

By: Luther, Leach, LaHood, Longoria,
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H.B. No. 3441

Substitute the following for H.B. No. 3441:

By: Schofield

C.S.H.B. No. 3441

A BILL TO BE ENTITLED

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.