

## **BILL ANALYSIS**

Senate Research Center  
89R24314 MCF-F

H.B. 3441  
By: Luther et al. (Hall)  
State Affairs  
5/23/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This piece of legislation was written as a way to ensure that vaccine manufacturers who seek to advertise their vaccine are required to pay actual damages, court costs, and reasonable attorney's fees to an individual who is found to have been harmed or injured by the vaccine.

A CNBC article published in December of 2020 noted that, thanks to federal legislation, vaccine manufacturers are currently exempted from liability in the event that a vaccine unintentionally causes harm to an individual.<sup>[1]</sup> This means that manufacturers of vaccines may lack the same incentives that other companies hold for ensuring the safety and reliability of their products.

In H.B. 3441, Representative Luther seeks to make the case that the State of Texas should not allow companies who hold immunity from liability to attempt to persuade patients to utilize their product via advertising.

The committee substitute to H.B. 3441 takes into consideration feedback that was given by committee members in the committee hearing by adding a definition for what it means for a vaccine manufacturer to advertise as well as outlining activities which may not be considered advertisement. The committee substitute also adds a statute of limitations within which a suit may be brought for an injury sustained through a vaccine advertised by the manufacturer.

[1] Sigalos, M. (2020, December 23). You can't sue Pfizer or Moderna if you have severe Covid vaccine side effects. The government likely won't compensate you for damages either. CNBC. <https://www.cnbc.com/2020/12/16/covid-vaccine-side-effects-compensation-lawsuit.html#:~:text=Known%20colloquially%20as%20%22vaccine%20court,hope%20that%20legislative%20change%20happens.%22>

H.B. 3441 amends current law relating to the liability of vaccine manufacturers that advertise a harmful vaccine.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 431, Health and Safety Code, by adding Section 431.118, as follows:

Sec. 431.118. LIABILITY OF MANUFACTURER FOR ADVERTISING CERTAIN VACCINES. (a) Defines "advertise."

(b) Provides that a manufacturer is liable to an individual if the manufacturer advertises a vaccine in this state and the advertised vaccine causes harm or injury to the individual.

(c) Authorizes an individual, notwithstanding any other law, to bring an action under this section not later than the third anniversary of the date the cause of action accrues.

(d) Requires a court to award a claimant who prevails in an action brought under this section actual damages and court costs and reasonable attorney's fees incurred in bringing the action.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.