

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

SCHOOLS: Directs elementary and secondary schools and higher education institutions that require a COVID-19 vaccination to inform students or parents of their right to choose not to receive the vaccination

1 A RESOLUTION

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

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

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

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

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

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

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

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

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

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

24 THEREFORE, BE IT RESOLVED that the House of Representatives of the
25 Legislature of Louisiana does hereby authorize and direct each licensed day care center,
26 kindergarten, elementary or secondary school, college, university, proprietary school, or
27 vocational school that requires a vaccine for COVID-19 to fully inform each student or
28 parent or legal guardian of a student that the COVID-19 vaccine is for emergency use only
29 pursuant to an Emergency Use Authorization, is experimental, and has not been fully

- 1 approved by the Food and Drug Administration and that he or she has a right to refuse the
2 vaccination for reasons of health, religion, or conscience.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 20 Engrossed

2021 Regular Session

Edmonston

Directs day care centers, schools, and other education institutions that require a COVID-19 vaccine to inform students or parents of students that they can refuse the vaccination for reasons of health, religion, or conscience.