

## **House Concurrent Resolution No. 5017**

By Committee on Federal and State Affairs

3-16

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1 A CONCURRENT RESOLUTION supporting the adoption of the  
2 COVID-19 Vaccine Bill of Rights for the purposes of defending the  
3 constitutional liberties of Kansas citizens and outlining a framework  
4 of best practices for state and federal agencies to develop during this  
5 evolving phase of experimental vaccine administration.  
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7 WHEREAS, The Founding Fathers deemed that a Bill of Rights was  
8 necessary to guard an individual's liberty against encroachments from  
9 state and federal actions, both public and private; and

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

14 WHEREAS, No COVID-19 vaccine has been officially approved by  
15 the Food and Drug Administration (FDA), but the vaccines are sanctioned  
16 by the FDA for distribution under an emergency use authorization; and

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

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

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

29 WHEREAS, According to the Pew Research Center, approximately  
30 40% of respondents reported that they would opt out of taking  
31 experimental COVID-19 vaccines; and

32 WHEREAS, It is neither feasible nor safe to mandate experimental  
33 vaccination considering the large number of patients in the general  
34 population who have recovered from COVID-19 and in light of the fact  
35 that FDA, Pfizer and Moderna protocols treat patients who have  
36 recovered from COVID-19 differently; and

1 WHEREAS, Public and private entities are considering mandating  
2 experimental vaccinations so citizens may enjoy participating in certain  
3 public activities and functions of daily American life, including  
4 employment, in-person school attendance, public transportation and  
5 concert performances; and

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

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

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

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

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

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

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

- 33 1. No person shall be mandated, coerced, forced or pressured to take an  
34 experimental or "investigational" medication.
- 35 2. No physician or nurse shall be asked by an employer to promote a  
36 COVID-19 vaccine.
- 37 3. All persons shall determine what is in their own best medical interests  
38 without threat to their livelihood or freedom of movement at all  
39 times.
- 40 4. All persons shall be given access to independent information that will  
41 help them determine what is in their own best medical interests. This  
42 shall include information regarding the risk of death from contracting  
43 COVID-19 alone, based on age or medical condition. This

1 information shall be from independent sources that bear no conflict  
2 of interest, unlike pharmaceutical companies and governmental or  
3 quasi-governmental institutions, which have inherent conflicts of  
4 interest. Such information shall be included but shall not be the sole  
5 source of information.

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

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

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

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

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

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

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

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

43 *Be it further resolved:* That the Secretary of State shall send enrolled

1 copies of this resolution to to the President of the United States, the  
2 Speaker of the United States House of Representatives, the Majority  
3 Leader of the United States Senate, the Federal Aviation Administration  
4 Administrator, the U.S. Equal Employment Opportunity Commission, the  
5 U.S. Secretary of Labor and the U.S. Justice Department's Civil Rights  
6 Division.