

## **New York State (NYS) Law Restricting Use of Thimerosal-Containing Vaccines** **New York State Department of Health**

Section 2112 of the NYS Public Health Law (PHL), effective July 1, 2008, requires health care providers to use vaccines that do not contain more than trace amounts of thimerosal when vaccinating children less than 3 years of age and pregnant women.

Injectable influenza vaccine is the only routinely recommended childhood vaccine whose use is restricted by PHL 2112. Information on where to obtain influenza vaccine, including influenza vaccine that complies with PHL 2112, can be found at the National Influenza Vaccine Summit website at: [www.preventinfluenza.org/ivats/](http://www.preventinfluenza.org/ivats/).

Health care providers serving patients less than 3 years of age and pregnant women are expected to seek out vaccine that complies with PHL 2112. In instances where providers cannot obtain vaccine that complies with PHL 2112, they must document the attempts that were made to locate and obtain this vaccine, and should contact the New York State Department of Health (NYSDOH) or the New York City Department of Health and Mental Hygiene (NYCDOHMH) at the numbers provided below to discuss their inability to obtain the vaccine.

In those instances when providers have in good faith sought out influenza vaccine that complies with PHL 2112, but such vaccine cannot be obtained, vaccination of children under 3 years and pregnant women is still recommended because the substantial risk of complications or death from influenza disease in these groups outweighs the unproven risk of vaccination with thimerosal-containing vaccine. PHL 2112 requires that informed consent be obtained in this situation. Informed consent can either be obtained in writing or verbally. Verbal informed consent should be noted in the medical record.

**It is important to emphasize with patients that, after multiple scientific studies and an extensive review by the Institute of Medicine, there is no evidence that thimerosal causes harm to patients. The known risk of disease from lack of vaccination far outweighs the risk of harm, if any, from thimerosal. For example, in the 2007-2008 influenza season, the New York State Department of Health (NYSDOH) received reports of six deaths in unvaccinated children due to influenza.**

Additional information regarding vaccine safety, including the use of thimerosal in vaccines, can be obtained at the CDC's National Immunization Program website at <http://www.cdc.gov/od/science/iso/> and at the website of the U.S. Food and Drug Administration at <http://www.fda.gov/cber/vaccine/thimerosal.htm>.

Additional information about PHL 2112 can be found at <http://www.health.state.ny.us/prevention/immunization/providers/>.

For further information, please contact your local health department or your regional NYSDOH Immunization Program at the following numbers:

Western Regional Office	Central New York Regional Office
Buffalo: 716-847-4385	Syracuse: 315-477-8164
Rochester: 585-423-8114	Herkimer: 315-866-6879
Capital District Regional Office	Metropolitan Area Regional Office
Troy: 518-408-5278	New Rochelle: 914-654-7149
Oneonta: 607-432-2890	Central Islip: 631-851-3096

Providers and facilities in New York City should contact the New York City Department of Health and Mental Hygiene at 212-676-2323.