

Senate Joint Memorial 12

Sponsored by Senators LINTHICUM, THATCHER, HEARD; Senators BOQUIST, KNOPP

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to enact legislation holding vaccine manufacturers liable for design defects that result in adverse side effects.

JOINT MEMORIAL

1
2 To the President of the United States, the Senate and the House of Representatives of the United
3 States of America, in Congress assembled, and the United States Secretary of Health and Human
4 Services:

5 We, your memorialists, the Eightieth Legislative Assembly of the State of Oregon, in legislative
6 session assembled, respectfully represent as follows:

7 Whereas Congress passed into law the National Childhood Vaccine Injury Act of 1986, which
8 states that no "vaccine manufacturer shall be liable in a civil action for damages arising from a
9 vaccine-related injury or death associated with the administration of a vaccine after October 1, 1988,
10 if the injury or death resulted from side effects that were unavoidable even though the vaccine was
11 properly prepared and was accompanied by proper directions and warnings"; and

12 Whereas in 2011, the United States Supreme Court ruled in *Bruesewitz v. Wyeth* that the "Na-
13 tional Childhood Vaccine Injury Act pre-empts all design-defect claims against vaccine manufactur-
14 ers brought by plaintiffs who seek compensation for injury or death caused by vaccine side
15 effects"; and

16 Whereas our individual human rights should outweigh the profits of pharmaceutical companies,
17 and individuals should have the ability to hold vaccine manufacturers liable for design defects that
18 result in adverse side effects from vaccines; and

19 Whereas the European Union has found a way to allow evidence-based lawsuits to hold vaccine
20 manufacturers liable without destabilizing the European health care system; now, therefore,

21 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

22 That we, the members of the Eightieth Legislative Assembly, respectfully urge the Congress of
23 the United States to pass, and the President to sign, legislation removing 42 U.S.C. 300aa-22(b)(1)
24 from law and allowing design defect claims against vaccine manufacturers by individuals who have
25 experienced adverse side effects caused by vaccines; and be it further

26 Resolved, That a copy of this memorial shall be sent to the President of the United States, to
27 the Senate Majority Leader, to the Speaker of the House of Representatives, to each member of the
28 Oregon Congressional Delegation and to the United States Secretary of Health and Human Services.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.