
The National Childhood Vaccine Injury Act of 1986

In 1982, due to the unrelenting onslaught of civil suits over vaccine injuries and deaths, the four biggest vaccine makers at the time, Merck, Lederle, Connaught, and Wyeth, went to Congress and threatened to stop selling vaccines in the United States unless they were granted liability from civil lawsuits.¹

The National Childhood Vaccine Injury Act of 1986, which acknowledged that vaccine injuries and deaths were real and that individuals and their families should be financially compensated, made it *extremely difficult* for individuals and families to sue in civil court for vaccine injuries and death. One of the provisions of the 1986 law was that a compensation program be set up to pay for injuries and deaths caused by vaccines and that U.S. taxpayers pay for it, through a 75-cent tax levied on all vaccines. In other words, even though the National Childhood Vaccine Injury Act of 1986 acknowledged that vaccine products caused harm and death, the makers of these products would not be held fiscally responsible for the harm their products cause.^{2 3}

The National Vaccine Injury Compensation Program (NVICP) was touted as a less expensive and quicker alternative to civil suits to compensate children and families who were ultimately harmed by vaccines. Individuals were still supposed to retain the right to sue a vaccine maker in civil court if they were denied compensation through the NVICP or if there was evidence that a vaccine maker could have made a vaccine safer – but chose not to.⁴

However, in February 2011, the U.S. Supreme Court, in *Bruesewitz v. Wyeth*, ruled that vaccines were “*unavoidably unsafe*” and granted pharmaceutical companies a complete liability shield.⁵

Individuals can no longer sue a pharmaceutical company for damages caused by a vaccine - even if there is evidence that the drug maker knew that their product was defective and chose not to make it less harmful.

Vaccines are liability free pharmaceutical products.

¹ Coulter HL, Fisher BL. DPT: A Shot in the Dark. *Harcourt Brace Jovanovich.1985* (<https://tinyurl.com/y56klbac>)

² U.S. Code 42 USC CHAPTER 6A, SUBCHAPTER XIX, Part 2: From Title 42—THE PUBLIC HEALTH AND WELFARE - CHAPTER 6A—PUBLIC HEALTH SERVICE SUBCHAPTER XIX—VACCINES (<https://tinyurl.com/y5d4re7y>)

³ U.S. Code 42 USC CHAPTER 6A, SUBCHAPTER XIX, Part 2: National Vaccine Injury Compensation Program From Title 42—THE PUBLIC HEALTH AND WELFARE - CHAPTER 6A—PUBLIC HEALTH SERVICE SUBCHAPTER XIX—VACCINES (<https://tinyurl.com/y4lmzxc8>)

⁴ U.S. Code 42 USC CHAPTER 6A, SUBCHAPTER XIX, Part 2: From Title 42—THE PUBLIC HEALTH AND WELFARE - CHAPTER 6A—PUBLIC HEALTH SERVICE SUBCHAPTER XIX—VACCINES (<https://tinyurl.com/y5d4re7y>)

⁵ U.S. Supreme Court. *Bruesewitz v. Wyeth* 09-152; Feb. 22, 2011. (<https://tinyurl.com/hz82q44>)