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HOUSE JOINT MEMORIAL 4010

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Young, Shea, Walsh, McCaslin, Sutherland, Rude, and Eslick

Read first time 04/01/19. Referred to Committee on Civil Rights & Judiciary.

1 TO THE HONORABLE DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,  
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
4 THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE SECRETARY OF THE  
5 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES:

6 We, your Memorialists, the Senate and House of Representatives of  
7 the State of Washington, in legislative session assembled,  
8 respectfully represent and petition as follows:

9 WHEREAS, Congress passed into law the national childhood vaccine  
10 injury act of 1986, which states that "[n]o vaccine manufacturer  
11 shall be liable in a civil action for damages arising from a vaccine-  
12 related injury or death associated with the administration of a  
13 vaccine after October 1, 1988, if the injury or death resulted from  
14 side effects that were unavoidable even though the vaccine was  
15 properly prepared and was accompanied by proper directions and  
16 warnings."; and

17 WHEREAS, In 2011, the United States supreme court ruled in  
18 *Brueswitz v. Wyeth* that the national childhood vaccine injury act  
19 preempts all design defect claims against vaccine manufacturers  
20 brought by plaintiffs who seek compensation for injury or death  
21 caused by vaccine side effects; and

22 WHEREAS, Our individual human rights should outweigh the profits  
23 of pharmaceutical companies, and individuals should have the ability

1 to hold vaccine manufacturers liable for design defects that result  
2 in adverse side effects from vaccines; and

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

6 NOW, THEREFORE, Your Memorialists respectfully pray that the  
7 United States Congress pass, and the President of the United States  
8 sign, legislation removing 42 U.S.C. Sec. 300aa-22(b)(1) from law and  
9 therefore allow design defect claims against vaccine manufacturers by  
10 individuals who have experienced adverse side effects caused by  
11 vaccines.

12 BE IT RESOLVED, That copies of this Memorial be immediately  
13 transmitted to the Honorable Donald J. Trump, President of the United  
14 States, the Secretary of the United States Department of Health and  
15 Human Services, the President of the United States Senate, the  
16 Speaker of the House of Representatives, and each member of Congress  
17 from the State of Washington.

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