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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2862

04/30/2019 Authored by Heintzeman, Nash, O'Neill, Anderson, Jurgens and others  
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A resolution

1.2 memorializing the President and Congress to hold vaccine manufacturers liable for

1.3 design defects that result in adverse side effects from vaccines.

1.4 WHEREAS, Congress passed into law the National Childhood Vaccine Injury Act of 1986,

1.5 which states that "[no] vaccine manufacturer shall be liable in a civil action for damages arising

1.6 from a vaccine-related injury or death associated with the administration of a vaccine after October

1.7 1, 1988, if the injury or death resulted from side effects that were unavoidable even though the

1.8 vaccine was properly prepared and was accompanied by proper directions and warnings."; and

1.9 WHEREAS, in 2011, the United States Supreme Court ruled in *Brueswitz v. Wyeth* that the

1.10 National Childhood Vaccine Injury Act preempts all design defect claims against vaccine

1.11 manufacturers brought by plaintiffs who seek compensation for injury or death caused by vaccine

1.12 side effects; and

1.13 WHEREAS, our individual human rights should outweigh the profits of pharmaceutical

1.14 companies, and individuals should have the ability to hold vaccine manufacturers liable for design

1.15 defects that result in adverse side effects from vaccines; and

1.16 WHEREAS, the European Union has found a way to allow evidence-based lawsuits holding

1.17 vaccine manufacturers liable without destabilizing the European health care system; NOW,

1.18 THEREFORE,

1.19 BE IT RESOLVED by the Legislature of the State of Minnesota that it urges the President

1.20 and the Congress of the United States to pass legislation removing United States Code, title 42,

1.21 section 300aa-22(b)(1), from law and allow design defect claims against vaccine manufacturers by

1.22 individuals who have experienced adverse side effects caused by vaccines.

1.23 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed

1.24 to prepare copies of this memorial and transmit them to the President of the United States, the

1.25 President and the Secretary of the United States Senate, the Speaker and the Clerk of the United

- 2.1 States House of Representatives, the Secretary of the United States Department of Health and
- 2.2 Human Services, and Minnesota's Senators and Representatives in Congress.