

What does the law require?

I. Mercury Limits: As of July 1, 2007, those pregnant or under three years of age are prohibited from receiving vaccines with a mercury content exceeding the following limits:

- 1.0 microgram per 0.5 milliliter dose for influenza vaccines
- 0.5 microgram per 0.5 milliliter dose for all other vaccines

II. Suspension of Limits: The Secretary of the Washington State DOH may suspend these limits temporarily when the Secretary or local health officer declares either:

- An outbreak of vaccine-preventable disease, or
- A shortage of a vaccine that complies with the statutory mercury requirements above

DOH considers three basic conditions that might cause the declaration of a vaccine shortage:

- A formal declaration of a national shortage made by the CDC
- The Secretary of DOH determines there is a threat to public health due to lack of availability
- A local health officer determines a threat to public health within a local health jurisdiction regarding the containment or prevention of vaccine-preventable disease

III. Notice to patients: For the duration of a suspension, the following patients must be notified if they are to receive a vaccine exceeding the established statutory limits:

- Women who are pregnant or lactating
- Parents/legal guardians of anyone under the age of 18

In the event of a suspension, a patient notice template will be made available to providers on the DOH website. Also, please note that notification requirements due to the suspension of mercury limits apply to a broader population than those affected by current statutory mercury limits.

How does the law affect the public purchase of vaccine?

Since 2005, all routinely recommended vaccines purchased by DOH for children birth through 3 years of age are mercury-free, including influenza vaccine. Routinely recommended vaccines for children through 18 years of age purchased by DOH are mercury free, except for influenza vaccine for children 3 through 18 years of age. DOH does supply mercury free influenza vaccine for pregnant adolescents, ages 11 through 18. Few vaccines are now manufactured with levels of mercury, known as thimerosal¹, that exceed the limits identified in statute. Current trends indicate thimerosal is likely to be phased out of vaccine manufacturing in the near future.

¹ For more information on thimerosal:

Washington State DOH; http://www.doh.wa.gov/cfh/Immunize/documents/thimerosal_faqs.pdf

Children's Hospital of Philadelphia; <http://www.chop.edu/consumer/jsp/division/generic.jsp?id=75751>

CDC; <http://www.cdc.gov/nip/vacsafe/concerns/thimerosal/faqs-thimerosal.htm>

Which Vaccines do not meet the limitations of the law?

At this point, only the following three vaccines exceed the law's mercury limits:

- Certain multi-dose vials of influenza vaccines (although there are influenza vaccines that are mercury free)
- Menomune, a meningococcal vaccine licensed for 2 years of age and older
- A vaccine that protects against Japanese Encephalitis; recommended for those traveling to certain countries of Asia where the traveler is staying longer than one month

Providers in Washington State will be breaking the law if they vaccinate pregnant women or children under three years of age with any of the three types of vaccines listed above (barring a declared suspension of mercury limits).

What should providers do to plan for compliance with the law?

In addition to keeping up to date with which vaccines exceed legal mercury limits, providers should prepare properly for flu season. Best estimates should be made of those pregnant or under three years of age that are expected to be receiving a vaccination during flu season to plan for the number of mercury free vaccines to order during the pre-booking process of January of each year.

As mentioned above, in the event of a suspension of mercury limits, DOH will post on its website a one page notice for providers to inform the appropriate patients. This notice will be found at: <http://www.doh.wa.gov/cfh/immunize/providers.htm>