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



EDMUND G. BROWN JR.
Governor

February 6, 2013

TO: Interested Parties

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

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 (TIV) 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.

Exemption to California Mercury Free Vaccine Act

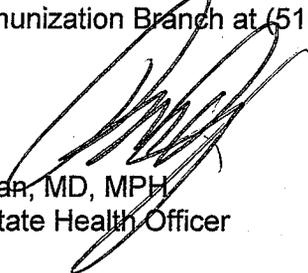
California Health and Safety Code Section 124172 subdivision (c) permits the Secretary of the Health and Human Services Agency to exempt the use of a vaccine from section 124172 subdivision (a) "if the secretary finds, and the Governor concurs, that ... an epidemic or shortage of supply of a vaccine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

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.



Ron Chapman, MD, MPH
Director & State Health Officer

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



IMPORTANT MESSAGE

California Department of Public Health
Immunization Branch
Vaccines for Children (VFC) Program
850 Marina Bay Parkway
Richmond, CA 94804

Toll Free Phone:
877-2GET-VFC (877-243-8832)

Toll Free Fax:
877-FAXX-VFC (877-329-9832)

February 5, 2013

Exemption to California's Thimersol Law for 2012-13 Flu Season

Dear VFC Program providers,

According to California law, pregnant women and children younger than 3 years old may only receive vaccines that contain no more than trace levels of mercury preservative, including the influenza vaccine. However, due to the increased influenza activity and the limited supply of influenza vaccine in the private sector, an exemption to this law was approved for the remainder of the 2012-13 flu season.

The VFC Program still has doses of influenza vaccine, including preservative-free formulations, available for ordering through supplemental ordering. VFC-supplied vaccines can only be administered to VFC-eligible patients.

Product	VFC Age Group	Supply
Fluzone® PF Pediatric Formulation, 0.25mL single dose syringes, Sanofi Pasteur	6-35 months	Available
Fluzone® 10 dose vials (5mL) Sanofi Pasteur	3-18 years	Available
Fluarix® PF Formulation 10 pack - 1 dose syringes (0.5mL), GSK	3-18 years	Available
FluMist, 10 pack-1 dose Intranasal Spray, MedImmune	Healthy 2-18 years	Available

Influenza activity is high nationwide, including California. Please continue to promote flu vaccination with your patients. Remember- flu vaccination is routinely recommended for everyone 6 months of age and older every year. Also, make sure that your practice is actively recalling children 8 years of age and younger for whom a 2nd dose of flu vaccine is indicated.

Would you like to receive VFC communications via e-mail?
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