

SENATE RESOLUTION NO. 203

Whereas, the Founders 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 U.S. 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 vaccine is FDA-approved but some are authorized under a temporary Emergency Use Authorization as experimental (investigational) agents only; and

Whereas, emergency use products are specifically prohibited by federal law 21 U.S.C. Section 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 CDC Advisory Committee on Immunization Practices (ACIP) affirmed in August 2020 that under an Emergency Use Authorization (EUA) experimental vaccines are not allowed to be mandatory; and

Whereas, decades-old universally-accepted codes of medical ethics, including the Nuremberg Code and the Declaration of Helsinki, absolutely prohibits any form of coercion whatsoever to individuals participating in a medical experiment; and

Whereas, 40 percent of respondents in at least one U.S. poll reported that they would opt out of taking experimental COVID vaccines; and

Whereas, it is neither feasible nor safe to mandate experimental vaccination given the large number of COVID-19 recovered patients in the general population and the FDA, Pfizer, and Moderna protocols that excluded COVID-19 recovered patients; and

Whereas, it is neither feasible nor safe to administer experimental vaccines to many groups of patients, such as persons with post-natural infections, waning titers, allergic reactions, as well as childbearing women, etc.; and

Whereas, public and private measures are nonetheless being considered to mandate experimental vaccinations in order to participate in certain public activities and functions of daily American life, including, but not limited to: employment, in-person school attendance, public transportation, and concert performances; and

Whereas, "vaccine passports", "digital health IDs", and other such required documentation pose substantial risks to personal privacy and equal treatment before the law for all citizens of Missouri, as well as the U.S. generally; and

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

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

Whereas, the doctors and nurses administering the inoculation are required by law to give informed consent and they cannot do so if they themselves are not informed; and

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

Whereas, while these legitimate grievances are pursued in 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 these rights; and

Whereas, that a "COVID-19 Vaccine Bill of Rights" as memorialized by this resolution against COVID-19 vaccine mandates provides an example of adoption for other legislative bodies across the U.S. to be recognized and upheld by the attorneys general of those states; and

Whereas, that the major principles of this "Vaccine Bill of Rights" will include a minimum of five of the following seven provisions:

1. No persons will be mandated, coerced, forced or pressured to take an experimental or "investigational" medication;

2. All persons reserve the right, at all times, to determine what is in their own best medical interest without threat to their livelihood, schooling, or freedom of movement;

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

4. All health care providers must attest that they are aware of the Vaccine Adverse Event Reporting System (VAERS) database and their professional obligation to check it regularly and share information about VAERS with each

vaccine recipient. All persons will be informed of the specific vaccine they are receiving;

5. All persons must be given access to independent information to help them determine what is in their own best medical interest, including the risk of death based upon age and condition from contracting the virus naturally. This must include information from sources that are independent of a conflict of interest. For example, pharmaceutical companies have an inherent conflict of interest, as do government or quasi-government institutions. Such information can be included but cannot be the sole source of information;

6. The frail and elderly are additionally entitled to a knowledgeable, independent advocate with medical training to help them determine their own medical interest; and

7. Private businesses operating within the jurisdiction have no legal authority to require or mandate or coerce medication or experimental medication for any persons; and

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

Whereas, state legislative bodies must practice oversight of such federal assistance consistent with their enumerated powers; and

Whereas, out-of-state commercial vendors, including Ticketmaster, cannot require venue operators and organizers to mandate proof of vaccination from concertgoers and other paying customers before freely entering a venue on private or public property; and

Whereas, K-12 vaccinations cannot be required without certain clear and consistent exemptions applied, among them medical and conscience clauses, or risk forfeiting a district's or school board's authority in the state of Missouri to authorize such a mandate, nor can a vaccine mandate for these populations be a factor in state school-aid funding; and

Whereas, interstate carriers such as airlines and all forms of public transit calling for so-called "vaccine passports" as a condition of entry cannot be allowed to operate with state licensure and waivers, and furthermore this resolution would call on federal entities such as the Federal Aviation Administration (FAA) to issue new rules prohibiting COVID-19 vaccine mandates for all carrier crews and customers; and

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, hereby memorializes a COVID-19 Vaccine Bill of Rights for the purposes of defending the constitutional liberties of Missouri residents, promoting sound science, and outlining a framework of best practices for state authorities and federal regulators to develop in this evolving phase of experimental vaccine administration and implementation; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President Joseph R. Biden Jr. and each member of the Missouri congressional delegation.