

SENATE FILE 2209  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3070)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the content of immunizations, and making a  
2 penalty applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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**SENATE FILE 2209**

**S-5123**

6 1 Amend Senate File 2209 as follows:  
7 2 1. Page 1, by inserting after line 12, the  
8 3 following:  
9 4 "2A. The person administering an early childhood  
10 5 immunization shall provide the parent or legal  
11 6 guardian of the child with information about the  
12 7 amount of mercury or other preservatives containing  
13 8 heavy metals contained in the immunization."  
14 9 2. Page 1, by striking lines 14 and 15, and  
15 10 inserting the following: "early childhood  
16 11 immunizations for influenza or in times of emergency  
17 12 or epidemic as".  
18 13 3. By renumbering as necessary.

**By KEN VEENSTRA**

19 **S-5123** FILED MARCH 23, 2004  
20 ADOPTED

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SF 2209  
HUMAN RESOURCES

1 Section 1. NEW SECTION. 135.39A EARLY CHILDHOOD  
2 IMMUNIZATIONS -- CONTENT.

3 1. Beginning January 1, 2005, early childhood  
4 immunizations administered in this state shall not contain  
5 more than trace amounts of mercury or other preservatives  
6 containing heavy metals.

7 2. For the purposes of this section:

8 a. "Early childhood immunizations" means immunizations  
9 administered to children under eight years of age, unless  
10 otherwise provided in this section.

11 b. "Trace amounts" means trace amounts as defined by the  
12 United States food and drug administration.

13 3. The prohibition under this section shall not apply to  
14 immunizations for influenza administered to children through  
15 five years of age or in times of emergency or epidemic as  
16 determined and declared by the director of public health.

17 Sec. 2. NEW SECTION. 514C.21 COVERAGE FOR IMMUNIZATIONS  
18 -- MERCURY OR OTHER PRESERVATIVES.

19 1. Third-party payment provider contracts or policies  
20 delivered, issued for delivery, continued, or renewed in this  
21 state on or after January 1, 2005, that provide reimbursement  
22 for immunizations shall provide reimbursement for  
23 immunizations containing no more than trace amounts of mercury  
24 or other preservatives containing heavy metals at the same  
25 rate provided for immunizations containing mercury or other  
26 preservatives containing heavy metals prior to January 1,  
27 2005. For the purposes of this section, "trace amounts" means  
28 trace amounts as defined by the United States food and drug  
29 administration.

30 2. For the purposes of this section, "third-party payment  
31 provider contracts or policies" includes:

32 a. Individual or group accident and sickness insurance  
33 providing coverage on an expense-incurred basis.

34 b. An individual or group hospital or medical service  
35 contract issued pursuant to chapter 509, 514, or 514A.

1 c. An individual or group health maintenance organization  
2 contract regulated under chapter 514B.

3 d. An organized delivery system licensed by the director  
4 of public health.

5 EXPLANATION

6 This bill prohibits early childhood immunizations  
7 administered in Iowa from containing more than trace amounts  
8 of mercury or other preservatives containing heavy metals  
9 beginning January 1, 2005. The bill defines "early childhood  
10 immunizations" as immunizations administered to children under  
11 eight years of age, unless otherwise provided, and defines  
12 "trace amounts" as trace amounts as defined by the United  
13 States food and drug administration. Under this portion of  
14 the Code, a violation of the section is a simple misdemeanor  
15 which is punishable by a fine of at least \$50 but not to  
16 exceed \$500 and, in lieu of or in addition to the fine, may be  
17 punishable by imprisonment not to exceed 30 days.

18 The bill also requires third-party payment provider  
19 contracts or policies delivered, issued for delivery,  
20 continued, or renewed in this state on or after January 1,  
21 2005, that provide reimbursement for immunizations, to provide  
22 reimbursement for immunizations containing no more than trace  
23 amounts of mercury or other preservatives containing heavy  
24 metals at the same rate provided for immunizations containing  
25 mercury or other preservatives containing heavy metals prior  
26 to January 1, 2005.

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**SENATE FILE 2209**

**H-8479**

- 1 Amend Senate File 2209, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 3, by striking the figure "2005"  
4 and inserting the following: "2006".  
5 2. Page 1, by striking lines 5 and 6, and  
6 inserting the following: "more than trace amounts of  
7 mercury."  
8 3. Page 1, by striking lines 13 through 17.  
9 4. Page 1, line 20, by striking the words "and  
10 declared".  
11 5. Page 1, line 21, by inserting after the word  
12 "health." the following: "If an emergency or epidemic  
13 is determined to exist by the director of public  
14 health under this subsection, the director of public  
15 health shall notify the state board of health, the  
16 governor, and the legislative council, and shall  
17 notify the public upon request."  
18 6. Page 1, line 23, by striking the words "OR  
19 OTHER PRESERVATIVES".  
20 7. Page 1, line 26, by striking the figure "2005"  
21 and inserting the following: "2006".  
22 8. Page 1, by striking lines 29 through 34, and  
23 inserting the following: "at the acquisition cost  
24 rate for immunizations containing no more than trace  
25 amounts of mercury. For the purposes of this section,  
26 "trace amounts" means trace amounts as defined by the  
27 United States food and drug administration."  
28 9. By renumbering as necessary.

By BODDICKER of Cedar  
UPMEYER of Hancock

**H-8479 FILED APRIL 12, 2004**

**SENATE FILE 2209**

**H-8451**

- 1 Amend Senate File 2209, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 3, by striking the figure "2005"  
4 and inserting the following: "2006".  
5 2. Page 1, by striking lines 5 and 6, and  
6 inserting the following: "more than trace amounts of  
7 mercury."  
8 3. Page 1, by striking lines 13 through 17.  
9 4. Page 1, line 23, by striking the words "OR  
10 OTHER PRESERVATIVES".  
11 5. Page 1, line 26, by striking the figure "2005"  
12 and inserting the following: "2006".  
13 6. Page 1, by striking lines 29 through 34, and  
14 inserting the following: "at the acquisition cost  
15 rate for immunizations containing no more than trace  
16 amounts of mercury. For the purposes of this section,  
17 "trace amounts" means trace amounts as defined by the  
18 United States food and drug administration."  
19 7. By renumbering as necessary.

By BODDICKER of Cedar

**H-8451 FILED APRIL 8, 2004**

**HOUSE AMENDMENT TO  
SENATE FILE 2209**

**S-5334**

- 1 Amend Senate File 2209, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 3, by striking the figure "2005"  
4 and inserting the following: "2006".  
5 2. Page 1, by striking lines 5 and 6, and  
6 inserting the following: "more than trace amounts of  
7 mercury."  
8 3. Page 1, by striking lines 13 through 17.  
9 4. Page 1, line 20, by striking the words "and  
10 declared".  
11 5. Page 1, line 21, by inserting after the word  
12 "health." the following: "If an emergency or epidemic  
13 is determined to exist by the director of public  
14 health under this subsection, the director of public  
15 health shall notify the state board of health, the  
16 governor, and the legislative council, and shall  
17 notify the public upon request."  
18 6. Page 1, line 23, by striking the words "OR  
19 OTHER PRESERVATIVES".  
20 7. Page 1, line 26, by striking the figure "2005"  
21 and inserting the following: "2006".  
22 8. Page 1, by striking lines 29 through 34, and  
23 inserting the following: "at the acquisition cost  
24 rate for immunizations containing no more than trace  
25 amounts of mercury. For the purposes of this section,  
26 "trace amounts" means trace amounts as defined by the  
27 United States food and drug administration."  
28 9. By renumbering as necessary.

RECEIVED FROM THE HOUSE

**S-5334** FILED APRIL 13, 2004

Veenstra  
Makinley  
Kreiman

Succeeded By <sup>7</sup> SSB# 3070  
SF/HF 2209  
SENATE FILE Human Resources  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON VEENSTRA)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the content of immunizations, and making a  
2 penalty applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 135.39A IMMUNIZATIONS --  
2 CONTENT.

3 Beginning January 1, 2005, immunizations administered in  
4 this state shall not contain any mercury or other  
5 preservatives containing heavy metals, including but not  
6 limited to thimerosal.

7 Sec. 2. NEW SECTION. 514C.21 COVERAGE FOR IMMUNIZATIONS  
8 -- MERCURY OR OTHER PRESERVATIVES.

9 1. Third-party payment provider contracts or policies  
10 delivered, issued for delivery, continued, or renewed in this  
11 state on or after January 1, 2005, that provide reimbursement  
12 for immunizations shall provide reimbursement for  
13 immunizations not containing mercury or other preservatives  
14 containing heavy metals at the same rate provided for  
15 immunizations containing mercury or other preservatives  
16 containing heavy metals prior to January 1, 2005.

17 2. For the purposes of this section, "third-party payment  
18 provider contracts or policies" includes:

19 a. Individual or group accident and sickness insurance  
20 providing coverage on an expense-incurred basis.

21 b. An individual or group hospital or medical service  
22 contract issued pursuant to chapter 509, 514, or 514A.

23 c. An individual or group health maintenance organization  
24 contract regulated under chapter 514B.

25 d. An organized delivery system licensed by the director  
26 of public health.

27 EXPLANATION

28 This bill prohibits immunizations administered in Iowa from  
29 containing mercury or other preservatives containing heavy  
30 metals, including but not limited to thimerosal, beginning  
31 January 1, 2005. Under this portion of the Code, a violation  
32 of the section is a simple misdemeanor which is punishable by  
33 a fine of at least \$50 but not to exceed \$500 and, in lieu of  
34 or in addition to the fine, may be punishable by imprisonment  
35 not to exceed 30 days.

1 The bill also requires third-party payment provider  
 2 contracts or policies delivered, issued for delivery,  
 3 continued, or renewed in this state on or after January 1,  
 4 2005, that provide reimbursement for immunizations, to provide  
 5 reimbursement for immunizations not containing mercury or  
 6 other preservatives containing heavy metals at the same rate  
 7 provided for immunizations containing mercury or other  
 8 preservatives containing heavy metals prior to January 1,  
 9 2005.

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SENATE FILE 2209

AN ACT  
RELATING TO THE CONTENT OF IMMUNIZATIONS, AND MAKING A PENALTY  
APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 135.39A EARLY CHILDHOOD  
IMMUNIZATIONS -- CONTENT.

1. Beginning January 1, 2006, early childhood  
immunizations administered in this state shall not contain  
more than trace amounts of mercury.

2. For the purposes of this section:

a. "Early childhood immunizations" means immunizations  
administered to children under eight years of age, unless  
otherwise provided in this section.

b. "Trace amounts" means trace amounts as defined by the  
United States food and drug administration.

3. The prohibition under this section shall not apply to  
early childhood immunizations for influenza or in times of  
emergency or epidemic as determined by the director of public  
health. If an emergency or epidemic is determined to exist by  
the director of public health under this subsection, the  
director of public health shall notify the state board of  
health, the governor, and the legislative council, and shall  
notify the public upon request.

Sec. 2. NEW SECTION. 514C.21 COVERAGE FOR IMMUNIZATIONS  
-- MERCURY.

1. Third-party payment provider contracts or policies  
delivered, issued for delivery, continued, or renewed in this  
state on or after January 1, 2006, that provide reimbursement  
for immunizations shall provide reimbursement for  
immunizations containing no more than trace amounts of mercury  
at the acquisition cost rate for immunizations containing no  
more than trace amounts of mercury. For the purposes of this

section, "trace amounts" means trace amounts as defined by the  
United States food and drug administration.

2. For the purposes of this section, "third-party payment  
provider contracts or policies" includes:

a. Individual or group accident and sickness insurance  
providing coverage on an expense-incurred basis.

b. An individual or group hospital or medical service  
contract issued pursuant to chapter 509, 514, or 514A.

c. An individual or group health maintenance organization  
contract regulated under chapter 514B.

d. An organized delivery system licensed by the director  
of public health.

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2209, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor