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ASSEMBLY BILL NO. 224—ASSEMBLYMEN ANGLE, CARPENTER,  
HOLCOMB, MORTENSON AND MUNFORD

MARCH 17, 2005

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JOINT SPONSORS: SENATORS BEERS, CEGAVSKE AND WASHINGTON

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Referred to Committee on Health and Human Services

SUMMARY—Prohibits person from administering or providing immunization which contains more than specified amount of mercury to certain persons. (BDR 40-777)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to public health; prohibiting a person from administering or providing an immunization which contains more than a specified amount of mercury to certain persons; providing exceptions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law regulates certain aspects of maternal and child health. (Chapter  
2 442 of NRS)  
3 This bill prohibits a person from administering or providing an immunization to  
4 another person, whether by vaccine or otherwise, if the immunization contains  
5 more than a specified amount of mercury, unless the person obtains a signed  
6 affirmation that the person receiving the immunization is not pregnant or under the  
7 age of 3 years. This bill authorizes a person to request an exemption from this  
8 prohibition which the Director of the Department of Human Resources, with the  
9 concurrence of the Governor, may grant upon finding that the exemption is  
10 necessary due to an actual or potential bioterrorism incident or a public health  
11 emergency.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 442 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Except as otherwise provided in subsection 2, a person*  
4 *shall not administer or provide to another person an immunization*  
5 *that:*

6       (a) *Except as otherwise provided in paragraph (b), contains*  
7 *more than 0.5 micrograms of mercury per 0.5 milliliter dose,*  
8 *whether the immunization is administered by vaccination or*  
9 *otherwise; or*

10       (b) *Contains more than 1.0 microgram of mercury per 0.5*  
11 *milliliter dose, if the immunization is against influenza and is*  
12 *administered by vaccination,*

13       ↳ *without obtaining a signed document from the person receiving*  
14 *the immunization, or the parent or guardian of the person if the*  
15 *person receiving the immunization is less than 18 years of age,*  
16 *affirming that the person receiving the immunization is not*  
17 *pregnant or under the age of 3 years.*

18       2. *The Director may, upon request, exempt a person from*  
19 *complying with subsection 1 for a period not to exceed 12 months*  
20 *if the Director finds and the Governor concurs that such an*  
21 *exemption is necessary due to an actual or potential:*

22       (a) *Incident of bioterrorism; or*

23       (b) *Emergency involving the public health, including, without*  
24 *limitation, an epidemic or shortage of an immunization that may*  
25 *prevent a person who is pregnant or under the age of 3 years from*  
26 *receiving an immunization.*

27       3. *Not sooner than 30 days before the last day of the period*  
28 *for which an exemption was granted pursuant to subsection 2, the*  
29 *Director may extend the exemption for a period not to exceed 12*  
30 *months if the Director finds and the Governor concurs that the*  
31 *exemption continues to be necessary.*

32       4. *If a person submits a written request to the Director for*  
33 *notice of a request for or the granting or extension of an*  
34 *exemption, the Director shall provide such notice to the person:*

35       (a) *Upon receipt of a request for an exemption pursuant to*  
36 *subsection 2.*

37       (b) *Within 7 days after an exemption has been granted or*  
38 *extended pursuant to subsection 2 or 3. The notice must include,*  
39 *without limitation, an explanation of the findings that indicated*  
40 *the need for the exemption.*

41       5. *Not later than 48 hours after granting or extending an*  
42 *exemption pursuant to subsection 2 or 3, the Director shall notify*



1 *the Legislature if the Legislature is in session, or the Legislative*  
2 *Commission if the Legislature is not in session, that the exemption*  
3 *has been granted or extended and provide an explanation of the*  
4 *findings that indicated the need for the exemption.*  
5 *6. As used in this section, "person" includes, without*  
6 *limitation, a government, governmental agency or political*  
7 *subdivision of a government.*



