

2021 Regular Session

HOUSE RESOLUTION NO. 20

BY REPRESENTATIVES EDMONSTON, AMEDEE, BAGLEY, CREWS, ECHOLS, EDMONDS, EMERSON, FIRMENT, FRIEMAN, GADBERRY, HODGES, HORTON, MACK, MCCORMICK, CHARLES OWEN, ROMERO, SCHAMERHORN, SEABAUGH, TARVER, AND WRIGHT

A RESOLUTION

To authorize and direct each licensed day care center, kindergarten, elementary or secondary school, college, university, proprietary school, or vocational school that requires a vaccine for COVID-19 to fully inform each student or parent or legal guardian of a student that the COVID-19 vaccine is for emergency use only, is experimental, and has not been fully approved by the Food and Drug Administration and that he or she has a right to refuse the vaccination for reasons of health, religion, or conscience.

WHEREAS, the House of Representatives of the Legislature of Louisiana finds that some colleges and universities are considering mandating that their students, faculty, and staff either receive an Emergency Use Authorization (EUA) experimental COVID-19 vaccine or be tested weekly for the virus even if they do not have symptoms; and

WHEREAS, these vaccines are in experimental clinical trials until the end of 2022 or the beginning of 2023 and have not received full Food and Drug Administration approval; rather, they are subject to 21 U.S.C. 360bbb-3(e)(1)(A)(ii)(III) which grants individuals the option to accept or refuse administration of the vaccine; and

WHEREAS, some education institutions are considering use of a COVID-19 digital application/vaccine passport, which would include the collection of data associated with a mandated vaccine which can be merged with other personal data, to track those who are vaccinated and restrict the movement of those who are not vaccinated; and

WHEREAS, such mandates violate individual and civil liberties and the privacy of medical information that are protected by the Constitution of Louisiana, the U.S. Constitution, the Privacy Rule promulgated by the Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act, and the Family Education Rights and Privacy Act; and

WHEREAS, it is the right of every human being to make fully informed medical decisions without coercion or discrimination; and

WHEREAS, R.S. 17:170(E) provides that students or parents of students entering school, including licensed day care centers, kindergartens, elementary and secondary schools, colleges, universities, proprietary schools, and vocational schools, have a right to refuse a vaccination by simply submitting a written dissent; and

WHEREAS, even in a declared public health emergency, R.S. 29:764(A)(2)(h) requires that persons be allowed to refuse medical examination or testing, vaccination, or medical treatment for reasons of health, religion, or conscience; and

WHEREAS, based on Centers for Disease Control and Prevention statistics, the COVID-19 survival rate for persons aged twenty years old or younger, without treatment, is 99.997%; the overwhelming majority of this student-aged population, if infected with COVID-19, would survive without treatment and would not suffer any long-term health consequences; and

WHEREAS, pharmaceutical companies have a full exemption from product liability for vaccines under the Public Readiness and Emergency Preparedness Act; it is not clear whether educational institutions mandating vaccines or tests would be similarly shielded from major liability.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct each licensed day care center, kindergarten, elementary or secondary school, college, university, proprietary school, or vocational school that requires a vaccine for COVID-19 to fully inform each student or parent or legal guardian of a student that the COVID-19 vaccine is for emergency use only pursuant to an Emergency Use Authorization, is experimental, and has not been fully approved by the Food and Drug Administration and that he or she has a right to refuse the vaccination for reasons of health, religion, or conscience.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES