

# Liability protections for administering vaccines

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Below is a review of statutes and recent legislation granting liability protections for individuals (e.g., physicians, nurses, etc.) who administer immunizations to minors and/or adults. Many of these provisions are general in nature, relating to any vaccine and/or setting. The review excludes laws and bills that specifically relate to administering immunizations in a vaccine clinic setting, during declared emergencies, or to children who are involved with a state's child protective services agency.

## RECENT AND PENDING LEGISLATION

Last year, Massachusetts amended its existing liability protections for administering immunizations. The bill was [H 4761](#) and the relevant language is Section 29 which begins at the bottom of page 30. The amended law became effective in November 2025 and reads as follows:

**ALM GL ch. 112, § 12C. Physicians and Nurses — Immunity from Liability in Prescribing, Dispensing, or Administering Vaccines.**

No physician, nurse or other health care professional licensed under this chapter or otherwise authorized within their scope of practice, by statewide standing order or by department of public health designation to prescribe, dispense or administer vaccines shall be liable for any injury caused by an act or omission in prescribing, dispensing, ordering, furnishing or administering a vaccine or other immunizing agent, including the residual effects of the vaccine or immunizing agent if the immunization is: (i) required by state law; (ii) administered in accordance with guidance from the department of public health; or (iii) authorized under public health programs and the act or omission does not constitute willful misconduct or gross negligence.

The prior version of ALM GL ch. 112, § 12C read, “No physician or nurse administering immunization or other protective programs under public health programs shall be liable in a civil suit for damages as a result of any act or omission on his part in carrying out his duties.”

Also, last year, California temporarily amended its law to add state health department guidance to the existing liability protections for administering immunizations to minors. The provision, found in [AB 144](#) (see sections 38 and 39 beginning on page 55), are effective until January 1, 2030, after which point the statute returns to its previous version. The amended law reads as follows:

**Cal Health & Saf Code § 120455. Liability for injuries in administration of vaccine [Effective until January 1, 2030; Repealed effective January 1, 2030]**

(a) Notwithstanding any other law, a person shall not be liable for any injury caused by an act or omission in prescribing, dispensing, ordering, furnishing, or in the administration of a vaccine or

other immunizing agent, including the residual effects of the vaccine or immunizing agent, if the immunization is required by state law, administered in accordance with guidance from the State Department of Public Health pursuant to Section 120164, or given as part of an outreach program pursuant to Sections 120400 through 120415, inclusive, and the act or omission does not constitute willful misconduct or gross negligence.

(b) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

In Colorado, [CO SB 32](#), includes provisions to add the state board of health's immunization schedule to existing liability protections for individuals who administer school entry immunizations. The bill would also create liability protections for the administration of adult vaccines if administered in accordance with the recommendations of ACIP, AAP, AAFP, ACOG, or ACP.

Vermont's [H 545](#) would establish liability protections for any "health care professional who prescribes, dispenses, or administers an immunization in accordance with the recommendations issued [by the state health commissioner], unless the health care professional's actions...constituted gross negligence, recklessness, or intentional misconduct."

## **EXISTING STATUTES**

Statutes with existing liability protections for individuals who administer immunizations were identified in a few states, including Arkansas, Maryland, Rhode Island, and Texas. Most of these statutes are broad in relation to the type of immunizations administered and the provider who administers, however, the Arkansas statute, enacted in April 2025, is limited only to the RSV vaccine. The identified statutes are below.

### ARKANSAS

#### **A.C.A. § 16-114-214. Immunity related to administration of immunization or monoclonal antibody used for long-lasting protection from respiratory syncytial virus disease — Definition.**

(a) As used in this section, "respiratory syncytial virus disease" means a respiratory infection of the nose, throat, and lungs caused by the respiratory syncytial virus.

(b)

(1) A person or entity that prescribes, dispenses, administers, or is otherwise involved in the administration of an immunization or monoclonal antibody used for long-lasting protection from respiratory syncytial virus disease in infants and toddlers to an eligible patient is immune from civil liability.

(2) A person or entity is not immune from civil liability for actions taken during the administration of an immunization or monoclonal antibody that:

(A) Are grossly negligent, reckless, or willful; or

(B) Are not taken in good faith and with reasonable care.

## MARYLAND

### **Md. Courts and Judicial Proceedings Code Ann. § 5-629. Person administering drug or vaccine.**

- (a) In this section, “Secretary” means the Secretary of Health.
- (b) Except as provided in subsection (d) of this section, a person lawfully administering a drug or vaccine is not liable for any adverse effect that arises from the use of the drug or vaccine if the drug or vaccine:
  - (1) Is administered to immunize an individual against a disease; or
  - (2) Is approved by the United States Food and Drug Administration for the purpose for which the drug or vaccine is administered.
- (c) Except as provided in subsection (d) of this section, if the Secretary or a designee of the Secretary finds that a proposed immunization project would conform to good medical and public health practice and gives written approval for the project to be administered in the State, a physician, nurse, or other person participating in the project is not liable for any adverse effect that arises from the use of a drug or vaccine in the project.
- (d) This section does not exempt:
  - (1) A person from liability for gross negligence;
  - (2) A drug manufacturer from the duty to use ordinary care in preparing and handling a drug or vaccine; or
  - (3) A person from liability that arises out of the improper or illegal administration of a drug or vaccine.

### **Md. Health-General Code Ann. § 18-401. Drugs and vaccines.**

- (a) A person lawfully administering a drug or vaccine shall have the immunity from liability described under § 5-629(b) of the Courts and Judicial Proceedings Article.
- (b) If the Secretary or a designee of the Secretary finds that a proposed immunization project would conform to good medical and public health practice and gives written approval for the project to be administered in this State, a physician, nurse, or other person participating in the project shall have the immunity from liability described under § 5-629(c) of the Courts and Judicial Proceedings Article.

## RHODE ISLAND

### **R.I. Gen. Laws § 23-1-47. Health care providers — Immunities.**

No health care provider, [including, but not limited to, a physician, hospital, intermediate-care facility or other healthcare facility, dentist, nurse, optometrist, podiatrist, physical therapist, psychiatric social worker, pharmacist, or psychologist, and any officer, employee, or agent of that provider acting in the course and scope of their employment or agency related to or supportive of health services], acting in accordance with the provisions of this chapter, including, without limitation, any health care provider

who administers any immunization vaccine pursuant to this chapter, shall be liable to any person who experiences or purports to experience adverse effects arising from the immunization or attendant procedures; provided, however, that informed consent is obtained. Nothing in this chapter shall exempt from liability for gross negligence any individual or public or private agency participating in an authorized mass immunization project, nor shall the provisions of this chapter exempt any drug manufacturer from any liability, regardless of the degree of negligence for any drug or vaccine used in the projects.

#### TEXAS

##### **Tex. Health & Safety Code § 161.001. Liability of Person Who Orders or Administers Immunization.**

- (a) A person who administers or authorizes the administration of a vaccine or immunizing agent is not liable for an injury caused by the vaccine or immunizing agent if the immunization is required by department rule or is otherwise required by law or other rules.
- (b) A person who administers or authorizes the administration of a vaccine or immunizing agent is not liable or responsible for the failure to immunize a child because of the failure or refusal of a parent, managing conservator, or guardian to consent to the vaccination or immunization required under this chapter. Consent to the vaccination or immunization must be given in the manner authorized by Chapter 32, Family Code.
- (c) A person who fails to comply with Section 161.004 is not liable or responsible for that failure, and that failure does not create a cause of action.
- (d) This section does not apply to a negligent act in administering the vaccine or immunizing agent.