IN THE SENATE OF THE UNITED STATES
AUGUST 9, 2021
Mr. CRUZ (for himself and Mr. Cramer) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL
To prohibit vaccination mandates for COVID–19.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.
This Act may be cited as the “No Vaccine Mandates Act of 2021”.

SEC. 2. VACCINATIONS.
(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 117 the following:

“CHAPTER 117A—VACCINATIONS

“§ 2431. Vaccinations

“(a) REQUIREMENTS.—
“(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful to—

“(A) require any United States person to receive a vaccine that has only received authorization by the Food and Drug Administration through an emergency use authorization pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3), or that has received such authorization prior to receiving full approval or licensure under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262); or

“(B) vaccinate with a vaccine that has only received authorization by the Food and Drug Administration through such an emergency use authorization, or that has received such authorization prior to receiving such full approval or licensure—

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

or

“(ii) an individual that lacks the capacity to exercise the right to consent to be vaccinated.
“(2) EXCEPTIONS.—Paragraph (1) shall not apply if the individual, or if the individual is a minor or is otherwise unable to consent, a parent, guardian, conservator, or attorney-in-fact of the individual, provides consent to be vaccinated in accordance with subsection (b).

“(b) RIGHT TO BE INFORMED.—Any person that administers a vaccine for the coronavirus disease 2019 (COVID–19) shall, consistent with medical ethics and applicable informed consent laws of the State in which the vaccine is administered and any applicable Federal regulations related to informed consent laws, disclose to any individual, before the vaccine is administered, the risks associated with the vaccine so that the individual can make an informed decision.

“(c) CIVIL ACTIONS.—

“(1) IN GENERAL.—Any individual aggrieved by a violation of subsection (a) may bring a civil action in an appropriate court against any person who negligently participated in the vaccination of the individual in violation of that subsection.

“(2) CIVIL ACTION ON BEHALF OF INDIVIDUALS UNABLE TO CONSENT.—A parent, guardian, or conservator of an individual aggrieved by a violation of subsection (a) who is a minor or otherwise unable
to provide consent may bring a civil action on behalf
of that individual in an appropriate court against
any person who negligently participated in the vac-
cination of that person in violation of subsection (a).

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

“(A) $10,000; or

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—
The table of chapters for part I of title 18, United States
Code, is amended by inserting after the item relating to
section 117 the following:

“117A. Vaccinations .......................................................... 2431”.

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