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117TH CONGRESS
2D SESSION

H. R. 9366

To amend titles III and XXI of the Public Health Service Act to hold vaccine manufacturers liable for injuries caused by vaccines subject to a public mandate, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2022

Mr. GOHMERT introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend titles III and XXI of the Public Health Service Act to hold vaccine manufacturers liable for injuries caused by vaccines subject to a public mandate, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATED VACCINE MANUFACTURER LIABILITY.

(a) PANDEMIC AND ENDEMIC PRODUCTS.—Section 319F–3(d) of the Public Health Service Act (42 U.S.C. 247d–6d(d)) is amended—

(1) in paragraph (1), by striking ''subsection (f)'' and inserting ''paragraph (2) of this subsection and subsection (f)'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) VACCINES.—The immunity from suit and liability of covered persons set forth in subsection (a) shall not apply with respect to the administration of a vaccine licensed under section 351 or authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act if any agency of the Federal Government, any official of the Government, any agency of any State government, any official of any State government, or any entity that receives Federal or State funding, either directly or indirectly, requires the administration of such vaccine or provides for any penalty or loss of privileges for the refusal to consent to administration of such vaccine.''.

(b) VACCINE INJURY COMPENSATION PROGRAM.—Section 2111(a)(2) of the Public Health Service Act (42 U.S.C. 300aa–11(a)(2)) is amended—

(1) in subparagraph (A), by striking ''No person may'' and inserting ''Subject to subparagraph (C), no person may''; and

(2) by adding at the end the following:

''(C) Subparagraph (A) shall not apply with respect to a vaccine licensed under section 351 or authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act if any agency of the Federal Government, any official of the Government, any agency of a State government, any official of a State government, or any entity that receives Federal or State funding, either directly or indirectly requires the administration of the vaccine or provides for any penalty or loss of privileges for the refusal to consent to administration of the vaccine.''.

(c) VACCINE INJURY TABLE.—Section 2114(c) of the Public Health Service Act (42 U.S.C. 300aa–14(c)) is amended—

(1) in paragraph (1), by inserting ''and subject to paragraph (5)'' after ''paragraph (3)''; and

(2) by adding at the end the following:

''(5) Beginning on the date of the enactment of this paragraph, the Secretary may not add a vaccine to the Vaccine Injury Table if—

''(A) the administration of such vaccine is required by any agency of the Federal Government, any official of the Government, or any entity that receives Federal funding, either directly or indirectly; and

''(B) the vaccine was administered—

''(i) without first obtaining from the person receiving the vaccine the informed consent of that person; or

''(ii) without such person being provided a religious or medical exemption if a request was made for such an exemption.''.

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