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**SENATE JOINT MEMORIAL 8012**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Randall, Lovelett, Nguyen, Short, Rolfes, Palumbo, Cleveland, Saldaña, Billig, Keiser, and Wilson, C.

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

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

WHEREAS, Congress passed into law the national childhood vaccine injury act of 1986, which states that "[n]o 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 *Brueswitz v. Wyeth* that the national childhood vaccine injury act preempts all design defect claims against vaccine manufacturers brought by plaintiffs who seek compensation for injury or death caused by vaccine side effects; and

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

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

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

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