

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
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HOUSE BILL NO. 852
92ND GENERAL ASSEMBLY

Reported from the Committee on Aging, Families, Mental and Public Health, May 10, 2004, with recommendation that the Senate Committee Substitute do pass.

3360S.12C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section,
2 to be known as section 191.235, to read as follows:

**191.235. 1. Beginning April 1, 2006, immunizations administered in the
2 state of Missouri to children less than seven years of age shall not contain any
3 mercury preservatives, including but not limited to thimerosal. The Food and
4 Drug Administration's designation as thimerosal free or trace only shall
5 comply with this section. All other persons receiving immunizations that are
6 not designated as thimerosal free or trace only shall be informed in advance
7 that it contains a mercury-based preservative.**

**8 2. Beginning April 1, 2006, any insurer, health service corporation or
9 health maintenance organization doing business in the state of Missouri that
10 provides insurance coverage for immunizations on a fee schedule or on a
11 percentage reimbursement basis shall reimburse for immunizations not
12 containing mercury at the same percentage rate of the usual and customary
13 charges which were provided for immunizations containing mercury or other
14 preservatives immediately prior to April 1, 2006.**

**15 3. The director of the department of health and senior services shall be
16 exempt from compliance with this section by providing documentation of a
17 pending outbreak requiring a public vaccination program for which there
18 does not exist a sufficient supply of vaccine free of mercury preservative, as**

19 **required in subsection 1 of this section. The duration of such exemption shall**
20 **be determined by the director. Such documentation shall be submitted to the**
21 **chairs of committees of the house of representatives and the senate whose**
22 **jurisdiction covers public health policy. Persons receiving an exempted**
23 **immunization shall be informed in advance that it contains a mercury-based**
24 **preservative.**

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