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



ARNOLD SCHWARZENEGGER
Governor

November 25, 2009

TO: Interested Parties

SUBJECT: H1N1 Vaccine and Thimerosal Exemption

In 2004, in order to ensure that pregnant women and children under age 3 years have access to mercury-free vaccines, Governor Schwarzenegger signed AB 2943 (Pavley, Chapter 837, Statutes of 2004). Under the terms of AB 2943 and Health and Safety Code Section 124172, since July 1, 2006 vaccines containing levels of mercury greater than specified limits cannot be administered to pregnant women and young children, except under certain circumstances.

Due to the emergence of the H1N1 influenza pandemic, it was necessary to begin unprecedented production of a second influenza vaccine specific to the pandemic H1N1 virus this year. Unfortunately, supplies of the new vaccine, including thimerosal-free doses, have been delayed. Because of the dangers posed by pandemic (H1N1) influenza, in particular for young children and pregnant women, an exemption was granted in mid-October pursuant to Health and Safety Code Section 124172 subdivision (a) to ensure that patients and parents had access to the vaccine as soon as possible.

The exemption applied only to the influenza A (H1N1) 2009 monovalent influenza vaccine and not to the seasonal influenza vaccine; moreover, it was time limited for the period of October 12, 2009 – November 30, 2009. The continued delay in production of this vaccine, limited quantities of thimerosal-free product and high public demand for the vaccine compel us to extend the exemption through September 30, 2010. Next year, we expect the seasonal influenza vaccine to incorporate the pandemic strain, resulting in the need for only one influenza vaccine with sufficient supplies of thimerosal-free product.

Young children and pregnant women have been at higher risk of this pandemic influenza. The incidence of hospitalization from pandemic influenza in the United States and in California has been greatest among children younger than 4 years. At least four pregnant women in California have died from pandemic influenza A (H1N1) to date, and the incidence of hospitalization associated with pandemic influenza in pregnant women has been at least four times higher than that of the general population.

Influenza vaccination can prevent influenza and influenza-related complications. The federal Advisory Committee on Immunization Practices (ACIP) has recently recommended that certain groups at highest risk for infection or influenza-related complications, including children and pregnant women, should be the initial targets for pandemic influenza A (H1N1) vaccination programs. Therefore, the national and California immunization campaigns are attempting to

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immunize pregnant women and young children promptly to protect them against pandemic (H1N1) influenza disease.

Because of the dangers posed by influenza posed by pandemic (H1N1) influenza, and because there are currently insufficient supplies of influenza A (H1N1) 2009 monovalent 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 influenza A (H1N1) 2009 monovalent influenza vaccine administered to children younger than 3 years old and pregnant women for the period of October 12, 2009 – September 30, 2010.

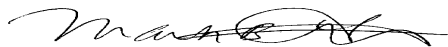
In accordance with the intent of the law, during this exemption period immunizers should prioritize supplies of thimerosal-free vaccine to young children and pregnant women as long as prioritization does not prevent the immunization of others.

Secretary Belshé and Governor Schwarzenegger have granted this exemption because of the health risk posed to California by pandemic (H1N1) influenza, and because there are inadequate supplies of vaccine to comply with the law.

Governor Schwarzenegger and Secretary Belshé remain deeply committed to implementing AB 2943 and ensuring that pregnant women and young children have access to mercury-free vaccines whenever possible.

If you have any questions about this topic, please contact the California Department of Public Health's Immunization Branch at (510) 620-3737 or www.getimmunizedca.org.

Sincerely,



Mark B. Horton, MD, MSPH
Director