
SENATE JOINT MEMORIAL 8012

State of Washington

66th Legislature

2019 Regular Session

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

Read first time 03/13/19. Referred to Committee on Law & Justice.

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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