

HOUSE No. 2126

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to immunity..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out
2 Section 12C, as appearing in the 2004 Official Edition and inserting in place thereof the
3 following section:-

4 Section 12C. No health care provider administering immunization or
5 vaccination under public health programs shall be liable in a civil suit for damages as a result of
6 any defect in the immunization or vaccine or any unavoidable risk attendant upon such
7 immunization or vaccine. Nothing in this section shall be construed so as to preclude the
8 imposition of liability upon a health care provider who negligently administers such
9 immunization or vaccine or negligently administers such immunization or vaccine or negligently
10 acts or fails to act with respect to any side effects or other aspects of the patient's care.