

**The Vaccine Manufacturer Full Product Liability Restoration Act of 2021.**

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**Rationale:**

Currently vaccine manufacturers enjoy complete immunity from any product liability civil suit against any vaccine they manufacture, distribute, advertise, market, or benefit from because of any government program or action.  This is insane.  No other product has this blanket immunity.  If vaccines are completely safe, then there should be minimal injuries and deaths.  No product is perfect.  And being subject to product liability laws and lawsuits should pose no significant burden.  However, granting absolute immunity encourages complete recklessness and negligence, if not criminal conspiracy, to produce known dangerous products, without the possibility of any legal or financial consequences, regardless of the rate of injury, severity of injury, or loss of life.  That crime has to be redressed immediately.  *This Act reverses current law and puts full product liability for vaccines where it belongs* — on the manufacturers of those vaccines.

All the text from the US Code comes from the Cornell Law School – Legal Information Institute.

**The National Vaccine Injury Compensation Program:**

In response to vaccine manufacturer product liability full immunity, the federal government, in order to not look completely devoid of emotion or caring, set up the National Vaccine Injury Compensation Program.  According to the Department of Justice, National Vaccine Compensation Program site, at: https://www.justice.gov/civil/vicp – “More than 6,000 people have been paid in excess of $3.9 billion (combined) since the Program’s 1988 inception.”

The National Vaccine Injury Compensation Program should not be funded by taxpayer money.  This program should not exist.  This program would not exist if vaccine manufacturers were fully liable for their products, and they had no immunity from civil lawsuit to enforce compliance with product safety laws, regulations and standards.  Therefore our Vaccine Manufacturer Full Product Liability Restoraction Act *shall abolish the Program and delete* the following section of law covering this Program.

**42 U.S. Code § 300aa–10 – Establishment of program**

     (a) Program established

There is established the National Vaccine Injury Compensation Program to be administered by the Secretary under which compensation may be paid for a vaccine-related injury or death.

     (b) Attorney’s obligation

It shall be the ethical obligation of any attorney who is consulted by an individual with respect to a vaccine-related injury or death to advise such individual that compensation may be available under the program [1] for such injury or death.

     (c) Publicity

The Secretary shall undertake reasonable efforts to inform the public of the availability of the Program.

**Current law:**

**42 U.S. Code § 300aa–22 – Standards of responsibility**

     (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 October 1, 1988, 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 [21 U.S.C. 301 et seq.] and section 262 of this title (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 300aa–23(d)(2) of this title, 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).

     (c) Direct warnings

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 October 1, 1988, solely due to the manufacturer’s failure to provide direct warnings to the injured party (or the injured party’s legal representative) of the potential dangers resulting from the administration of the vaccine manufactured by the manufacturer.

     (d) Construction

The standards of responsibility prescribed by this section are not to be construed as authorizing a person who brought a civil action for damages against a vaccine manufacturer for a vaccine-related injury or death in which damages were denied or which was dismissed with prejudice to bring a new civil action against such manufacturer for such injury or death.

     (e) Preemption

No State may establish or enforce a law which prohibits an individual from bringing a civil action against a vaccine manufacturer for damages for a vaccine-related injury or death if such civil action is not barred by this part.

**Restoring Liability to Vaccine Manufacturers:**

**Our Amended law:**

**42 U.S. Code § 300aa–22 – Standards of responsibility**

     (a) General rule

State law shall apply to any civil action brought for damages for a vaccine or vaccine-related, side effect, reaction, injury, death, or other compensational event, in any State court.

     (b) Side effects, reactions, injuries and deaths.

*(1) Vaccine manufacturers* ***shall be fully liable*** *in any civil action, for damages arising from a vaccine or vaccine-related: side effect, reaction, injury, death, or other compensational event; resulting from or a defect of, their participation in, the manufacture, testing and evaluation, certification, authorization, approval, distribution, administration, use, storage, transportation, or other responsibility of the manufacturer relating to their vaccines.*

*(2) For purposes of paragraph (1), a vaccine* ***shall be accompanied*** *by proper directions and warnings, known as an “insert,” which shall be provided in hard copy to every person before the administration of any vaccine, mRNA genetic modification shot, or any medical product designed to boost the immune system against a particular virus, bacteria, germ, or other disease, in sufficient time beforehand to allow for the slow and careful reading of the entire insert.  Persons before receiving any vaccine or other medical product as mentioned in this paragraph,* ***shall sign a permission slip,*** *where they and the medical provider of the vaccine retain a copy, that they have read and understood all the warnings and disclaimers in the insert, and then consent to the vaccine procedure.*

     (c) Direct warnings

*Vaccine manufacturers* ***shall be fully liable*** *in a civil action for damages arising from a vaccine or vaccine-related, side effect, reaction, injury, death, or other compensational event, whether or not the manufacturer provided direct warnings to the injured party, or the injured party’s legal representative.*

    (d) Preemption

*No federal agency, department or court,****may establish or enforce*** *any law, regulation, declaration including emergencies, mandate, or policy, which prohibits, restricts, discourages, threatens, burdens, or creates a chilling effect, upon an individual from bringing a civil action against a vaccine manufacturer, for damages for a vaccine or vaccine-related, side effect, reaction, injury, death, or other compensational event.*

*No State* ***may establish or enforce*** *a law, regulation, declaration including emergencies, mandate, or policy, which prohibits an individual from bringing a civil action against a vaccine manufacturer for damages for a vaccine or vaccine-related, side effect, reaction, injury, death, or other compensational event.*

**ENDORSEMENTS:**

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