

California's New Law Limiting Mercury in Vaccines: Frequently Asked Questions

Letter and impact of the law

Q. What does the mercury law say?

A. As of July 1, 2006, California law prohibits administering vaccines whose mercury content exceeds the legal limit to:

- Women who are knowingly pregnant or
- Children under the age of three years.

Legal limit: Vaccines given to pregnant women or to children under the age of three years in California may not exceed:

- 1.0 microgram of mercury per 0.5 milliliters of influenza vaccine
- 0.5 micrograms of mercury per 0.5 milliliters of all other vaccines
- Note: Most vaccines are administered in 0.5 milliliter doses, but the dose of influenza vaccine for children age six months to 35 months is 0.25 milliliters.

Exemptions: The law allows California's Governor and Secretary of Health and Human Services to permit providers to administer vaccines that exceed the mercury limit if there is an epidemic, vaccine shortage, or other public health emergency.

Penalties: Penalties for violation are not specified in the law.

Text of the law is available at:

www.leginfo.ca.gov/pub/03-04/bill/asm/ab_2901-2950/ab_2943_bill_20040928_chaptered.html
(California Health and Safety Code, Section 124172 Chapter 837, Statutes of 2004, AB 2943, Pavley)

Q. Will the mercury law affect my administration of influenza vaccine?

A. Possibly. Formulations of influenza vaccine vary as to whether they:

- meet the legal limit for mercury content; for example, multidose vials of influenza vaccine exceed the limit
- are licensed for use in pregnant women and children under three years of age

Please review the list of influenza vaccines at www.getimmunizedca.org in order to provide your patients with vaccine formulations that comply with the new law.

Q. Will the mercury law affect my administration of routine vaccines besides influenza vaccine?

A. No. All vaccines other than influenza vaccine commonly given to pregnant women and children under three years of age meet the legal limit for mercury content.

Q. Which multidose vaccines besides influenza vaccine are restricted by the new law?

A. Certain multidose formulations of diphtheria and tetanus, tetanus toxoids, tetanus and diphtheria toxoids, and meningococcal polysaccharide vaccine exceed the mercury limit for pregnant women and children under three years of age. Alternatives to these formulations are readily available. For more information on these vaccines and their

alternatives, please refer to the summary chart Vaccines (other than influenza vaccine) in a Multidose Vial Formulation that Exceed the California Legal Limit for Mercury Content, July 2006 at www.getimmunizedca.org.

Mercury and vaccine safety

Q. Why has mercury been used in vaccines?

A. The vaccine preservative thimerosal contains ethylmercury. Thimerosal has been used in vaccines since the 1930s to prevent bacterial contamination of vaccines, especially those stored in multidose vials. In recent years advances in vaccine manufacturing have enabled thimerosal to be phased out of most vaccine production. By the time the mercury law was enacted, the only routinely used childhood vaccine that did not meet the law's limits was the multidose vial formulation of influenza vaccine.

Q. Why was this law passed?

A. Thimerosal has been hypothesized to be a cause of childhood autism. This hypothesis is not supported by the results of extensive study. However, proponents of the law remain concerned about exposure to thimerosal.

Q. How can I reassure my patients about vaccine safety?

A. When Governor Schwarzenegger signed the law, he said, "While I take this action in an abundance of caution, I want to encourage parents to get their children vaccinated. There are significant risks associated with the failure to vaccinate children which far outweigh any theoretical risk associated with thimerosal."

According to the Centers for Disease Control and Prevention (CDC) there is no conclusive evidence that any vaccine or vaccine additive increases the risk of developing autism or any other behavior disorder. Rather, evidence is accumulating of lack of any harm resulting from exposure to vaccine containing thimerosal as a preservative.

An April 3, 2006 letter to Congress stated that "...there is no documented scientific evidence that ethylmercury in the form of thimerosal in the doses administered in vaccines causes any risk to health." The letter was signed by representatives of the American Academy of Pediatrics (AAP), American Academy of Family Physicians (AAFP), American College of Preventive Medicine (ACPM), American Medical Directors Association (AMDA), American Pharmacists Association (APhA), Pediatric Infectious Diseases Society (PIDS), and Society for Adolescent Medicine (SAM).

The following are additional sources of information about mercury and vaccines.

- CDC provides information on vaccine safety for consumers and health care providers at: www.cdc.gov/nip/vacsafe/concerns/thimerosal/default.htm.
- Food and Drug Administration background on thimerosal can be found at: www.fda.gov/cber/vaccine/thimerosal.htm.
- The AAP has information about vaccines and autism at: http://www.cispimmunize.org/pro/pro_main.html?http&&www.cispimmunize.org/pro/safety.html.

- The Children’s Hospital of Philadelphia’s website contains a comprehensive summary of studies that indicates “evidence showing that, while some things do cause autism, mercury in vaccines isn’t one of them.” For more information go to:
www.chop.edu/consumer/jsp/division/generic.jsp?id=75751.
- Immunization Safety Review: ‘Vaccines and Autism,’ a report by the Institute of Medicine, May 2004. For more information visit:
www.iom.edu/CMS/3793/4705/20155.aspx.