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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1001 Session of  
2007

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INTRODUCED BY SOLOBAY, BARRAR, BENNINGTON, CAPPELLI, CURRY,  
DePASQUALE, FABRIZIO, GEORGE, GRUCELA, JAMES, KORTZ, KOTIK,  
KULA, LEACH, METCALFE, MURT, M. O'BRIEN, PETRARCA, REICHLEY,  
RUBLEY, SONNEY, SURRA, THOMAS, WALKO, WANSACZ, J. WHITE,  
YOUNGBLOOD AND HORNAMAN, APRIL 2, 2007

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
APRIL 2, 2007

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AN ACT

1 Amending the act of May 21, 1992 (P.L.239, No.35), entitled "An  
2 act providing for health insurance coverage of children; and  
3 conferring powers and duties on the Department of Health and  
4 the Insurance Department," further providing for definitions;  
5 and providing for mercury-free vaccines.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The title of the act of May 21, 1992 (P.L.239,  
9 No.35), known as the Childhood Immunization Insurance Act, is  
10 amended to read:

11 AN ACT

12 Providing for health insurance coverage of children and pregnant  
13 women; and conferring powers and duties on the Department of  
14 Health and the Insurance Department.

15 Section 2. Section 2 of the act is amended by adding a  
16 definition to read:

17 Section 2. Definitions.

1 The following words and phrases when used in this act shall  
2 have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 \* \* \*

5 "Department." The Department of Health of the Commonwealth.

6 \* \* \*

7 Section 3. The act is amended by adding a section to read:

8 Section 3.1. Mercury-free vaccines.

9 (a) Prohibited vaccinations.--On and after January 1, 2008,  
10 a person who is knowingly pregnant or who is under three years  
11 of age shall not be vaccinated with a mercury-containing vaccine  
12 or injected with a mercury-containing product.

13 (b) Coverage for mercury-free vaccines.--All health  
14 insurance policies delivered, issued for delivery, renewed,  
15 extended or modified in this Commonwealth by any health care  
16 insurer shall provide that the health insurance benefits  
17 applicable under the policy include coverage for mercury-free  
18 vaccines and injections for pregnant women and children under  
19 three years of age.

20 (c) Exemption.--The department may exempt the use of a  
21 vaccine from the prohibition of subsection (a) if it finds, and  
22 the Governor concurs, that an actual or potential bioterrorist  
23 incident or other actual or potential public health emergency,  
24 including an epidemic or shortage of supply of a vaccine that  
25 would prevent children under three years of age and knowingly  
26 pregnant women from receiving the needed vaccine, makes  
27 necessary the administration of a vaccine containing mercury.  
28 The exemption shall meet all of the following conditions:

29 (1) It shall not be issued for more than 12 months.

30 (2) Upon issuing an exemption, the department and the

1 Governor shall, within 48 hours, notify the General Assembly  
2 of the exemption and the department's findings justifying the  
3 exemption's approval.

4 (3) Upon receiving a request for an exemption, the  
5 department shall notify interested parties who have requested  
6 in writing to the department notice that an exemption request  
7 has been made. Upon issuing an exemption, the department  
8 shall, within seven days, notify interested parties of the  
9 exemption and the department's findings justifying the  
10 exemption's approval.

11 (4) At the end of the effective period of the exemption,  
12 the department may issue another exemption for up to 12  
13 months for the same incident or public health emergency, if  
14 the department makes a determination that the exemption is  
15 necessary as set forth in this subsection, the Governor  
16 concurs with the exemption and the department notifies the  
17 General Assembly and interested parties pursuant to  
18 paragraphs (2) and (3).

19 Section 4. This act shall take effect immediately.