

## RIGHT TO REFUSE

I, \_\_\_\_\_, am writing to inform you that I am aware of my rights, by law, to refuse EUA (Emergency Use Authorization) products for myself or my minor, including, but, not limited to: EUA tests, EUA medical procedures, EUA investigational products, the new covid injections, EUA testing centers, EUA health data tracking and surveillance platforms, population genomics programs, diagnostic laboratories, and IT health data platforms. Participation in many of these EUA products, medical procedures, facilities, or tests require me to waive all legal and privacy rights, on behalf of myself or the minor in my care and participate in a population genomics programs which requires a different kind of infrastructure to deploy at scale and release my private medical information, including genetic information, to unlimited 3<sup>rd</sup> parties, subsidiaries and affiliates, governments, hospitals, researchers, collaborators, authorities at a local, state, and federal level, and may include international global level.

In addition, indemnity has been removed from most companies involved, including pharmaceutical companies, vaccine manufacturers, testing labs, and diagnostic centers, who are providing medical procedures or products. Upon waiving all privacy rights, participation also removes all indemnity, legal recourse, and my legal protection to the fullest extent of the law. Without legal protection to ensure accountability in the case of harm, bodily injury, cyber security breaches, unknown risks, unknown long-term health consequences, it is my right to accept or refuse. It is my decision and right to refuse for numerous reasons including, but, not limited to; those stated above, sincerely held religious beliefs, medical conditions, disability, or other unstated conditions.

Regardless of “guidance” from local and State Health Departments, State and Federal Anti- Discrimination Laws, Federal Laws protecting sincerely held religious beliefs, disabilities, and medical conditions, State Health Codes, and Federal Laws for “Emergency Use Authorization” *supersede* guidance. EUA means any product, facility, etc., with this designation, must be voluntary, which currently includes masks, PCR testing, Covid Vaccines, mRNA technology, and labs, which are all currently EUA authorized.

### ***Under 21 U.S.C. § 360bbb-3, “Authorization for medical products for use in emergencies”:***

*(ii) Appropriate conditions designed to ensure that individuals to whom the product is administered are informed — (I) that the Secretary [of Health and Human Services] has authorized the emergency use of the product; (II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and (III) of the option to **accept or refuse** administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.*

Some employers misunderstand **Equal Employment Opportunity Commission (EEOC)** guidance on mandates. Regardless of whether these products are under EUA, or move into full licensure, anti-discrimination laws, both State and Federal, still apply, regardless of mandates or product authorization. **Even the EEOC stated recently that “EUA recognized protections that must be afforded to employees seeking exemption from vaccination [or other] requirements due to medical conditions or sincerely held religious beliefs”.**

The following Federal and State Laws continue to ensure protection in numerous ways, including sincerely held religious beliefs, medical conditions, disability, or other unstated condition.

- Americans with Disabilities Act (ADA),
- Rehabilitation Act (including the requirement for reasonable accommodations and non-discrimination, based on disability, as well as strict rules about employer-mandated or employer-led medical examinations and inquiries),

- Title VII of the Civil Rights Act (which prohibits discrimination based on race, color, national origin, religion, and sex, including pregnancy),
- Age Discrimination in Employment Act (which prohibits discrimination based on age, 40 or older),
- Genetic Information Nondiscrimination Act, and
- other Federal, State and local laws that may provide employees with additional protections.

I am protected by the above laws and by the California Constitution, The Equal Protection Clause, and the California Health and Safety Code. With the understanding that the EUA deems these products experimental, the California Health and Safety code offers substantial additional protection to students, employees, and families. Codifying both the Nuremberg Code and The Declaration of Helsinki, the California Legislative Body declared “that medical experimentation on human subjects is vital for the benefit of mankind, however such experimentation shall be undertaken with due respect to the preciousness of human life and the right of individuals to determine what is done to their own bodies”. Without consent or willful failure to obtain consent; damages and penalties, fines, and imprisonment, will follow. Californians are protected through a “Bill of Rights” and must be given the opportunity to decide to consent or not to consent to a medical experiment without the intervention of any element of force, fraud, deceit, duress, coercion, or undue influence on the subject’s decision. (Cal & amp; Health Saf Code § 24176, 24171, 24172, 24174).

**In the case of students, asymptomatic testing is illegal, according to the CDC, and cannot be forced on students as a condition of in-person education.** CDC guidance on testing in school settings, as of December 4, 2020, states:

“If a school is implementing a testing strategy [i.e. testing healthy and sick, not based on symptoms,] testing should be offered on a voluntary basis. It is **unethical and illegal** to test someone who does not want to be tested, including students whose parents or guardians do not want them to be tested.”  
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-testing.html>

All of the above implies, it is indisputable there must be clear communication on the right to refuse these procedures for children, persons, and employees; **without retaliation**. I have not been sufficiently provided the right to refuse for myself or my child. In compliance with State and Federal Law, I am able to make my own informed decision on behalf of myself or a minor, under my guardianship. I am informed of the risks of these medical procedures and choose to opt out and exercise my right to refuse.

While I recognize the importance of the medical response to Covid-19, I do not consent or agree to mandatory or “required” testing, the new covid injection, or participation in numerous EUA programs. I also understand I (or my child) cannot be discriminated against through removal of in-person instruction, employment, or penalized hereafter. Failure to respect this right to refuse presents a number of serious ethical, medical, economic, and legal risks.

Sincerely,

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Minor opting out (optional) \_\_\_\_\_

Date \_\_\_\_\_

Received by Administrator \_\_\_\_\_ of \_\_\_\_\_ (organization) on \_\_\_\_\_ (date)

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