A CONCURRENT RESOLUTION supporting the adoption of the COVID-19 Vaccine Bill of Rights for the purposes of defending the constitutional liberties of Kansas citizens and outlining a framework of best practices for state and federal agencies to develop during this evolving phase of experimental vaccine administration.

WHEREAS, The Founding Fathers deemed that a Bill of Rights was necessary to guard an individual's liberty against encroachments from state and federal actions, both public and private; and

WHEREAS, The 14th Amendment of the Constitution of the United States 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 has been officially approved by the Food and Drug Administration (FDA), but the vaccines are sanctioned by the FDA for distribution under an emergency use authorization; and

WHEREAS, Emergency use products are specifically prohibited by federal law, 21 U.S.C. § 360bbb-3, from being mandated: "Authorization for medical products for use in emergencies... require… the option to accept or refuse administration of the product"; and

WHEREAS, The Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices affirmed in August 2020 that under an emergency use authorization, experimental vaccines shall not be mandatory; and

WHEREAS, Universally accepted codes of medical ethics, including the Nuremberg Code and the Declaration of Helsinki, absolutely prohibit any form of coercion to make individuals participate in a medical experiment; and

WHEREAS, According to the Pew Research Center, approximately 40% of respondents reported that they would opt out of taking experimental COVID-19 vaccines; and

WHEREAS, It is neither feasible nor safe to mandate experimental vaccination considering the large number of patients in the general population who have recovered from COVID-19 and in light of the fact that FDA, Pfizer and Moderna protocols treat patients who have recovered from COVID-19 differently; and
WHEREAS, Public and private entities are considering mandating experimental vaccinations so citizens may enjoy participating in certain public activities and functions of daily American life, including employment, in-person school attendance, public transportation and concert performances; and

WHEREAS, "Vaccine passports," "digital health IDs" and such other required documentations pose substantial risks to personal privacy and equal treatment before the law for all Kansans and United States citizens; and

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

WHEREAS, The public is entitled to receive from their public health officials unbiased, transparent and easily accessible medical information related to all vaccines; and

WHEREAS, The emergency powers assumed by the chief executives of certain states, as well as municipal leaders, violated certain unalienable rights guaranteed under the Constitution of the United States and the Bill of Rights and, therefore, deserve redress; and

WHEREAS, While these legitimate grievances are pursued by the courts of various states, state lawmakers must enshrine certain rights against encroachment by decrees that are not medically or scientifically indicated, such as vaccine mandates, in order to ensure the continuity of our unalienable rights; and

WHEREAS, A COVID-19 Vaccine Bill of Rights, memorialized by this resolution to address COVID-19 vaccine mandates, provides an example for adoption by legislative bodies across the United States, for recognition and upholding by all state attorney generals; and

WHEREAS, The major principles of the COVID-19 Vaccine Bill of Rights shall include a minimum of four of the following six provisions:

1. No person shall be mandated, coerced, forced or pressured to take an experimental or "investigational" medication.

2. No physician or nurse shall be asked by an employer to promote a COVID-19 vaccine.

3. All persons shall determine what is in their own best medical interests without threat to their livelihood or freedom of movement at all times.

4. All persons shall be given access to independent information that will help them determine what is in their own best medical interests. This shall include information regarding the risk of death from contracting COVID-19 alone, based on age or medical condition. This
information shall be from independent sources that bear no conflict of interest, unlike pharmaceutical companies and governmental or quasi-governmental institutions, which have inherent conflicts of interest. Such information shall be included but shall not be the sole source of information.

5. Frail and elderly persons shall be entitled to a knowledgeable, independent advocate with medical training to help them determine such person’s own best medical interests.

6. Private businesses operating within their jurisdictions shall not require any person to take medication or experimental medication; and

WHEREAS, The technical guidance for employers released by the U.S. Equal Employment Opportunity Commission in December 2020 should not be construed in a way by employers that would undermine an employee's constitutional rights; and

WHEREAS, State legislative bodies must practice oversight of federal assistance, consistent with their powers; and

WHEREAS, The COVID-19 Bill of Rights is adopted, out-of-state commercial vendors, including Ticketmaster, would not require venue operators and organizers to mandate the presentation of proof of vaccination from concertgoers and other paying customers before freely entering a venue on private or public property; and

WHEREAS, Once the COVID-19 Bill of Rights is adopted, vaccinations for K-12 students and teachers would not be required without applying certain clear and consistent exemptions, among them medical and conscience clauses, otherwise, a board of education shall run the risk of forfeiting its authority for such a mandate. Notwithstanding a board of education's mandate to vaccinate their populations, legislators shall not consider it a factor in K-12 education funding; and

WHEREAS, Once the COVID-19 Bill of Rights is adopted, interstate carriers such as airlines and all forms of public transit calling for so-called "vaccine passports," as a condition of entry, would not be allowed to operate with state licensure and waivers. Furthermore, the Kansas legislature calls on federal entities such as the Federal Aviation Administration to issue new rules that shall prohibit COVID-19 vaccine mandates for all carrier crews and customers: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas legislature memorializes the COVID-19 Vaccine Bill of Rights for the purposes of defending the constitutional liberties of Kansas citizens and outlining a framework of best practices for state and federal agencies to develop during this evolving phase of experimental vaccine administration; and

Be it further resolved: That the Secretary of State shall send enrolled
copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the Federal Aviation Administration Administrator, the U.S. Equal Employment Opportunity Commission, the U.S. Secretary of Labor and the U.S. Justice Department's Civil Rights Division.