

SENATE BILL NO. 236  
INTRODUCED BY S. GALLUS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MERCURY-FREE CHILDHOOD VACCINES; AND ESTABLISHING AN INTERIM PREFERENCE FOR DISPENSING MERCURY-FREE INFLUENZA VACCINES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Childhood vaccines to be mercury-free.** (1) For purposes of [sections 1 through 4], "mercury-free vaccine" means a vaccine containing no more than 0.5 micrograms of mercury per 250 microliter dose of vaccine.

(2) Except as provided in [section 2], a person or entity providing a vaccine to a child under 5 years of age may use only a mercury-free vaccine.

NEW SECTION. **Section 2. Influenza vaccines for children to be mercury-free.** (1) Effective October 1, 2011, a person or entity providing an influenza vaccine to a child under 5 years of age may use only a mercury-free influenza vaccine.

(2) Before October 1, 2011, a person or entity may provide a child under 5 years of age with an influenza vaccine that contains up to 12.5 micrograms of mercury per 250 microliter dose.

NEW SECTION. **Section 3. Interim preference for mercury-free influenza vaccine.** (1) Before October 1, 2011, a person or entity providing influenza vaccines to children under 5 years of age shall attempt to obtain a sufficient quantity of mercury-free influenza vaccine to provide mercury-free vaccinations for all children under 5 years of age to whom the person or entity expects to provide vaccinations.

(2) A person or entity providing mercury-free influenza vaccinations is urged to administer the vaccinations in a manner that prioritizes children under 5 years of age.

(3) If the person or entity is unable to obtain mercury-free influenza vaccine in sufficient quantities to provide to all children under 5 years of age anticipated to be vaccinated, the person or entity shall give priority for mercury-free influenza vaccine to a child under 5 years of age who:

(a) is receiving long-term aspirin therapy and may be at risk for Reye's syndrome after an influenza infection;

(b) has a chronic disorder of the pulmonary or cardiovascular system, including asthma;

(c) has required regular medical followup or hospitalization during the preceding year because of chronic metabolic disease, renal dysfunction, hemoglobinopathies, or immunodeficiency; or

(d) has any condition that may compromise respiratory function or the handling of respiratory secretions.

**NEW SECTION. Section 4. Suspension of requirement.** The department may suspend the requirements of [sections 1 through 4] at any time that it determines that insufficient amounts of mercury-free vaccine are available for distribution in the state to adequately protect the public health.

**NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 50, chapter 31, and the provisions of Title 50 apply to [sections 1 through 4].

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