

117TH CONGRESS
1ST SESSION

S. _____

To prohibit vaccination mandates for COVID–19.

IN THE SENATE OF THE UNITED STATES

Mr. CRUZ introduced the following bill; which was read twice and referred to
the Committee on _____

A BILL

To prohibit vaccination mandates for COVID–19.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Vaccine Mandates
5 Act of 2021”.

6 **SEC. 2. VACCINATIONS.**

7 (a) IN GENERAL.—Part I of title 18, United States
8 Code, is amended by inserting after chapter 117 the fol-
9 lowing:

10 **“CHAPTER 117A—VACCINATIONS**

11 **“§ 2431. Vaccinations**

12 **“(a) REQUIREMENTS.—**

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), it shall be unlawful to—

3 “(A) require any United States person to
4 receive a vaccine that has only received author-
5 ization by the Food and Drug Administration
6 through an emergency use authorization pursu-
7 ant to section 564 of the Federal Food, Drug,
8 and Cosmetic Act (21 U.S.C. 360bbb-3), or
9 that has received such authorization prior to re-
10 ceiving full approval or licensure under section
11 505 of the Federal Food, Drug, and Cosmetic
12 Act (21 U.S.C. 355) or section 351 of the Pub-
13 lic Health Service Act (42 U.S.C. 262); or

14 “(B) vaccinate with a vaccine that has only
15 received authorization by the Food and Drug
16 Administration through such an emergency use
17 authorization, or that has received such author-
18 ization prior to receiving such full approval or
19 licensure—

20 “(i) an individual under the age of 18;

21 or

22 “(ii) an individual that lacks the ca-
23 pacity to exercise the right to consent to be
24 vaccinated.

1 “(2) EXCEPTIONS.—Paragraph (1) shall not
2 apply if the individual, or if the individual is a minor
3 or is otherwise unable to consent, a parent, guard-
4 ian, conservator, or attorney-in-fact of the indi-
5 vidual, provides consent to be vaccinated in accord-
6 ance with subsection (b).

7 “(b) RIGHT TO BE INFORMED.—Any person that ad-
8 ministers a vaccine for the coronavirus disease 2019
9 (COVID–19) shall, consistent with medical ethics and ap-
10 plicable informed consent laws of the State in which the
11 vaccine is administered and any applicable Federal regula-
12 tions related to informed consent laws, disclose to any in-
13 dividual, before the vaccine is administered, the risks asso-
14 ciated with the vaccine so that the individual can make
15 an informed decision.

16 “(c) CIVIL ACTIONS.—

17 “(1) IN GENERAL.—Any individual aggrieved
18 by a violation of subsection (a) may bring a civil ac-
19 tion in an appropriate court against any person who
20 negligently participated in the vaccination of the in-
21 dividual in violation of that subsection.

22 “(2) CIVIL ACTION ON BEHALF OF INDIVID-
23 UALS UNABLE TO CONSENT.—A parent, guardian, or
24 conservator of an individual aggrieved by a violation
25 of subsection (a) who is a minor or otherwise unable

1 to provide consent may bring a civil action on behalf
 2 of that individual in an appropriate court against
 3 any person who negligently participated in the vac-
 4 cination of that person in violation of subsection (a).

5 “(3) APPROPRIATE RELIEF.—Appropriate relief
 6 under this section is the lesser of—

7 “(A) \$10,000; or

8 “(B) an amount equal to the actual dam-
 9 ages sustained by the individual aggrieved by a
 10 violation of this section.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—

12 The table of chapters for part I of title 18, United States
 13 Code, is amended by inserting after the item relating to
 14 section 117 the following:

“117A. Vaccinations 2431”.