October 9, 2015

The Honorable Kevin de León
President pro Tempore
State Capitol, Room 205
Sacramento, CA 95814

The Honorable Toni G. Atkins
Speaker of the Assembly
State Capitol, Room 219
Sacramento, CA 95814

The Honorable Jean Fuller
Senate Republican Leader
State Capitol, Room 305
Sacramento, CA 95814

The Honorable Kristin Olsen
Assembly Republican Leader
State Capitol
Sacramento, CA 95814

Dear Senate pro Tem de León, Assembly Speaker Atkins, Senate Republican Leader Fuller, and Assembly Republican Leader Olsen:

I am writing to inform you that I am granting a temporary exemption from California Health and Safety Code Section 124172 for seasonal influenza vaccine with trace levels of thimerosal to be administered to children younger than three years from October 9, 2015 through December 31, 2015, because the current supply of thimerosal-free vaccine for young children is inadequate.

This exemption was requested by the California District of the American Academy of Pediatrics, the California Academy of Family Physicians, the California Medical Association and the California Immunization Coalition, and has been recommended by the California Department of Public Health (CDPH).

The federal Advisory Committee on Immunization Practices and the CDPH recommend that all persons six months and older, especially young children, receive influenza vaccine each year for their protection.

Young children are at increased risk of severe or fatal illness from influenza. While thimerosal-free formulations of influenza vaccine administered to adults in the United States appear to be ample, there are currently limited supplies of thimerosal-free seasonal influenza vaccine to protect California’s young children, many of whom will need two doses of vaccine for maximal protection.
I have written the manufacturer, Sanofi Pasteur, urging it to take any and all steps necessary to promptly address the shortage of this influenza vaccine, and asking it to provide an immediate and clear timeline on the availability of the vaccine so that all necessary actions may be taken to protect California’s children.

We will continue to assess the need for an extension of this temporary exemption over this period, and will be in regular contact with the manufacturer to assess product availability and to continue to monitor the vaccine supply.

Similar exemptions are in place at present in other states that have restrictions on mercury content, including Illinois and Iowa. I am granting this temporary exemption because of the health risk posed to California by influenza, and because there are inadequate supplies of this vaccine to comply with the law.

In accordance with the intent of the law, during this exemption period immunizers should prioritize available supplies of thimerosal-free vaccine to young children.

Please do not hesitate to contact me at (916) 654-3454 if you have any questions.

Sincerely,

Diana S. Dooley
Secretary