

Vaccine Injury Liability Resolution

2022 The US Health Freedom Congress
Hilton Airport Hotel, Bloomington, Minnesota
September 23rd and 24th 2022
Submitted by Vaccine Safety Council of Minnesota

A Resolution urging the President and Congress to hold vaccine manufacturers liable for design-defects that result in adverse side effects from the vaccines.

WHEREAS, Congress passed into law the National Childhood Vaccine Injury Act of 1986, which states:

SEC. 2122. [300aa-22] (a) GENERAL RULE. —Except as provided in subsections (b), (c), and (e) State law shall apply to a civil action brought for damages for a vaccine-related injury or death.

(b) UNAVOIDABLE ADVERSE SIDE EFFECTS; WARNINGS. — (1) No vaccine manufacturer shall be liable in a civil action for damages arising from a vaccine-related injury or death associated with the administration of a vaccine after the effective date of this part 23 if the injury or death resulted from side effects that were unavoidable even though the vaccine was properly prepared and was accompanied by proper directions and warnings.

(2) For purposes of paragraph (1), a vaccine shall be presumed to be accompanied by proper directions and warnings if the vaccine manufacturer shows that it complied in all material respects with all requirements under the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act (including regulations issued under such provisions) applicable to the vaccine and related to vaccine-related injury or death for which the civil action was brought unless the plaintiff shows—

(A) that the manufacturer engaged in the conduct set forth in subparagraph (A) or (B) of section 2123(d)(2), or

(B) by clear and convincing evidence that the manufacturer failed to exercise due care notwithstanding its compliance with such Act and section (and regulations issued under such provisions).; and

WHEREAS, in 2011, the United States Supreme Court ruled in *Brueswitz v. Wyeth* (Bruesewitz v. Wyeth, 562 U.S. 223 (2011) Pg 7-19), that the National Childhood Vaccine Injury Act preempts all design-defect claims against vaccine manufacturers brought by plaintiffs seeking compensation for injury or death caused by a vaccine's side effects; and

WHEREAS, our individual human right to make informed health decisions outweighs the protection of pharmaceutical companies to remain in the market and be profitable, and individuals must have protection of their rights and be able to hold vaccine manufacturers liable for design-defects that result in adverse side effects from vaccines; and

WHEREAS, the European Union has found a way to allow evidence-based lawsuits holding vaccine manufacturers liable without destabilizing the European health care system;

NOW THEREFORE BE IT RESOLVED by the Legislature of the State of [insert state] that it urge the President and the Congress of the United States to pass legislation amending United States Code, title 42, section 300aa-22(b) to allow design-defect claims against vaccine manufacturers by individuals who have experienced adverse side effects caused by the vaccine; and

BE IT FURTHER RESOLVED that the Secretary of State of the State of [insert state] is directed to prepare copies of this resolution and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the Secretary of the United States Department of Health and Human Services, and [insert state] Senators and Representatives in Congress.

THEREFORE, BE IT RESOLVED that the following Voting Members of the US Health Freedom Congress do urge the President and Congress to hold vaccine manufacturers liable for design-defects that result in adverse side effects from the vaccines:

Alliance for Natural Health - USA

America's Frontline Doctors

California Health Coalition Advocacy

Children's Health Defense

Dental Amalgam Mercury Solutions (DAMS)

Focus for Health Foundation

Health Freedom Defense Fund

Health Independence Alliance

Health Rights MA

Hoosiers for Medical Liberty

Illinois Freedom Alliance

Kansans for Health Freedom

MaskOffMN.org

Minnesota Natural Health Coalition

Minnesota Natural Health - Legal Reform Project

National Health Federation

National Health Freedom Action

National Health Freedom Coalition

North American Society of Homeopaths (NASH)

NSIR Technologies School of Alternative Healing

Organic Consumers Association

Pennsylvania Coalition for Informed Consent (PCIC)

Physicians and Patients Reclaiming Medicine

Robert Scott Bell Show

The Truth About Cancer

Vaccine Safety Council of Minnesota

Voice for HOPE (Healers Of Planet Earth)

Weston A Price Foundation (WAPF)