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| **Bill Number:** | **HB 2840** | **Companion:** | i.e. SSB 5678 | **Date:** | **1/17/2018** |
| **Topic/Title:** | **Vaccines containing mercury and aluminum** | | | | |
| **Prime Sponsor:** | **Shea** | | | | |

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| **Lead Division:** | PCH | **Analyst:** | | Michelle Weatherly |
| **Track Level:** | Agency | **Position:** | Oppose | |
| **Consent Agenda:** |  | **Next Step:** | Testify and a letter | |

**Three key points as to why DOH is taking the recommended position:**

1. The Vaccines for Children program is a federal entitlement program administered by the states to increase access to recommended vaccines for at-risk groups of children. This bill would create a barrier for the state to comply with federal laws associated with this program.
2. Thimerosal, a mercury-containing preservative, prevents the growth of bacteria in vaccines. It is added to vials of vaccine that contain multiple-doses vials. Thimerosal use in medical products has a record of being very safe. Safety studies show no evidence of harm caused by the low doses of thimerosal in vaccines. Aluminum is used in vaccines to help increase the immune response to vaccines and has been used safely for several decades.
3. Vaccines undergo rigorous and extensive animal and human clinical trials to determine their safety and effectiveness. Prior to licensure, FDA takes all of the vaccine ingredients, including thimerosal and aluminum, into account before licensing a vaccine for use in the United States. After FDA approves a vaccine and while the vaccine is in use, FDA continuously monitors its safety.

**If you are recommending support of this bill, does it align with:**

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| **Foundational Public Health Services?** Choose an item  **Foundational Capabilities:** *(select all that apply)* | |
| Assessment (surveillance and epidemiology) Emergency preparedness and response (all hazards) Communications | Policy development and support Community partnership development Business competencies |

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| **Governor’s Priorities?** *(select all that apply)*  World class education A prosperous economy | Sustainable energy and clean environment Healthy and safe communities  Efficient, effective and accountable government |

**Brief Summary of the bill:**

* Prohibits the purchase, distribution, or administration of any mercury-containing vaccine to any person in the state.
* Removes mercury-limiting language for pregnant women and children under three years of age and removes the language allowing the Secretary of Health to suspend the law during a vaccine-preventable disease outbreak or a vaccine shortage.
* Prohibits recommended individual doses of vaccine from exceeding specified amounts of aluminum and requires data to demonstrate that the amount is safe, provides the intended effect, and is submitted and approved by the U.S. Food and Drug Administration (FDA).

**Concerns raised by bill, if any:**

* The Vaccines for Children program is a federal entitlement program for at-risk groups. This bill would create a barrier for the state to comply with federal law.
* There is potential to reduce access to certain FDA-licensed vaccines, especially multi-dose flu vaccine that may be in high demand during a flu epidemic. Flu vaccine supply will be reduced without the availability of multi-dose flu vaccine that contains thimerosal. The lack of available flu vaccine may leave many people unprotected and at risk for infection or severe illness and hospitalization, and would limit the State’s ability to control disease outbreaks. This bill would prevent other vaccines that are licensed by the FDA and are the standard of care from being used in Washington State, including Tetanus-Diphtheria (Td) vaccine, which contains trace amounts of thimerosal.
* Multiple vaccines contain aluminum at low levels that are approved by the FDA, including: DTaP (Diphtheria-Tetanus-Pertussis), Pediarix (DTaP-Hepatitis B-Polio combination), Pentacel (DTaP-HIB-Polio combination), Hepatitis A, Hepatitis B, Haemophilus influenzae B (Hib), Human Papilloma Virus (HPV), and Pneumococcal vaccines. The amount of aluminum in these vaccines is lower than the maximum amounts listed in Sec. 2 of this bill.

**Benefits gained from bill, if any:**

None.

**Key differences from previous version of this bill, if any:**

NA

**Key constituent groups affected and how:**

Limits the availability of certain vaccines, such as multi-dose flu vaccine, especially during a flu epidemic or shortage of flu vaccine. This affects the public who would not have access to flu vaccine, especially those at high risk of complications from flu infection. Local health jurisdictions, health care providers, pharmacists, and other vaccine administrators would not have flu vaccine or other vaccines available to protect the public against vaccine-preventable diseases.

**Is there an impact on local government?**  **If yes, describe.**

Local health jurisdictions provide vaccines, especially to high-risk populations and during outbreaks of vaccine-preventable diseases. Certain vaccines will not be available, such as multi-dose flu vaccine or multi-dose meningococcal conjugate vaccine.

**Will this have impact on American Indian/Alaska Native health, Tribal governments, or Tribal medical clinics? No Please explain.** *(See the* [*Health Equity Tribal Health Quick Reference Guide*](https://doh.sp.wa.gov/sites/OS/pr/cpa/govrelations/Shared%20Documents/Health%20Equity%20Tribal%20Health%20Quick%20Reference%20Guide.docx)*)*

Potentially reduces access for all populations to certain vaccines (i.e. flu vaccine), especially during a vaccine-preventable disease outbreak.

American Indian/Alaska Natives are one of the groups that are eligible for vaccines through the federal Vaccines for Children entitlement program. This bill would prevent their access to some vaccines they are entitled to under this program.

**What impact does the bill have on** [**health equity**1 **or health disparity**](https://doh.sp.wa.gov/sites/OS/pr/cpa/govrelations/Shared%20Documents/HealthEquityConsiderations-checklist-version3.docx)2**? Neutral Please explain.**

Potentially reduces access for all populations to certain vaccines (i.e. flu vaccine), especially during a vaccine-preventable disease outbreak.

**Describe how other divisions within DOH or other state agencies are affected and how:**

Limiting availability and access to vaccines can increase the risk of children becoming ill with and spreading diseases that vaccines can prevent. This would potentially impact the Office of the Superintendent of Public Instruction (OSPI) and the Department of Early Learning (DEL) who would be involved in guiding schools and child cares during a disease outbreak response.

**Suggested amendment language, if necessary:**

**Additional notes:**

**Are new/amended DOH or SBOH rules necessary to implement the bill?**

**Is a rule adoption date required in bill?**  **If yes, what is the due date?** Due date

**Is DOH participation on an Advisory Committee required?**

**Is a DOH or SBOH report or study required?**  **If yes, what is the due date?** Due date

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| **Estimated DOH fiscal impact (biennial):** | |  | **FTE:** | FTE |
| **Absorb** | Absorbable amount*(Enter the amount, if any, the program is able to absorb.)* | | **Absorb FTE:** | FTE |

**Is the fiscal impact of this version of the bill different from the last version?**

**Fiscal assumptions:**

None

1 **Health Equity:** Exists when everyone has an equal opportunity to attain full potential. Equity implies a need for fairness in the distribution of benefits and burdens, and the entitlement of everyone to an acceptable quality and standard of living.

2 **Health Disparity:** Difference in health outcomes between distinct segments of the population.