

SENATE RESOLUTION No. 15

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Senator Oroho

SYNOPSIS

Urges Congress to compel Department of Health and Human Services to fulfill its obligations pursuant to the National Childhood Vaccine Injury Act of 1986.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/5/2020)

1 **A SENATE RESOLUTION** urging the United States Congress. to
2 compel the Secretary of the U.S. Department of Health and
3 Human Services to fulfill the obligations of the National
4 Childhood Vaccine Injury Act of 1986.
5
6 **WHEREAS**, The National Childhood Vaccine Injury Act of 1986 (42
7 U.S.C. §300aa-1 et seq.) (NCVIA) established an national vaccine
8 program and charged the Secretary of the U.S. Department of
9 Health and Human Services (the Secretary) with explicit
10 responsibility to achieve optimal prevention of human infectious
11 diseases through immunization and optimal prevention against
12 adverse reactions to vaccines; and
13 **WHEREAS**, The provisions of the NCVIA eliminated the potential
14 financial liability of vaccine manufacturers due to vaccine injury
15 claims in order to ensure a stable market supply of vaccines, and to
16 provide cost-effective arbitration for vaccine injury claims; and
17 **WHEREAS**, However, the economic and legal immunity granted to
18 manufacturers of vaccines may have removed the economic
19 incentive for the companies to manufacture safe vaccine products or
20 improve the safety of existing vaccine products; and
21 **WHEREAS**, The NCVIA required the Secretary to establish the
22 National Vaccine Program in the U.S. Department of Health and
23 Human Services (DHHS) in order to achieve optimal prevention of
24 human infectious diseases through immunization and achieve
25 optimal prevention action adverse reactions to vaccines; and
26 **WHEREAS**, Since 1986, the program's the sole responsibility is to
27 ensure the production and procurement of safe and effective
28 vaccines, guarantee improvements in the licensing, manufacturing,
29 adverse reaction reporting, and safety and efficacy testing of
30 vaccines, and conduct research on vaccines and publish the results
31 of the research in order to reduce the risk of adverse vaccine
32 reactions pursuant to the provision of the law; and
33 **WHEREAS**, The NCVIA also required the Secretary to establish the
34 Task Force on Safer Childhood Vaccines (the task force) to
35 examine vaccine safety and make recommendations to the
36 Secretary ensuring the development of safer childhood vaccines and
37 concerning the implementation of the requirements of the NCVIA;
38 and
39 **WHEREAS**, In order to ensure that DHHS meet its vaccine safety
40 obligations, the NCVIA required the Secretary to submit biennial
41 reports to the United States Congress, starting in 1989, describing
42 the actions taken by the Secretary to improve vaccine safety during
43 the preceding two years; and
44 **WHEREAS**, The Secretary has failed to submit the required reports to
45 Congress; and

SR15 PENNACCHIO, TESTA

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1 **WHEREAS**, It is in the best interest of the public health that the
2 Secretary submit a biennial report describing the actions taken by
3 DHHS to improve vaccine safety to the United States Congress as
4 required under the National Childhood Vaccine Injury Act of 1986;
5 now, therefore,

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7 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

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9 1. This House respectfully urges the United States Congress to
10 compel the Secretary of the U.S. Department of Health and Human
11 Services to fulfill the obligations of the National Childhood
12 Vaccine Injury Act of 1986 (42 U.S.C. §300aa-1 et seq.) by
13 submitting a biennial report describing the actions taken by the U.S.
14 Department of Health and Human Services to improve vaccine
15 safety to Congress, as required by law.

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17 2. Copies of this resolution, as filed with the Secretary of State,
18 shall be transmitted to the Secretary of the U.S. Department of
19 Health and Human Services, the President of the United States
20 Senate, the Speaker of the United States House of Representatives, and
21 the members of New Jersey's Congressional delegation.

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STATEMENT

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26 This resolution urges the United States Congress to compel the
27 Secretary of the U.S. Department of Health and Human Services
28 (DHHS) to fulfill the obligations of the National Childhood Vaccine
29 Injury Act of 1986 (42 U.S.C. §300aa-1 et seq.) by submitting a
30 biennial report describing the actions taken by DHHS to improve
31 vaccine safety to Congress, as required by law.