

HOUSE BILL No. 2535

By Representatives Fairchild, Murphy and Rhiley

1-25

1 AN ACT concerning federal COVID-19 vaccine requirements; enacting
2 the individual liberty preservation act; nullifying certain federal
3 COVID-19 vaccine requirements; prohibiting enforcement of such
4 requirements and providing criminal penalties for violations.
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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) Sections 1 through 6, and amendments thereto, shall be
8 known may be cited as the individual liberty preservation act.

9 (b) As used in the individual liberty preservation act:

10 (1) "COVID-19 vaccine" means an immunization, vaccination or
11 injection against disease caused by the novel coronavirus identified as
12 SARS-CoV-2 or disease caused by a variant of the virus; and

13 (2) "federal COVID-19 vaccine requirement" means any act, law,
14 treaty, order, rule or regulation of the government of the United States that
15 is in effect and requires a:

16 (A) Person to receive a COVID-19 vaccine;

17 (B) person to provide documentation certifying receipt of a COVID-
18 19 vaccine;

19 (C) person to be tested for COVID-19; or

20 (D) business or any other entity to enforce a requirement described in
21 subparagraph (A), (B) or (C).

22 Sec. 2. The legislature declares that the authority for sections 1
23 through 6, and amendments thereto, is the following:

24 (a) The tenth amendment to the constitution of the United States
25 guarantees to the states and their people all powers not granted to the
26 federal government elsewhere in the constitution and reserves to the state
27 and people of Kansas certain powers as they were understood at the time
28 that Kansas was admitted to statehood in 1861. The guaranty of those
29 powers is a matter of contract between the state and people of Kansas and
30 the United States as of the time that the compact with the United States
31 was agreed upon and adopted by Kansas in 1859 and the United States in
32 1861.

33 (b) The ninth amendment to the constitution of the United States
34 guarantees to the people rights not granted in the constitution and reserves
35 to the people of Kansas certain rights as they were understood at the time
36 that Kansas was admitted to statehood in 1861. The guaranty of those

1 rights is a matter of contract between the state and people of Kansas and
2 the United States as of the time that the compact with the United States
3 was agreed upon and adopted by Kansas in 1859 and the United States in
4 1861.

5 (c) The first amendment to the constitution of the United States
6 guarantees freedom of religion as that right was understood at the time that
7 Kansas was admitted to statehood in 1861. The guaranty of that right is a
8 matter of contract between the state and people of Kansas and the United
9 States as of the time that the compact with the United States was agreed
10 upon and adopted by Kansas in 1859 and the United States in 1861. Many
11 people in Kansas have a religious objection to taking vaccines and federal
12 COVID-19 vaccine requirements violate the right of the people to practice
13 their religion freely.

14 (d) The fourth amendment to the constitution of the United States
15 guarantees the right of the people to be secure in their persons, houses,
16 papers and effects against unreasonable searches and seizures as that right
17 was understood at the time that Kansas was admitted to statehood in 1861.
18 The guaranty of that right is a matter of contract between the state and
19 people of Kansas and the United States as of the time that the compact
20 with the United States was agreed upon and adopted by Kansas in 1859
21 and the United States in 1861. Federal COVID-19 vaccine requirements
22 require personal medical information from the people in order to enforce
23 them, violating the right of the people to be free from unreasonable
24 searches and seizures.

25 Sec. 3. (a) Any federal COVID-19 vaccine requirement is null, void
26 and unenforceable in the state of Kansas.

27 (b) No official, agent or employee of the state of Kansas, or any
28 political subdivision thereof, shall enforce or attempt to enforce any
29 federal COVID-19 vaccine requirement. Violation of this section is a
30 severity level 7, nonperson felony. An official, agent or employee of the
31 state of Kansas who is found guilty of violating this section shall
32 immediately have all compensation and all benefits terminated and shall
33 be liable for damages to those natural persons directly affected by such
34 official's, agent's or employee's enforcement or attempted enforcement of
35 any federal COVID-19 vaccine requirement.

36 Sec. 4. It is unlawful for any official, agent or employee of the
37 government of the United States or employee of a corporation providing
38 services to the government of the United States to enforce or attempt to
39 enforce any federal COVID-19 vaccine requirement. Violation of this
40 section is a severity level 7, nonperson felony.

41 Sec. 5. A county or district attorney, or the attorney general, may seek
42 injunctive relief in any court of competent jurisdiction to enjoin any
43 official, agent or employee of the government of the United States or

1 employee of a corporation providing services to the government of the
2 United States from enforcing any federal COVID-19 vaccine requirement.

3 Sec. 6. If any provision of sections 1 through 5, and amendments
4 thereto, or the application to any persons or circumstances is held to be
5 invalid, such invalidity shall not affect the other provisions or application
6 of sections 1 through 5, and amendments thereto, and to this end the
7 provisions of sections 1 through 5, and amendments thereto, are declared
8 to be severable.

9 Sec. 7. This act shall take effect and be in force from and after its
10 publication in the Kansas register.