



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

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TO: California Physicians

FROM: John Talarico, DO, MPH, Chief *John Talarico, DO*

SUBJECT: EXEMPTION TO HEALTH AND SAFETY CODE SECTION 124172
(MERCURY-CONTAINING VACCINES) FOR SEASONAL INFLUENZA
VACCINE FROM FEBRUARY 6, 2013 – JUNE 30, 2013

SUMMARY

Since 2006, California law [Health and Safety Code Section 124172 subdivision (a)] has stated that vaccines containing specific levels of mercury cannot be administered to pregnant women and young children, except under certain circumstances. The Secretary of the California Health and Human Services Agency has granted an exemption to this restriction for 2012-13 Seasonal Influenza Vaccine in children younger than 3 years of age and pregnant women from February 6, 2013 – June 30, 2013. The exemption is being granted because of the present danger posed by widespread influenza activity in California, and because there are limited supplies of thimerosal-free influenza vaccine.

Seasonal Influenza Disease and Vaccine

Influenza activity is widespread nationwide, including in California. Nationally, thousands of people have been hospitalized and at least 29 children have died from influenza and related complications. While many commonly used vaccines administered in the United States are available in ample supplies of mercury-free formulations, there are currently limited supplies of seasonal influenza vaccine to protect California's young children and pregnant women throughout the remainder of the winter and spring.

Influenza vaccination can prevent influenza and influenza-related complications. The federal Advisory Committee on Immunization Practices (ACIP) and the California Department of Public Health recommend influenza vaccine for everyone 6 months of age and older, especially young children, pregnant women, people with chronic conditions, and the elderly. The best defense against influenza and its complications is getting vaccinated - it is not too late for Californians to get flu vaccine if they haven't already.

Exemption to California Mercury Free Vaccine Act

California Health and Safety Code Section 124172 subdivision (c) permits the Secretary of the Health and Human Services Agency to exempt the use of a vaccine from section 124172 subdivision (a) "if the secretary finds, and the Governor concurs, that ... an epidemic or shortage of supply of a vaccine that would prevent children under three years of age and

knowingly pregnant receiving the needed vaccine,” making “necessary the administration of a vaccine containing more mercury than the maximum level set forth in subdivision (a)...”

Because of the dangers posed by the seasonal influenza epidemic, and because there are currently insufficient supplies of thimerosal-free influenza vaccine that have levels of mercury below the state legal limits, an exemption has been granted from California Health and Safety Code Section 124172 subdivision (a) for 2012-13 seasonal influenza vaccine administered to children younger than 3 years old and pregnant women for the period of January 28, 2013 – June 30, 2013.

This exemption will help protect young children and pregnant women at high-risk for severe influenza complications and is similar to exemptions issued during 2006 and the 2009 H1N1 influenza pandemic to protect these vulnerable populations. Similar exemptions for influenza vaccine are currently in place in other states that have restrictions on mercury content, including Illinois, New York, and Washington.

In accordance with the intent of the law, during this exemption period physicians should prioritize any remaining supplies of thimerosal-free vaccine to young children and pregnant women when feasible, as long as prioritization does not prevent the immunization of others. As with other routine vaccines, providers should continue to provide patients and parents or guardians with the specific Vaccine Information Statement (VIS) that lists risks and benefits before immunization.

For additional information about these topics, please contact the California Department of Public Health’s Immunization Branch at (510) 620-3737 or www.GetImmunizedCA.org.

cc: CDPH Immunization Branch Field Representatives
Local Health Officers
Local Health Department Immunization Coordinators