

## RIGHT TO REFUSE

To whom it may concern,

I am writing to inform you that I am aware of my rights, by law, to refuse EUA products. "Emergency Use Authorization" means any product with this designation must be voluntary, including the option to refuse. This currently includes many EUA products such as; facilities, labs, PCR testing, diagnostic testing centers, health data IT surveillance and tracking programs, and the new covid injections (which are all Emergency Use Authorized products).

***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.*

Not only am I protected by the above, I am also protected 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, staff, 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 & Health Saf Code § 24176, 24171, 24172, 24174).

All of the above implies it is indisputable there must be clear communication on the right to refuse these procedures for children and staff, **without retaliation**. I have not been sufficiently provided the right to refuse for myself or my child. Exemptions for staff and disability laws protect individuals from discrimination. In compliance with State and Federal Law, I am protected 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.

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.<sup>1</sup>

While I recognize the importance of the medical response to the Covid-19 Pandemic, I do not consent or agree to mandatory or “required” testing. I also understand I (or my child) cannot be discriminated against through removal of in-person instruction, employment, or penalized hereafter. I understand that children under the age of 13 need parental consent for PCR testing and I refuse to consent. I also understand if my child is over the age of 13 he/she will sign his/her refusal to consent.

Sincerely,

Printed name of Parent, Employee, or Child opting out \_\_\_\_\_

Signature of Parent, Employee, or Child (13+) opting out \_\_\_\_\_

Date \_\_\_\_\_

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<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-testing.html>