

**42 USC 300aa-33: Definitions**

Text contains those laws in effect on December 24, 2018

**From Title 42-THE PUBLIC HEALTH AND WELFARE**

CHAPTER 6A-PUBLIC HEALTH SERVICE

SUBCHAPTER XIX-VACCINES

Part 2-National Vaccine Injury Compensation Program

subpart d-general provisions

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**§300aa-33. Definitions**

For purposes of this part:

(1) The term "health care provider" means any licensed health care professional, organization, or institution, whether public or private (including Federal, State, and local departments, agencies, and instrumentalities) under whose authority a vaccine set forth in the Vaccine Injury Table is administered.

(2) The term "legal representative" means a parent or an individual who qualifies as a legal guardian under State law.

(3) The term "manufacturer" means any corporation, organization, or institution, whether public or private (including Federal, State, and local departments, agencies, and instrumentalities), which manufactures, imports, processes, or distributes under its label any vaccine set forth in the Vaccine Injury Table, except that, for purposes of section 300aa-28 of this title, such term shall include the manufacturer of any other vaccine covered by that section. The term "manufacture" means to manufacture, import, process, or distribute a vaccine.

(4) The term "significant aggravation" means any change for the worse in a preexisting condition which results in markedly greater disability, pain, or illness accompanied by substantial deterioration of health.

(5) The term "vaccine-related injury or death" means an illness, injury, condition, or death associated with one or more of the vaccines set forth in the Vaccine Injury Table, except that the term does not include an illness, injury, condition, or death associated with an adulterant or contaminant intentionally added to such a vaccine.

(6)(A) The term "Advisory Commission on Childhood Vaccines" means the Commission established under section 300aa-19 of this title.

(B) The term "Vaccine Injury Table" means the table set out in section 300aa-14 of this title.

(July 1, 1944, ch. 373, title XXI, §2133, as added Pub. L. 99-660, title III, §311(a), Nov. 14, 1986, 100 Stat. 3778 ; amended Pub. L. 107-296, title XVII, §§1714-1716, Nov. 25, 2002, 116 Stat. 2320 , 2321; Pub. L. 108-7, div. L, §102(a), Feb. 20, 2003, 117 Stat. 528 .)

**AMENDMENTS**

**2003-Pars. (3), (5), (7).** Pub. L. 108-7 repealed Pub. L. 107-296, §§1714-1717, and provided that this chapter shall be applied as if the sections repealed had never been enacted. See 2002 Amendment notes below.

**2002-Par. (3).** Pub. L. 107-296, §1714, which directed amendment of first sentence by substituting "any vaccine set forth in the Vaccine Injury table, including any component or ingredient of any such vaccine" for "under its label any vaccine set forth in the Vaccine Injury Table" and of second sentence by inserting "including any component or ingredient of any such vaccine" before period at end, was repealed by Pub. L. 108-7.

**Par. (5).** Pub. L. 107-296, §1715, which directed insertion of "For purposes of the preceding sentence, an adulterant or contaminant shall not include any component or ingredient listed in a vaccine's product license application or product label." at end, was repealed by Pub. L. 108-7.

**Par. (7).** Pub. L. 107-296, §1716, which directed addition of par. (7), was repealed by Pub. L. 108-7, §102(a). Par. (7) read as follows: "The term 'vaccine' means any preparation or suspension, including but not limited to a preparation or suspension containing an attenuated or inactive microorganism or subunit thereof or toxin, developed or administered to produce or enhance the body's immune response to a disease or diseases and includes all components and ingredients listed in the vaccines's product license application and product label."

**EFFECTIVE DATE OF 2002 AMENDMENT**

Pub. L. 107-296, title XVII, §1717, Nov. 25, 2002, 116 Stat. 2321 , which provided that the amendments made by sections 1714, 1715, and 1716 (amending this section) shall apply to all actions or proceedings

pending on or after Nov. 25, 2002, unless a court of competent jurisdiction has entered judgment (regardless of whether the time for appeal has expired) in such action or proceeding disposing of the entire action or proceeding, was repealed by Pub. L. 108-7, div. L, §102(a), Feb. 20, 2003, 117 Stat. 528 .

### **CONSTRUCTION OF AMENDMENTS**

Pub. L. 108-7, div. L, §102(b), (c), Feb. 20, 2003, 117 Stat. 528 , provided that:

"(b) APPLICATION OF THE PUBLIC HEALTH SERVICE ACT.-The Public Health Service Act (42 U.S.C. 201 et seq.) shall be applied and administered as if the sections repealed by subsection (a) [repealing sections 1714 to 1717 of Pub. L. 107-296, which amended this section and enacted provisions set out as a note under this section] had never been enacted.

"(c) RULE OF CONSTRUCTION.-No inference shall be drawn from the enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107-296), or from this repeal [repealing sections 1714 to 1717 of Pub. L. 107-296], regarding the law prior to enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107-296) [Nov. 25, 2002]. Further, no inference shall be drawn that subsection (a) or (b) affects any change in that prior law, or that *Leroy v. Secretary of Health and Human Services*, Office of Special Master, No. 02-392V (October 11, 2002), was incorrectly decided."