

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE CONCURRENT  
RESOLUTION 1010

By: West (Kevin) of the House

and

Newhouse of the Senate

AS INTRODUCED

A Concurrent Resolution urging the President and the Congress of the United States to pass legislation removing 42 U.S.C., Section 300aa-22(b)(1) from law and allow design defect claims against vaccine manufacturers by individuals who have experienced adverse side effects caused by vaccines; and directing distribution.

WHEREAS, Congress passed into law the National Childhood Vaccine Injury Act of 1986, which states that "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."; and

WHEREAS, in 2011, the United States Supreme Court ruled in *Bruesewitz v. Wyeth* that the National Childhood Vaccine Injury Act preempts all design defect claims against vaccine manufacturers

1 brought by plaintiffs who seek compensation for injury or death  
2 caused by vaccine side effects; and

3 WHEREAS, our individual human rights should outweigh the profits  
4 of pharmaceutical companies, and individuals should have the ability  
5 to hold vaccine manufacturers liable for design defects that result  
6 in adverse side effects from vaccines; and

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

10 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES  
11 OF THE 2ND SESSION OF THE 57TH OKLAHOMA LEGISLATURE, THE SENATE  
12 CONCURRING THEREIN:

13 THAT the Oklahoma Legislature urges the President and the  
14 Congress of the United States to pass legislation removing 42  
15 U.S.C., Section 300aa-22(b)(1) from law and allowing design defect  
16 claims against vaccine manufacturers by individuals who have  
17 experienced adverse side effects caused by vaccines.

18 THAT the Oklahoma Secretary of State is directed to prepare  
19 copies of this resolution and transmit them to the President of the  
20 United States, the President and Secretary of the United States  
21 Senate, the Speaker and Clerk of the United States House of

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1 Representatives, the Secretary of the United States Department of  
2 Health and Human Services, and the Oklahoma Congressional  
3 Delegation.

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5 57-2-9574 SH 01/14/20

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