

H. B. 2119

(By Delegate Rodighiero)

[Introduced January 12, 2011; referred to the
Committee on Health and Human Resources then the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §16-3-5a, relating to
the prevention and control of communicable and other
infectious diseases; and creating the "West Virginia
Elimination of Mercury in Vaccines Act" requiring the
elimination of mercury in vaccines.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §16-3-5a, to read as
follows:

**ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER
INFECTIOUS DISEASES.**

§16-3-5a. Elimination of mercury in vaccines.

This section may be cited as the "West Virginia Elimination

1 of Mercury in Vaccines Act of 2011."

2 (a) Effective July 1, 2011, vaccines administered within the
3 state may not contain mercury or mercury compounds, including, but
4 not limited to, thimerosal, unless:

5 (1) A specific vaccine that does not contain mercury is not
6 manufactured; or

7 (2) A mercury-free vaccine is not available despite using
8 best efforts to secure that vaccine.

9 (b) If, in accordance with subsection (a), a mercury-free
10 vaccine is unavailable, a vaccine that contains a trace amount of
11 mercury, as defined by the United States Food and Drug
12 Administration, may be administered.

13 (c) If a mercury-free vaccine or a vaccine that contains a
14 trace amount of mercury is unavailable, the vaccine that contains
15 the least amount of mercury is to be administered.

NOTE: The purpose of this bill is to eliminate, to the maximum extent possible, the use of vaccines that contain mercury.

This section is new; therefore, it has been completely underscored.