

NO ON SB 64

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This bill should be opposed on the following grounds:

1. It disregards the federal law of the land that codified the inevitable nature of vaccine-inflicted injuries and deaths—which are more common and occur in far greater numbers than anyone knows;
2. Disrupts the doctor-patient relationship;
3. Forces doctors to violate the Hippocratic Oath;
4. Robs parents of informed consent; and
5. Adds to the vaccine-inflicted injury and death toll.

Here are the facts:

- The National Childhood Vaccine Injury Act of 1986 (NCVIA) codified “vaccine-related injury or death associated with the administration of a vaccine” as the inevitable result of “side effects that were unavoidable even though the vaccine was properly prepared and was accompanied by proper directions and warnings.”
- In their 2011 U.S. Supreme Court dissent in *Bruesewitz v. Wyeth*, Justices Sotomayor and Bader Ginsburg found that the legislative report that accompanied the NCVIA confirmed that “unavoidable” side effects are created by vaccines that “in the present state of human skill and knowledge cannot be made safe.”
- Vaccine safety has never been the priority. Instead, Congress gave vaccine makers immunity from civil liability from the “massive increase” in vaccine-inflicted injury and death lawsuits and codified an alternative compensation program for victims.
- Vaccine safety was not even mentioned as a purpose of the NCVIA in *Bruesewitz v. Wyeth*, but the opinion of the court made it clear that, “Successful claimants receive compensation for medical, rehabilitation, counseling, special education, and vocational training expenses; diminished earning capacity; pain and suffering; and \$250,000 for vaccine-related deaths.”
- Quoting further from the opinion of the court: “Further evidence comes from FDA’s regulations—more than 90 of them—that pervasively regulate the manufacturing process,” the opinion continued, “down to the requirements for plumbing and ventilation systems at each manufacturing facility. Material noncompliance with any one of them, or with any other FDA regulation, could cost the manufacturer its regulatory-compliance defense. Design defects, in contrast, do not merit a single mention in the NCVIA or the FDA’s regulations. Indeed, the FDA has never even spelled out in regulations the criteria it uses to decide whether a vaccine is safe and effective for its intended use.” Further, the NCVIA, “which in every other respect micromanages manufacturers, is silent on how to evaluate competing designs.”

- Quoting from Justices Sotomayor and Bader Ginsburg in their dissent: “... Congress has never directed the Food and Drug Administration (FDA) or any other federal agency to review vaccines for optimal vaccine design.” Further, “Although the Vaccine Act charges the Secretary of Health and Human Services with the obligation to ‘promote the development of childhood vaccines’ and ‘make or assure improvements in ... vaccines, and research on vaccines,’ ... neither the Act nor any other provision of federal law places a legal duty on vaccine manufacturers to improve the design of their vaccines to account for scientific and technological advances. Indeed, the FDA does not condition approval of a vaccine on it being the most optimally designed among reasonably available alternatives, nor does it (or any other federal entity) ensure that licensed vaccines keep pace with technological and scientific advances.”
- Finally, Congress has allowed the U.S. Department of Health and Human Services (HHS) to utterly ignore the vaccine safety provisions that were included in the NCVIA. In fact, HHS has failed to deliver a single mandated vaccine safety report to Congress over the thirty years since the NCVIA was signed into law.
- As a result of this “safety as a footnote” approach to mandatory vaccines, since 1988, over 20,913 petitions have been filed with the Vaccine Injury Compensation Program. Over that 30-year time period, 18,070 petitions have been adjudicated, with 6,706 of those determined to be compensable. Total compensation paid over the life of the program now stands at **\$4.2 billion**.
- In Florida alone, since the passage of the NCVIA, there have been 161 reports of vaccine-inflicted deaths, 436 reports of vaccine-inflicted life-threatening emergencies and 580 reports of vaccine-inflicted permanent disabilities.
- But these numbers are just the tip of the iceberg—a Harvard Pilgrim Health study commissioned by the HHS revealed less than 1 percent of adverse events from vaccines are reported.
- **This is why it’s imperative for Florida lawmakers to VOTE NO on SB 64**, safeguard conscience-based exemptions and protect the doctor-patient relationship and the ability of our physicians to grant medical exemptions whenever they and parents, acting in the best interests of our sons and daughters, feel they are needed and warranted.
- **If SB 64 passes and is signed into law**, Florida will undoubtedly see an increase in vaccine-inflicted injuries and deaths and lawmakers who vote “yes” are making themselves personally liable for every future vaccine-inflicted injury and death that results from the effective elimination of exemptions in Florida.