HJR166

210616-1

By Representatives Hanes, Whorton, Sorrell, Fincher, Holmes, Mooney, Simpson, Stadthagen and Stringer

RFD: Rules

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
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 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 prohibit any form of
coercion whatsoever to individuals to participate 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-19 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 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 individuals with post-natural infections, waning
titers, and allergic reactions, as well as childbearing women;
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 required documentation pose substantial risks to personal privacy and equal treatment before the law for all citizens of this state, as well as the United States generally; and

WHEREAS, administration of the experimental COVID-19 vaccines, according to guidelines established by the CDC's Advisory Committee on Immunization Practices, does 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, and easily accessible medical information related to all vaccines from public health officials; 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 by the courts of various states, state lawmakers should 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 memorialized by this resolution against COVID-19 vaccine mandates provides an example of adoption for other legislative bodies across the United States to be recognized and upheld by the attorneys general of those states; and

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

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

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

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURING, That the Legislature memorializes a COVID-19 Vaccine Bill of Rights is hereby memorialized for the
purposes of defending the constitutional liberties of its citizens, 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 that this COVID-19 Vaccine Bill of Rights consists of the following provisions:

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

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

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

(4) All individuals should 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 or condition, or both, from contracting COVID-19 naturally. This should 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 should not be the sole source of information.

(5) The frail and elderly are additionally entitled to a knowledgeable, independent advocate with medical training to help them determine their own medical interest.
(6) Private businesses operating within the jurisdiction should have no legal authority to require, mandate, or coerce medication or experimental medication for any individuals.