

117TH CONGRESS
1ST SESSION

S. 2686

To prohibit vaccination mandates for COVID–19.

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.

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”.

