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Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Executive Deputy Commissioner

August 15, 2009

TO: Providers, Hospitals, and Local Health Departments

FROM: New York State Department of Health, Bureau of Immunization

**HEALTH ADVISORY: 2009-2010 INFLUENZA SEASONAL VACCINE SUPPLY
DETERMINATION AS REQUIRED BY PUBLIC HEALTH LAW §2112**

Please distribute to the Infection Control Department, Emergency Department, Employee Health Service, Infectious Disease Department, Director of Nursing, Medical Director, Pharmacy Department, Pediatrics, Obstetrics and all primary care providers.

Effective July 1, 2008, New York State Public Health Law (PHL) §2112 prohibits the administration of vaccines containing more than trace amounts of thimerosal, a mercury-containing preservative, to children less than 3 years of age and women who know they are pregnant, with certain exceptions. This law requires that the Commissioner of Health make a yearly determination as to whether there exists an adequate supply of influenza vaccine that contains not more than 1.25 micrograms of mercury per 0.50 milliliter dose for women who know they are pregnant. The Commissioner of Health has determined that, as of August 15, 2009, there appears to be an adequate supply of such influenza vaccine for vaccination of pregnant women. In addition, there also appears to be an adequate supply of influenza vaccine that contains not more than 0.625 micrograms of mercury per 0.25 milliliter dose for vaccination of children less than 3 years of age. **Therefore, providers are required to purchase seasonal influenza vaccine that complies with PHL §2112 for pregnant women and children under three years of age only.** In the event of late failure of vaccine production, it may be necessary for the Commissioner to modify this determination.

Providers are expected to seek out vaccine that complies with PHL §2112. However, 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 old 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.

An official notification about PHL §2112 was released on April 23, 2008, in the form of a Health Advisory and can be viewed at:

https://commerce.health.state.ny.us/hpn/ctrldocs/alrtview/postings/doc080423_0.pdf.

Novel H1N1 Vaccine

The Federal government is working on a Novel H1N1 vaccine that will most likely be available in the fall. This declaration does not apply to Novel H1N1 vaccine. A separate communication will be issued about thimerosal and Novel H1N1 vaccine when it becomes available.

Additional Information

Additional information regarding vaccine safety, including the use of thimerosal in vaccines, can be obtained at the Centers for Disease Control and Prevention'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>.

For further information, please contact your local health department or your regional New York State Department of Health Bureau of Immunization representative at the following:

Western Regional Office

Buffalo: 716-847-4385
Rochester: 585-423-8114

Central New York Regional Office

Syracuse: 315-477-8164

Capital District Regional Office

Troy: 518-408-5278

Metropolitan Area Regional Office

New Rochelle: 914-654-7149
Central Islip: 631-851-3096
Monticello: 845-794-2045

For questions about ordering vaccine in New York State (outside of New York City), Vaccines for Children (VFC) providers can call 518-474-2506 or toll free at 800-543-7468 during business hours.

Providers and facilities in **New York City** should contact the New York City Department of Health and Mental Hygiene at 212-676-2323. For questions about ordering vaccine in New York City, VFC providers can call 212-447-8175 during business hours.