



**Senator Andrew O. Brenner – 19th District
Senate Health Committee
May 26, 2021
Senate Bill 169 – Sponsor Testimony**

Chair Huffman, Vice Chair Antani, Ranking Member Antonio and members of the Senate Health Committee, thank you for hearing Senate Bill 169.

The United States was founded on the belief that humans have inalienable rights given to us by God. The Declaration of Independence includes “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness,” as drafted by Thomas Jefferson and the 2nd Continental Congress. These are equal and natural rights. Our founders believed that humans are born with these rights and they cannot be taken away even if they cannot put them into practice¹.

I drafted Senate Bill 169 to protect individual liberty. I had it drafted because I am fearful that our individual liberty is being trampled on by the majority who are doing so for what they believe is the collective good. I drafted this bill in response to the pandemic and requirements or suggestions, which are being promoted by our own government. This bill is specifically tailored around the Covid-19 vaccination, and not about other types of vaccinations.

Vaccinations by themselves are not necessarily a problem. In fact, vaccinations, or a type of vaccination, has been around since the Chinese used a form of smallpox to inoculate people in the year 1000 AD². Later Edward Jenner used cow pox material to create immunity against smallpox in the 1790s. In fact, the original term vaccination was invented at the first meeting of the Royal Jennerian Society. Vaccination comes from the Latin, “vacca” or cow³. One of the most famous vaccinations using an inactivated polio vaccine was developed by Jonas Salk in the 1950s. Today polio has been almost eradicated in the world through efforts by such groups like Rotary International and their PolioPlus program, which has been around since 1985⁴. I am a Rotarian, and I am grateful for the efforts we as Rotarians have done to eradicate polio in the world with vaccinations. Flu vaccines are given to

¹ <https://billofrightsinstitute.org/essays/equal-and-inalienable-rights>

² <https://www.historyofvaccines.org/timeline/all>

³ <https://www.historyofvaccines.org/timeline/all>

⁴ <https://www.rotary.org/en/history-rotary-polio-eradication-efforts#:~:text=Rotary%20launched%20PolioPlus%20in%201985,received%20the%20oral%20polio%20vaccine.>

vulnerable populations each flu season. In all these cases, vaccines are used to protect the individual who has taken the vaccination, not to protect others in the general public.

This leads me to my bill, SB 169. The bill would do a few things to protect the liberty we already enjoy by reaffirming an individual's right to make their own informed decisions about what is in the best for their own personal body. First, it prohibits any individual, organization, government, or corporation from requiring any individual to take a covid-19 vaccination. It is my belief that my rights end, where yours begin. It recognizes that viruses in of themselves have been around since the beginning of time and will continue until the end of time and continuing to require someone to take one vaccine could lead to the requirements that they take other vaccinations, or medicines without their consent. If we are going to require vaccinations, why stop there, why not require a better diet, more exercise, or the type of food to eat? Let us take away all individual decisions, after all it is in the best interests of society. I do not like the sound of that, do you?

Secondly, this bill makes it an act of discrimination to segregate a person based upon their decision for or against being vaccinated. If you are not vaccinated, then you should wear a mask, work from home, kept isolated in a different part of the building, or not be allowed into various locations and events. Even if you do not have symptoms or even if you already had the virus, you should be told what to do with your own body. Where does it stop? Should we be allowed to tell someone they cannot enter a building even if their doctor advises an individual that they should not take a certain medicine or vaccination? Who is going to be the judge and jury?

Thirdly, it protects privacy by outlawing the requirement that one must disclose their vaccination status to anyone based upon a covid-19 vaccine. After all, we have a federal law called the Health Information Portability and Accountability Act (HIPAA) enacted in 1996 to protect our medical information and keep it private, yet we are being asked to prove whether we were vaccinated to literally anyone who asks. What of those who already had Covid-19? Should they be required to disclose their prior condition? Senator Rand Paul, a medical doctor, said he would not take the vaccination because he already had natural immunity due to having the full-on virus.

So why apply this bill to just Covid-19 vaccinations and not all vaccinations? Currently, the FDA has given several manufacturers of vaccines the ability to distribute Covid-19 vaccinations, through emergency use authorization. This authorization says in general that the vaccine has more benefits for individuals than it has negative effects. Unlike other vaccinations according to the FDA the Emergency Use Authorization is not a full approval of the vaccination⁵. Most studies are done by the manufacturers of the vaccinations and then given over to the FDA for review of the data. It is not proven as to whether a person can transmit covid-19 after having a vaccination. According to the latest CDC update Covid-19 vaccines suggest "that fully vaccinated people are less likely to have asymptomatic infection or transmit SARS-CoV-2 to others" but vaccine protection is still being investigated and "data on those who are immunocompromised is limited"⁶. Most vaccination studies take 5 years before they are proven

⁵ <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use>

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>

effective. This type of vaccination is a new form of vaccination. We might not know for years of the full range of side effects it might have to our population.

As of a couple days ago, approximately 130 million people have been fully vaccinated for Covid-19 in the United States⁷. There are some side effects and adverse reactions to the vaccinations, and they are listed on the FDA and CDC websites. Adverse reactions to Covid-19 vaccinations are being reported voluntarily to the Vaccine Adverse Event Reporting System (VAERS), which is managed by Health and Human Services⁸. This might come as a surprise to many of you, but according to the self-reported data as of May 14, 2021, there have been 227,809 adverse events and 4,647 deaths associated with covid-19 vaccinations. VAERS was created in the 1980s. Specifically from the CDC:

“The National Childhood Vaccine Injury Act of 1986 (NCVIA) mandates that healthcare providers who administer vaccines and vaccine manufacturers report certain AEs following specific vaccination. The NCVIA’s purposes are to compensate persons who may have been injured by vaccines and to reduce threats to the stability of the immunization program (e.g., liability concerns, inadequate supply of vaccine, rising vaccine costs). The NCVIA requires that healthcare providers report to VAERS specific AEs (which are listed on the Vaccine Adverse Event Reporting System (VAERS))”⁹

I do not want government telling individuals that they must take vaccinations. Even our governor has not mandated vaccinations and has said that he will not. However, allowing businesses and corporations to require vaccinations, is a backdoor way of doing what the government said they would not do, which is require vaccinations. After all, the Ohio Department of Health and Bureau of Workers Compensation had numerous enforcement rules placed upon businesses during the pandemic. Those rules made the businesses and corporations quasi enforcement arms of the state. While numerous businesses volunteered to implement the rules, many businesses followed the administrative rules out of fear of being shut down. Therefore, including businesses and corporations in this bill is a way to prevent the government from trying to use them to circumvent directly requiring vaccinations.

You may ask, ok so what if the businesses themselves require that I be vaccinated before I work in their place of business is not it their right? I say back to you, no it is not. We regulate businesses all the time and tell them what they can and cannot do, just look at Ohio Revised Code. I also say, why should businesses be allowed immunity? What if you get an adverse reaction to this vaccination? Would it be fair that you an employee must pay out of your pocket or should the business who required you to get the vaccination be required to pay for it? We know from testimony a week ago in insurance committee that the Ohio Bureau of Workers compensation is taking claims on adverse reactions from required covid-19 vaccinations right now.

In closing, this bill is about an individual’s personal rights. Individuals should be able to decide whether they want to take a vaccine, without coercion. This bill is about covid-19 vaccinations because it is under

⁷ <https://ourworldindata.org/covid-vaccinations?country=USA>

⁸ <https://vaers.hhs.gov/>

⁹ <https://www.cdc.gov/vaccines/pubs/surv-manual/chpt21-surv-adverse-events.html>

Emergency Use Authorization and the form of vaccination does not have a century of experience, it has one years' worth of real-world testing as it is an mRNA vaccination¹⁰. While these vaccinations might be the 21st centuries miracle solution to a world health crisis, they should be decided by individuals not governments and not businesses. This bill is about preventing discrimination. We should not discriminate against our fellow citizens over a vaccination. Keeping liberty is not easy, we have had one civil war and numerous other wars defending our freedoms. Let us not let a virus destroy our individual freedoms from within. It is up to this general assembly to protect our liberty, our God given freedoms. Again, thank you for your consideration of Senate Bill 169 and I will take any questions you might have.

¹⁰ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/mrna.html>