

**To: All entities and persons considering or planning to dispense or administer antivirals and/or vaccines in the current Novel H1N1 emergency**

**RE: Legal Immunity under the PREP Act.**

This is to advise all entities and persons considering or planning to dispense or administer antivirals and/or vaccines in the current Novel H1N1 emergency of the legal immunity provided under the Public Readiness and Emergency Preparedness Act ( PREP). When, as is the case with Novel H1N1, the Secretary of the United States Department of Health and Human Services (HHS) issues a PREP Act Declaration, the declaration authorizes the use of the defined countermeasures to address the public health threat the Secretary has identified.

The PREP Act authorizes the Secretary to issue such a declaration to provide immunity from tort liability (except for willful misconduct) for claims for "death; physical, mental, emotional injury, illness, disability, condition, fear thereof; medical monitoring, property damage, loss, and business interruption" causally related to the development, distribution, administration or use of "covered countermeasures" against "covered persons", See Public Health Service Act Section 319(f)-3.

This legal immunity extends to all persons planning for or dispensing or administering the antivirals and/or vaccines (referred to as "covered persons") and supersedes any and all other claims under federal or state law. Any claim by an injured person must be filed as provided for in the PREP Act and may not serve as the basis for a lawsuit against a covered person in federal or state court.

Please direct further questions you may have to John Wible, General Counsel, or Brian Hale, Assistant General Counsel, in the Alabama Department of Public Health's Office of General Counsel at (334) 206-5209.

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