

VERIFY: Can pharmaceutical companies be sued for complications from vaccine symptoms?

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Serious vaccine symptoms are very rare. Some on social media claim that you will not be able to sue if you get sick from a vaccine.

WASHINGTON — QUESTION:

Are pharmaceutical companies immune from lawsuits related to vaccine symptoms?

ANSWER:

Mostly yes. Pharmaceutical companies are immune from legal challenges relating to side effects from the COVID-19 vaccines. However, this is **not** total immunity. A company can still be sued if they show 'willful misconduct' in the production of their vaccine.

While serious symptoms are incredibly rare, those who do have serious complications will be able to petition for payment from an established fund.

SOURCES:

PROCESS:

On social media, many have started posting that pharmaceutical companies are immune from lawsuits relating to their new COVID-19 vaccines. Some have used this claim to argue that the new vaccines may not be safe.

"Pharmaceuticals are immune to vaccine lawsuits," wrote one person on Twitter. "All the risk and responsibility for severe side-effects or death is put on the individual person being vaccinated."

To find out the truth, the Verify team spoke with two leaders in the field. Peter Meyers, a professor of law emeritus at The George Washington University said that this claim is mostly true.

"If you just have an adverse effect or an illness that results from the vaccination," he said. "You can't sue them."

Lawrence O. Gostin, a professor at Georgetown University, agreed.

"They would be immune if there were some safety issues that were unforeseeable," he said.

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However, both experts emphasized that this is not complete immunity. A company can still be sued if there's willful misconduct.'

"They can't mislead," said Gostin. "Deceive, be fraudulent, or hide information."

The basis for this partial immunity is a law called the "Public Readiness and Emergency Preparedness" Act, referred to as the PREP Act. This law was initially created in 2005 as liability protection for pharmaceutical companies.

In February, HHS Secretary Alex Azar invoked the PREP Act yet again in an effort to promote the production of the COVID-19 vaccines. The approved vaccines are protected from lawsuits until 2024 under the PREP Act.

The PREP Act also created a fund called the Countermeasures Injury Compensation Program, referred to as the CICP. This fund provides benefits to people who claim that they suffered injuries from the vaccines under emergency authorization.

"You file a claim of compensation," explained Meyers. "For your lost income. For whatever medical expenses you incurred."

At this point, it's unclear how many petitioners have been successful in getting compensation for injuries relating to the COVID-19 vaccines.

Gostin emphasized that this liability protection is not total.

"Social media is being entirely misleading in saying that vaccine companies just get a 'get out of jail free pass,' he said. "That's not the case. If they act fraudulently, negligently, then they absolutely can and should be sued."