

## **Proponent Testimony for Sub House Bill 248, August 18th, 2021**

Chairman Lipps, Vice Chair Holmes, Ranking member Russo and Honorable Members of the House Health Committee,

My name is Kelly and I am a concerned citizen and mother of three. Thank you for the opportunity to provide proponent testimony for Sub House Bill 248.

Whereas body autonomy is a constitutive condition of our existence as conscious and rational human beings and is also a necessary condition of a life worth living, it is as valuable as life. Therefore, every permanent violation of body autonomy or self-constitution is destructive of individual agency and life. Our country was founded upon protecting those inherent rights to life, liberty and the pursuit of happiness. Mandating or coercing vaccination (or allowing businesses to do so) amounts to discrimination, segregation, loss of livelihoods and the loss of those sacred natural rights, moving our country away from its founding principles.

Individuals have an inherent right to choose or refuse medical injections into their body, whether it is the current one or any others. And parents reserve this right for their children. These are personal health choices that are, and should remain, private. Vaccine passports, digital health IDs, and other such required documentation pose substantial risks to personal privacy and equal treatment under the law. You don't have to look far to see that businesses are already implementing these discriminatory policies. This bill is needed now.

Considering that vaccination is not risk-free, the alleged moral "obligation to vaccinate" implies that we have an obligation to reduce the risk to the health of others by accepting an increased or unknown health risk to ourselves. This is contradicting and absurd. Most arguments in favor of vaccine mandates assume that vaccines are safe and effective, and therefore a public good that cannot be refused. This assumption is at best unproven and sometimes contrary to the evidence.

*"Critically, the safety of the vaccines currently used for mass immunization was not established via saline placebo controlled randomized trials in previously unvaccinated individuals. The difficulty of establishing a clear causative link between vaccines and any late-onset health conditions, and the fact that vaccine manufacturers are typically not liable for the adverse effects of their products, allows the industry to give absolute priority to profits over consumer safety: this moral hazard constitutes an indirect health risk." (1)*

The public health approach to coercive vaccination is not ethical if it involves unfair treatment and a mandatory "sacrifice" from the unlucky few for the sake of public good. Why should one risk be valued over another and decided for us? A prospective benefit to public health does not of itself give a reasonable necessity to infringe on personal body autonomy which is a necessary condition of a life worth living. All vaccines come with risks. Even so, if vaccines were hypothetically risk free, personal body autonomy would still be priority by virtue of the intrinsic value of human agency. This cannot be defeated by circumstances such as emergencies and pandemics or even an unproven "greater good". "Preserving the constitutive conditions of agency trumps the obligation to eliminate or minimize any associated risks to life."<sup>(1)</sup> Individuals may have conscientious or religious objections or medical contraindications to vaccination. Moreover, vaccination is an irreversible medical procedure that intends to augment the natural state of our immune systems in the interest of public health. The natural state of our immune system is an innate and healthy biological characteristic of every human being. Forcing vaccination, whether by mandate or by private business, discriminates against those innate healthy biological characteristics, making our own natural state of being either unlawful or unworthy of free movement which is absolutely wrong. Therefore, any form of compulsion or discrimination used to force, incentivize or normalize changing the innate human constitution is unethical. After all, since when were we required to be medicated or "augmented" by a pharmaceutical product in order to live freely?

No vaccine, biologic or medical product should ever be forced, incentivized or used as a discriminatory tool that coerces one into complying in order to be a free citizen. Let's not let an hysterical fog blind us to a human rights threat that echos having to "show your papers" of past authoritarian countries. History demands that we pay attention. It's time to write medical freedom into law and be on the right side of history.

*"The Constitution of this Republic should make special provision for medical freedom. To restrict the art of healing to one class will constitute the Bastille of medical science. All such laws are unAmerican and despotic. ... Unless we put medical freedom into the constitution the time will come when medicine will organize into an undercover dictatorship and force people who wish doctors and treatment of their own choice to submit to only what the dictating outfit offers." Attributed to Dr. Benjamin Rush – Founding Father, signer of the Declaration of Independence and personal physician to George Washington.*

I am asking you to please support Sub HB248 which protects health choice, privacy and guards against discriminatory treatment for individuals, for their children, for employees, for everyone.

Thank you,

Kelly Berkshire

1. Kowalik, M. Ethics of Vaccine Refusal. J Med Ethics Epub. 5 February, 2021. Doi:10.1136/medethics-2020-107026
2. <https://www.americasfrontlinedoctors.org/take-action/vaccine-bill-of-rights/vaccine-bill-of-rights>