

CONSCIENCE COALITION

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Vaccines cannot be made safe ***Yet SB 276 will effectively eliminate all remaining exemptions to the mandatory regime***

LOS ANGELES—Conscience Coalition is continuing its education campaign about the inevitable dangers of passing Senate Bill 276. Wednesday, the organization cited that Section 22(b)(1) of the National Childhood Vaccine Injury Act (NCVIA) provides:

“No 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.” §300aa-22(b)(1)

According to the dissent of U.S. Supreme Court Justice Sonia Sotomayor in *Bruesewitz v. Wyeth*, which was joined by Justice Ruth Bader Ginsberg, “side effects that were unavoidable’ must refer to side effects caused by a vaccine’s *design* that were ‘unavoidable.’” And the majority opinion agrees with this.

From there, Justices Sotomayor and Bader Ginsberg believe that House Report 99-908, the legislative report that accompanied the NCVIA and explained the congressional intent of the law, “confirms that whether a side effect is ‘unavoidable’... involves a specific inquiry in each case as to whether the vaccine ‘in the present state of human skill and knowledge cannot be made safe.’”

“Let’s pause for a moment right here. Did you get that? ‘Unavoidable’ side effects are caused by ***vaccines that cannot be made safe in the present state of human skill and knowledge***,” said Jonathan Lockwood, executive director of Conscience Coalition.

This legal principle comes from Comment K of §402A of the Restatement of Torts (Second) (1963-1964). According to the legislative report that accompanied the NCVIA, Congress “set forth Comment K in this bill because it intends that the principle in Comment K regarding ‘unavoidably unsafe’ products, i.e., those products which in the present state of human skill

and knowledge cannot be made safe, apply to the vaccines covered in the bill and that such products should not be the subject of liability in the tort system.”

“This is very important for California lawmakers to fully understand,” continued Lockwood. “Because they’re being told by proponents of Senate Bill 276 that the federal law of the land has nothing to do with this bill; that vaccines are ‘safe and effective’ and they should not think twice about voting yes on a bill that will effectively eliminate all remaining exemptions from the mandatory regime.”

Here is how the federal law of the land on vaccine-inflicted injuries and deaths has everything to do with SB 276:

- Since the NCVIA was implemented, **more than \$4.1 billion has been paid out in compensation to victims of vaccines that “cannot be made safe in the present state of human skill and knowledge.”**
- Again, that’s just the tip of the iceberg. A [2011 Harvard Pilgrim Health study commissioned by the CDC](#) revealed less than 1 percent of adverse events from such vaccines are reported.
- If SB 276 passes and is signed into law, medical exemptions from mandatory vaccines will be effectively eliminated.
- California will see an increase in the number of injuries and deaths caused by these vaccines that cannot be made safe.

“We already know the proponents of SB 276 will do everything in their power to pass this bill into law,” said Lockwood. “But what about all the lawmakers who are being pressured by their leadership and their big special interest fundraisers and donors? Is this the outcome they want to produce and make part of their legacy? I don’t think so. We’re urging them to say ‘no’ to 276.”

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About Conscience Coalition

Conscience Coalition is a nonpartisan nonprofit pulling together like-minded groups from across America to increase the 3 Cs—Communication, Cooperation and Coordination—to unite and win. The organization is focused on bringing together conscience rights and medical freedom groups in California through grassroots organizing, activism and education.