

118TH CONGRESS
1ST SESSION

S. 167

To prohibit vaccination mandates for COVID–19.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2023

Mr. CRUZ 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 2023”.

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 COVID–19 vaccine, whether such vac-
5 cine has received an emergency use authoriza-
6 tion pursuant to section 564 of the Federal
7 Food, Drug, and Cosmetic Act (21 U.S.C.
8 360bbb–3), or approval or licensure under sec-
9 tion 505 of the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 355) or section 351 of the
11 Public Health Service Act (42 U.S.C. 262); or

12 “(B) vaccinate with a COVID–19 vaccine
13 described in subparagraph (A)—

14 “(i) an individual under the age of 18;

15 or

16 “(ii) an individual that lacks the ca-
17 pacity to exercise the right to consent to be
18 vaccinated.

19 “(2) EXCEPTIONS.—Paragraph (1) shall not
20 apply if the individual, or if the individual is a minor
21 or is otherwise unable to consent, a parent, guard-
22 ian, conservator, or attorney-in-fact of the indi-
23 vidual, provides consent to be vaccinated.

1 “(3) SUNSET.—This subsection is effective be-
2 ginning on the date of enactment of this section and
3 ending on the date that is 5 years after that date.

4 “(b) RIGHT TO BE INFORMED.—Any person that ad-
5 ministers a vaccine for the coronavirus disease 2019
6 (COVID–19) shall, consistent with medical ethics and ap-
7 plicable informed consent laws of the State in which the
8 vaccine is administered and any applicable Federal regula-
9 tions related to informed consent laws, disclose to any in-
10 dividual, before the vaccine is administered, the risks asso-
11 ciated with the vaccine so that the individual can make
12 an informed decision.

13 “(c) PROTECTING PRIVACY.—

14 “(1) IN GENERAL.—Except as provided in sub-
15 paragraph (B), it shall be unlawful for any person
16 to publicly disclose information about the COVID–
17 19 vaccination status of an individual without the
18 express consent of the individual if the individual
19 provided the information to the person—

20 “(A) as an employee in the context of an
21 employer-employee relationship;

22 “(B) as an independent contractor where
23 the vaccination status was provided to the per-
24 son to whom the contractor is providing serv-
25 ices;

1 “(C) as a consumer in the context of any
2 consumer transaction;

3 “(D) as a patient in order to obtain med-
4 ical care or health-related services from any
5 health care provider; or

6 “(E) the user of any technology applica-
7 tion, platform, or service.

8 “(2) REQUIREMENTS.—For purposes of this
9 subsection, an individual does not provide express
10 consent to the disclosure of a COVID–19 vaccination
11 status unless—

12 “(A) the individual agrees to the cir-
13 cumstances of disclosure in writing; and

14 “(B) the agreement is not conditioned on
15 or contained within any other agreement.

16 “(3) EXCEPTION.—Paragraph (1) shall not
17 apply if the parent or guardian of the individual pro-
18 vides consent to the disclosure described in that sub-
19 paragraph.

20 “(d) CRIMINAL PENALTIES.—Whoever knowingly
21 violates subsection (a) or (c) shall be imprisoned not more
22 than 1 year, fined in accordance with this title, or both.

23 “(e) CIVIL PENALTIES.—Any person who receives the
24 COVID–19 vaccination status of an individual under cir-
25 cumstances that would create a reasonable expectation of

1 privacy in that status, including the circumstances listed
2 in subparagraphs (A) through (E) of subsection (c)(1),
3 and who either intentionally or negligently discloses that
4 status to the public without the consent of the individual,
5 shall be subject to a civil fine not to exceed \$25,000 per
6 disclosure or any actual damages suffered.

7 “(f) PREEMPTION.—This section does not annul,
8 alter, or affect any law of any State or local government
9 that provides a greater level of privacy than the provisions
10 in 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”.

