
Introduced by Senator Dunn

January 15, 2003

Senate Joint Resolution No. 4—Relative to Thimerosal lawsuits.

LEGISLATIVE COUNSEL'S DIGEST

SJR 4, as introduced, Dunn. Thimerosal lawsuits.

This measure would respectfully request the Congress of the United States to repeal the language in the Homeland Security Act of 2002 that bars existing lawsuits by parents of children who allege that products manufactured by Eli Lilly and Company and other pharmaceutical companies led to their children's health conditions.

Fiscal committee: no.

1 WHEREAS, On November 19, 2002, the United States Senate
2 passed the Homeland Security Act of 2002, and on November 25,
3 2002, the President signed the act, which became Public Law
4 107-296; and

5 WHEREAS, Secretly buried in this massive bill was a provision
6 that will protect Eli Lilly and Company and other pharmaceutical
7 companies by denying access to justice to families who allege their
8 child's condition is linked to Thimerosal, a mercury-based
9 preservative that was an ingredient in childhood vaccines; and

10 WHEREAS, Thimerosal is 49.6 percent mercury by weight
11 and, next to plutonium, mercury is the most toxic element on earth;
12 and

13 WHEREAS, Mercury can result in serious health problems and
14 has been linked to many different diseases, including autism,
15 learning disabilities, Alzheimer's disease, multiple sclerosis,

1 fibromyalgia, lupus, chronic fatigue syndrome, arthritis,
2 depression, and bipolar disorder; and

3 WHEREAS, Thimerosal is no longer used in vaccines in the
4 United States for infants under six months of age, but the issue is
5 important to parents of children who did receive
6 Thimerosal-containing vaccines as infants and are now autistic or
7 suffer other disorders; and

8 WHEREAS, Claims have been made against Eli Lilly and
9 Company and other pharmaceutical companies to hold them
10 accountable for concealing their knowledge of Thimerosal's
11 dangers and defects from physicians, health care providers, and
12 patients; and

13 WHEREAS, The effect of a provision inserted into the
14 Homeland Security Act of 2002 is to deny access to justice to
15 victims by redefining "vaccine" to include any ingredient listed
16 on the label approved by the United States Food and Drug
17 Administration; and

18 WHEREAS, The provision may result in the denial of claims
19 made by parents who allege that mercury, an ingredient in
20 Thimerosal, has poisoned their children, causing autism and other
21 neurological ailments; and

22 WHEREAS, The provision is clearly intended to protect Eli
23 Lilly and Company and other pharmaceutical companies; and

24 WHEREAS, Lawyers for Eli Lilly and Company and other
25 pharmaceutical companies already are denying justice to the
26 victims of their products; and

27 WHEREAS, As United States Representative Dennis Kucinich
28 of Ohio said, "The ability of a special interest group to secretly
29 insert provisions into law for its own narrow benefit and to the
30 detriment of the public interest raises fundamental questions about
31 the integrity of our government"; and

32 WHEREAS, Not a single member of Congress or the
33 administration admits to being the author of the provision that bars
34 these lawsuits; and

35 WHEREAS, The provision has nothing to do with homeland
36 security, and the abuse of a bill about homeland security is not only
37 morally offensive but denies United States citizens their
38 constitutional right to seek justice; and



1 WHEREAS, The secret insertion of this provision eliminated
2 the opportunity for discussion and debate and was an abuse of the
3 congressional process; now, therefore, be it

4 *Resolved, by the Senate and Assembly of the State of California,*
5 *jointly,* That the Legislature of the State of California respectfully
6 requests the Congress of the United States to repeal the language
7 in the Homeland Security Act of 2002 that bars existing lawsuits
8 by parents of children who allege products manufactured by Eli
9 Lilly and Company and other pharmaceutical companies led to
10 their children's health conditions; and be it further

11 *Resolved,* That the Secretary of the Senate transmit copies of
12 this resolution to the President and Vice President of the United
13 States, the Speaker of the House of Representative, the Majority
14 Leader of the Senate, and each Senator and Representative from
15 California in the Congress of the United States.

