

My name is Rolf Hazlehurst. I am the Senior Staff Attorney for Children's Health Defense, a non-profit organization, which advocates and litigates to protect the health rights of children. I respectfully request that you vote ought to pass on LD 51.

I am from Tennessee, but I was asked to speak today because I have over twenty years of personal and legal experience with the National Childhood Vaccine Injury Act of 1986 (the Vaccine Act) and the National Vaccine Injury Compensation Program (NVICP). In 2001, my son suffered severe and permanent brain damage as the result of a vaccine injury.

In 2011, in the case of *Bruesewitz v. Wyeth*, the Supreme Court of the United States, interpreted a provision of the Vaccine Act to prohibit all lawsuits based upon design defect claims against vaccine manufacturers. For all practical purposes, if a child is injured by a vaccine, the vaccine manufacturers cannot be held liable no matter how defective or unreasonably dangerous the vaccine may be.

If a child is injured by a vaccine, the parents may seek compensation under the NVICP in what is deceptively referred to as "vaccine court." The so called, "vaccine court" is not a court of law. It is an administrative proceeding in which there is no judge, no jury, and the most basic rules of law do not apply. In "vaccine court," the Federal Rules of Evidence, Discovery and Civil Procedure do not apply. In "vaccine court," the American legal system has been replaced by a special master. A special master is nothing more than a government appointed attorney in a government program.

The Vaccine Act, the NVICP and *Bruesewitz v. Wyeth* are all based upon the premise that vaccine injury is "unavoidable." What that means is, if enough children are vaccinated, some of those children will be injured. The acknowledged risk of injury includes brain damage and death.

Since the Vaccine Act was enacted, the NVICP has paid out almost \$5 billion dollars in compensation for vaccine injuries. This is an astonishing number when you consider that almost all vaccine injury claims in the NVICP are denied.

In the real world, if there is no liability, there is no incentive for safety.

When there is a known and acknowledged risk of vaccine injury, including death or brain damage, citizens of a free state should have the right to vaccine exemption.

Please vote ought to pass on LD 51.

Thank you.

Rolf Hazlehurst
Senior Staff Attorney
Children's Health Defense