

## S 1437

### Bioterror and Pandemic Preparedness Protection Act

**Congress:** 109 (2005–2007, Ended)

**Chamber:** Senate

**Policy Area:** Health

**Introduced:** Jul 20, 2005

**Current Status:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

**Latest Action:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jul 20, 2005)

**Official Text:** <https://www.congress.gov/bill/109th-congress/senate-bill/1437>

### Sponsor

**Name:** Sen. Gregg, Judd [R-NH]

**Party:** Republican • **State:** NH • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jul 20, 2005

### Subjects & Policy Tags

#### Policy Area:

Health

### Related Bills

Bill	Relationship	Last Action
109 HR 3970	Related bill	<b>Oct 17, 2005:</b> Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.

Bioterror and Pandemic Preparedness Protection Act - Amends the Public Health Service Act to establish an exclusive federal cause of action for all claims relating to a qualified pandemic or epidemic product or a security countermeasure.

Restricts all causes of action for such claims against a manufacturer, distributor, or health care provider and instead provides for sole and exclusive action against the United States. Gives jurisdiction over such an action to the U.S. District Court for the District of Columbia.

Establishes a rebuttable presumption of immunity for the federal government in any such action concerning: (1) a security countermeasure that has been procured for the National Strategic Stockpile; (2) a qualified pandemic or epidemic product that has been procured by the Secretary of Health and Human Services; or (3) a security countermeasure or designated qualified pandemic or epidemic product relating to an actual or potential public health emergency.

Allows a party to petition the Secretary to investigate claims against a manufacturer, distributor, dispenser, or health care provider. Disallows judicial review of the Secretary's decision as to whether to undertake such an investigation.

Declares that the immunity presumption shall be overcome by a determination by the Secretary, by finding clear and convincing evidence, that the manufacturer, distributor, or health care provider intentionally or with willful disregard violated the Federal Food, Drug, and Cosmetic Act or this Act and that such violation: (1) caused the product to present a significant health risk; and (2) proximately caused the injury alleged by the petitioner.

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### **Actions Timeline**

- **Jul 20, 2005:** Introduced in Senate
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