

1 HJR166
2 210616-1
3 By Representatives Hanes, Whorton, Sorrell, Fincher, Holmes,
4 Mooney, Simpson, Stadthagen and Stringer
5 RFD: Rules
6 First Read: 01-APR-21

MEMORIALIZING THE ALABAMA COVID-19 VACCINE BILL OF RIGHTS.

WHEREAS, the Founding Fathers designated that a Bill of Rights was necessary to guard individual liberty against encroachments from state and federal actors, public and private; and

WHEREAS, the 14th Amendment to the United States Constitution explicitly directs states not to "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"; and

WHEREAS, no COVID-19 vaccine is FDA-approved, but some are authorized under a temporary Emergency Use Authorization (EUA) as experimental (investigational) agents only; and

WHEREAS, emergency use products are specifically prohibited by 21 U.S.C. § 360bbb-3 from being mandated: "Authorization for medical products for use in emergencies

1 require the option to accept or refuse administration of the
2 product"; and

3 WHEREAS, the CDC Advisory Committee on Immunization
4 Practices (ACIP) affirmed in August 2020 that under an EUA,
5 experimental vaccines are not allowed to be mandatory; and

6 WHEREAS, decades-old universally accepted Codes of
7 Medical Ethics, including the Nuremberg Code and the
8 Declaration of Helsinki, absolutely prohibit any form of
9 coercion whatsoever to individuals to participate in a medical
10 experiment; and

11 WHEREAS, 40 percent of respondents in at least one
12 U.S. poll reported that they would opt out of taking
13 experimental COVID-19 vaccines; and

14 WHEREAS, it is neither feasible nor safe to mandate
15 experimental vaccination given the large number of COVID-19
16 recovered patients in the general population and the protocols
17 that excluded COVID-19 recovered patients; and

18 WHEREAS, it is neither feasible nor safe to
19 administer experimental vaccines to many groups of patients,
20 such as individuals with post-natural infections, waning
21 titers, and allergic reactions, as well as childbearing women;
22 and

23 WHEREAS, public and private measures are nonetheless
24 being considered to mandate experimental vaccinations in order
25 to participate in certain public activities and functions of
26 daily American life, including, but not limited to:

1 Employment, in-person school attendance, public
2 transportation, and concert performances; and

3 WHEREAS, "vaccine passports," "digital health IDs,"
4 and other required documentation pose substantial risks to
5 personal privacy and equal treatment before the law for all
6 citizens of this state, as well as the United States
7 generally; and

8 WHEREAS, administration of the experimental COVID-19
9 vaccines, according to guidelines established by the CDC's
10 Advisory Committee on Immunization Practices, does not provide
11 adequate protections for average Americans concerned about
12 potential health hazards associated with the inoculations; and

13 WHEREAS, the public is entitled to receive unbiased,
14 transparent, and easily accessible medical information related
15 to all vaccines from public health officials; and

16 WHEREAS, the emergency powers assumed by the chief
17 executives of certain states, as well as municipal leaders,
18 violate certain unalienable rights guaranteed under the U.S.
19 Constitution and its Bill of Rights and therefore deserve
20 redress; and

21 WHEREAS, while these legitimate grievances are
22 pursued by the courts of various states, state lawmakers
23 should enshrine certain rights against encroachment by decrees
24 that are not medically or scientifically indicated, such as
25 vaccine mandates, in order to ensure the continuity of these
26 rights; and

1 WHEREAS, that a COVID-19 Vaccine Bill of Rights
2 memorialized by this resolution against COVID-19 vaccine
3 mandates provides an example of adoption for other legislative
4 bodies across the United States to be recognized and upheld by
5 the attorneys general of those states; and

6 WHEREAS, technical guidance for employers released
7 by the U.S. Equal Employment Opportunity Commission (EEOC) in
8 December 2020 should not be understood to undermine employee
9 constitutional rights laid out herein; and

10 WHEREAS, state legislative bodies should practice
11 oversight of such federal assistance consistent with their
12 enumerated powers; and

13 WHEREAS, out-of-state commercial ticket vendors
14 should not require venue operators and organizers to mandate
15 proof of vaccination from concertgoers and other paying
16 customers before freely entering a venue on private or public
17 property; and

18 WHEREAS, interstate carriers such as airlines and
19 all forms of public transit calling for so-called "vaccine
20 passports" as a condition of entry should not be allowed to
21 operate with state licensure and waivers, and furthermore this
22 resolution would call on federal entities such as the FAA to
23 issue new rules prohibiting COVID-19 vaccine mandates for all
24 carrier crews and customers; now therefore,

25 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
26 HOUSES THEREOF CONCURRING, That the Legislature memorializes a
27 COVID-19 Vaccine Bill of Rights is hereby memorialized for the

1 purposes of defending the constitutional liberties of its
2 citizens, promoting sound science, and outlining a framework
3 of best practices for state authorities and federal regulators
4 to develop in this evolving phase of experimental vaccine
5 administration and implementation, and that this COVID-19
6 Vaccine Bill of Rights consists of the following provisions:

7 (1) No individual should be mandated, coerced,
8 forced or pressured to take an experimental or
9 "investigational" medication.

10 (2) No physician or nurse should be asked by an
11 employer to promote a COVID-19 vaccine.

12 (3) All individuals reserve the right, at all times,
13 to determine what is in their own best medical interest
14 without threat to their livelihood or freedom of movement.

15 (4) All individuals should be given access to
16 independent information to help them determine what is in
17 their own best medical interest, including the risk of death
18 based upon age or condition, or both, from contracting
19 COVID-19 naturally. This should include information from
20 sources that are independent of a conflict of interest. For
21 example, pharmaceutical companies have an inherent conflict of
22 interest, as do government or quasi-government institutions.
23 Such information can be included, but should not be the sole
24 source of information.

25 (5) The frail and elderly are additionally entitled
26 to a knowledgeable, independent advocate with medical training
27 to help them determine their own medical interest.

1 (6) Private businesses operating within the
2 jurisdiction should have no legal authority to require,
3 mandate, or coerce medication or experimental medication for
4 any individuals.