

By Mr. Hill of Ipswich, petition of Bradford Hill relative to prohibiting the use of certain vaccines and serums containing mercury. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROHIBITING THE USE OF MERCURY CONTAINING PRESERVATIVES
IN VACCINES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by inserting after Section 5A
3 the following new section:—

4 Section 5A½ (a) Neither the department nor any health care
5 provider as defined in Section 1, shall produce, distribute, or
6 administer vaccines, antitoxin, serums or any analogous product
7 with an additive or preservative that contains any mercury,
8 including but not limited to thimerosal.

9 (b) The department may seek an exemption from this section
10 only when it determines, and the Governor agrees, that an emer-
11 gency exists, and only if there is a shortage of the mercury-free
12 product. In such case, the exemption shall not last longer than 12
13 months, provided further that anyone receiving a vaccine, anti-
14 toxin, serum or any analogous product that is not mercury free
15 shall be informed in advance and in writing that the product con-
16 tains a mercury-based preservative.

17 (c) Any person claiming to be aggrieved by a violation of this
18 section may file a civil action to enforce this section. Such person
19 may seek an injunction as well as damages, including reasonable
20 attorneys fees and costs.

