

HOUSE No. 2205

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to exempting health care providers from civil liability as a result of administering immunizations or vaccines. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO IMMUNITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 112 of the General Laws is hereby amended by striking
2 out Section 12C, as appearing in the 2004 Official Edition and
3 inserting in place thereof the following section:—
4 Section 12C. No health care provider administering immuniza-
5 tion or vaccination under public health programs shall be liable in a
6 civil suit for damages as a result of any defect in the immunization
7 or vaccine or any unavoidable risk attendant upon such immuniza-
8 tion or vaccine. Nothing in this section shall be construed so as to
9 preclude the imposition of liability upon a health care provider who
10 negligently administers such immunization or vaccine or negligently
11 administers such immunization or vaccine or negligently acts or fails
12 to act with respect to any side effects or other aspects of the patient’s
13 care.