more than a trace  
17 amount of mercury.

18 c. Except as otherwise provided in this section, beginning  
19 January 1, 2018, a health care provider shall not administer to any  
20 person in this State a vaccine that contains any amount of mercury.

21 d. The Commissioner of Health may authorize the use of  
22 vaccines containing a higher level of mercury than that specified in  
23 subsections a., b. and c. of this section if he determines it is  
24 necessary to prevent or respond to an outbreak of disease and there  
25 are insufficient amounts of such vaccines to adequately protect the  
26 public health. Persons who receive a vaccine containing more than  
27 a trace amount of mercury shall be informed in advance that the  
28 vaccine contains mercury.

29 e. For purposes of this section, "trace amount" means a  
30 concentration of less than .0002%.

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32 2. The Commissioner of Health shall adopt rules and  
33 regulations, pursuant to the "Administrative Procedure Act,"  
34 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the  
35 provisions of this act.

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37 3. This act shall take effect immediately.

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STATEMENT

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42 This bill would phase out the use of vaccines that contain  
43 mercury over a three-year period. Beginning January 1, 2016,  
44 health care providers would be prohibited from administering an  
45 influenza vaccine that contains more than 0.5 micrograms of  
46 mercury per 0.25 milliliter dose for children under three years of  
47 age, and 1.0 microgram of mercury per 0.5 milliliter dose for  
48 persons over three years of age, and any other vaccine that contains

1 more than a trace amount of mercury. "Trace amount" means a  
2 concentration of less than .0002%. Beginning January 1, 2017,  
3 health care providers would be prohibited from administering  
4 vaccines that contain more than a trace amount of mercury, and  
5 beginning January 1, 2018, health care providers would be  
6 prohibited from administering vaccines containing any mercury.

7 The bill provides an exception under which the Commissioner of  
8 Health may authorize the use of vaccines containing a higher level  
9 of mercury if he determines it is necessary to prevent or respond to  
10 an outbreak of disease and there are insufficient amounts of such  
11 vaccines to adequately protect the public health. Persons who  
12 receive a vaccine containing more than a trace amount of mercury  
13 shall be informed in advance that the vaccine contains mercury.

14 Since the 1930s, thimerosal, which is approximately 50% ethyl  
15 mercury by weight, has been used as a preservative in vaccines.  
16 The federal Food and Drug Administration has encouraged drug  
17 manufacturers to reduce or eliminate thimerosal from vaccines in  
18 order to reduce the cumulative levels of mercury to which children  
19 may be exposed after receiving recommended childhood  
20 immunizations. According to the federal Centers for Disease  
21 Control and Prevention (CDC), with the exception of influenza  
22 vaccines, the last lots of vaccines manufactured with thimerosal that  
23 are used in the childhood immunization schedule expired in 2003.  
24 In 2004, the CDC added influenza vaccines to the recommended  
25 childhood immunization schedule. It is expected that the  
26 manufacturing capacity of influenza vaccines with no thimerosal or  
27 trace amounts of thimerosal will increase in the next few years.