

AN ACT

relating to the liability of vaccine manufacturers that advertise a harmful vaccine.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 431, Health and Safety Code, is amended by adding Section 431.118 to read as follows:

Sec. 431.118. LIABILITY OF MANUFACTURER FOR ADVERTISING CERTAIN VACCINES. (a) In this section, "advertise" means a media communication, including through television, radio, print, the Internet, digital or electronic media, product placement, promotion by an influencer in exchange for compensation, or other manner of paid promotion, a vaccine manufacturer purchases to promote the manufacturer's vaccine. The term does not include:

(1) any discussion between a health care provider and the provider's patient or written materials a health care provider provides to a patient concerning a vaccine; or

(2) any posters, decorations, or other materials or promotional items concerning a vaccine that are displayed in or made available by a health care facility, health care provider's office, or other clinical setting.

(b) A manufacturer is liable to an individual if:

(1) the manufacturer advertises a vaccine in this state; and

(2) the advertised vaccine causes harm or injury to

1 the individual.

2 (c) Notwithstanding any other law, an individual may bring
3 an action under this section not later than the third anniversary of
4 the date the cause of action accrues.

5 (d) A court shall award a claimant who prevails in an action
6 brought under this section:

7 (1) actual damages; and

8 (2) court costs and reasonable attorney's fees
9 incurred in bringing the action.

10 SECTION 2. The change in law made by this Act applies only
11 to a cause of action that accrues on or after the effective date of
12 this Act.

13 SECTION 3. This Act takes effect September 1, 2025.

H.B. No. 3441

President of the Senate

Speaker of the House

I certify that H.B. No. 3441 was passed by the House on May 16, 2025, by the following vote: Yeas 88, Nays 31, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3441 was passed by the Senate on May 27, 2025, by the following vote: Yeas 21, Nays 10.

Secretary of the Senate

APPROVED: _____

Date

Governor