



MARK B HORTON, MD, MSPH  
*Director*

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



ARNOLD SCHWARZENEGGER  
*Governor*

October 15, 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.

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 the new vaccine to protect Californians against pandemic (H1N1) influenza [Influenza A (H1N1) 2009 Monovalent Vaccine] that have levels of mercury below the state legal limits.

In April 2009 a novel pandemic influenza A (H1N1) virus was determined to be the cause of influenza illness in Southern California and the cause of outbreaks of respiratory illness in Mexico. On June 11, 2009, the World Health Organization (WHO) declared a worldwide pandemic, indicating uncontained community-level transmission of the pandemic influenza A (H1N1) virus in multiple areas of the world. Worldwide transmission of the pandemic influenza A (H1N1) virus has continued since June in both the Northern and Southern Hemispheres and is expected to increase in California during the autumn or winter.

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

October 15, 2009

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 – November 30, 2009. Vaccine supplies and distribution will continue to be assessed to determine whether an extension of the exemption will be needed to protect Californians against pandemic (H1N1) influenza.

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](http://www.getimmunizedca.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark B. Horton", with a stylized flourish at the end.

Mark B. Horton, MD, MSPH  
Director