

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.

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## 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MANDATED VACCINE MANUFACTURER LIABIL-**  
4 **ITY.**

5 (a) PANDEMIC AND ENDEMIC PRODUCTS.—Section  
6 319F–3(d) of the Public Health Service Act (42 U.S.C.  
7 247d–6d(d)) is amended—

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

4 (2) by redesignating paragraph (2) as para-  
5 graph (3); and

6 (3) by inserting after paragraph (1) the fol-  
7 lowing:

8 “(2) VACCINES.—The immunity from suit and  
9 liability of covered persons set forth in subsection  
10 (a) shall not apply with respect to the administration  
11 of a vaccine licensed under section 351 or authorized  
12 for emergency use under section 564 of the Federal  
13 Food, Drug, and Cosmetic Act if any agency of the  
14 Federal Government, any official of the Government,  
15 any agency of any State government, any official of  
16 any State government, or any entity that receives  
17 Federal or State funding, either directly or indi-  
18 rectly, requires the administration of such vaccine or  
19 provides for any penalty or loss of privileges for the  
20 refusal to consent to administration of such vac-  
21 cine.”.

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

1           (1) in subparagraph (A), by striking “No per-  
2           son may” and inserting “Subject to subparagraph  
3           (C), no person may”; and

4           (2) by adding at the end the following:

5           “(C) Subparagraph (A) shall not apply with re-  
6           spect to a vaccine licensed under section 351 or au-  
7           thorized for emergency use under section 564 of the  
8           Federal Food, Drug, and Cosmetic Act if any agency  
9           of the Federal Government, any official of the Gov-  
10          ernment, any agency of a State government, any of-  
11          ficial of a State government, or any entity that re-  
12          ceives Federal or State funding, either directly or in-  
13          directly requires the administration of the vaccine or  
14          provides for any penalty or loss of privileges for the  
15          refusal to consent to administration of the vaccine.”.

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

19               (1) in paragraph (1), by inserting “and subject  
20               to paragraph (5)” after “paragraph (3)”; and

21               (2) by adding at the end the following:

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

1           “(A) the administration of such vaccine is re-  
2           quired by any agency of the Federal Government,  
3           any official of the Government, or any entity that re-  
4           ceives Federal funding, either directly or indirectly;  
5           and

6           “(B) the vaccine was administered—

7                   “(i) without first obtaining from the per-  
8                   son receiving the vaccine the informed consent  
9                   of that person; or

10                   “(ii) without such person being provided a  
11                   religious or medical exemption if a request was  
12                   made for such an exemption.”.

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