



Megan Byrnett

## *Bill Analysis*

*Legislative Service Commission*

### **S.B. 49**

126th General Assembly  
(As Introduced)

**Sens. Fedor, Dann, Miller, Hagan, Clancy, Zurz, Fingerhut, Wilson, Roberts**

---

#### **BILL SUMMARY**

- Prohibits the administration of a vaccine containing more than a trace amount of mercury to a person who is pregnant or under eight years old.
  - Requires an individual administering a vaccine to a person who is eight years old or older and not pregnant to inform the person if the vaccine contains more than a trace amount of mercury.
  - Authorizes the Board of Nursing, State Board of Pharmacy, and State Medical Board to discipline licensees who improperly administer vaccines containing mercury.
  - Authorizes the Director of Health to waive the bill's requirements during a public health emergency.
- 

#### **CONTENT AND OPERATION**

##### **Vaccinations containing mercury**

(R.C. 3701.135)

The bill contains two requirements, both of which go into effect January 1, 2007 and remain in effect except during a public health emergency. First, no nurse, pharmacist, physician assistant, or physician authorized to administer vaccinations<sup>1</sup> may administer or authorize to be administered a vaccine containing

---

<sup>1</sup> Nurses are licensed by the Nursing Board (Revised Code Chapter 4723.), pharmacists by the State Board of Pharmacy (R.C. Chapter 4729.), and physician assistants and physicians by the State Medical Board (R.C. Chapter 4730. and 4731.).

more than a trace amount of mercury<sup>2</sup> to a person who is pregnant or under eight years of age.

Second, an individual administering a vaccine that contains more than a trace amount of mercury to a person who is eight years old or older and not pregnant must notify that person of the vaccine's mercury content.

**Disciplinary action**

(R.C. 4723.28, 4729.16, 4730.25, and 4731.22)

The bill authorizes the Nursing Board, State Board of Pharmacy, and State Medical Board to take disciplinary action against a nurse, pharmacist, physician assistant, or physician who fails to comply with the requirements for administering vaccines containing mercury.<sup>3</sup>

**Exception for public health emergency or epidemic**

The bill provides that if the Director of Health determines that there is a public health emergency or epidemic requiring a public vaccination program and there is not a sufficient supply of vaccine that contains only a trace amount of mercury, the bill's limitations on the use of vaccines containing mercury do not apply during the emergency or epidemic. The Director is required to determine the duration of the emergency or epidemic. The Director is to provide documentation of the emergency or epidemic and its anticipated duration to the Public Health Council, the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives.

---

<sup>2</sup> "Trace amount of mercury" means a five-milliliter dose contains less than one-half of one microgram of mercury (R.C. 3701.135).

<sup>3</sup> The Nursing Board may deny, revoke, suspend, place restrictions on a nursing license, reprimand, impose a fine of not more than \$500, or otherwise discipline the holder of a license subject to the Nursing Board's jurisdiction (R.C. Chapter 4723.). The Pharmacy Board may revoke, suspend, limit, place on probation, impose a fine against, or refuse to grant or renew the license of a pharmacist who violates the law governing pharmacists (R.C. Chapter 4729.). The State Medical Board may limit, revoke, refuse to issue, refuse to reinstate, reprimand the holder of, place on probation, or suspend a certificate of registration of a physician assistant or physician who violates the law governing physician assistants (R.C. Chapter 4730.) or physicians (R.C. Chapter 4731.).

---

## COMMENT

Thimerosal, a compound containing mercury, was often used as a preservative in vaccinations. Preservatives are used in vaccines to prevent the growth of harmful biologics in the vaccine serum. According to the Center for Biologics Evaluation and Research (CBER, a research arm of the United States Food and Drug Administration), research over the last several years has increased concerns over the potential harm resulting from mercury exposure. Thimerosal has been removed, or reduced to trace amounts, in all vaccines routinely given to children under six years old. Certain vaccines, such as the inactivated influenza vaccine, still contain thimerosal.<sup>4</sup>

---

## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-09-05	p. 159

s0049-i-126.doc/kl

---

<sup>4</sup> Center for Biologics Evaluation and Research, "Thimerosal in Vaccines," available at: <http://www.fda.gov/cber/vaccine/thimerosal.htm#t1>, last visited April 1, 2005.