

Dear Rebecca,

Please be aware that there are no exemptions to adult vaccine mandates provided in state law because there are no vaccine mandates being imposed by state law. There are exemptions provided to children because there are vaccine requirements imposed on children. The last thing we want is to give businesses or colleges authority to mandate vaccines and then attempt to provide relief from this via exemptions. Businesses and colleges should never have state-sanctioned authority to mandate any vaccines.

FYI, per RSA 126-Q, NH DHHS is in the vaccine business. Staff at the "immunization division" are not our friends. They are in the business of selling as many vaccines as possible and certainly are not going to give any advice that would reduce their sales.

Businesses and colleges who are attempting to impose COVID vaccine mandates are doing it of their own initiative without state statute authority or mandate to do so. New Hampshire law is silent on adult vaccine mandates by private businesses and colleges. But federal law is not silent. The mandate of COVID vaccines that only have Emergency Use Authorization is a violation of federal law regulating EUA products and interventions.

I have been inundated with requests for assistance from college students, college employees, employees of private businesses, and worried residents on how to address the mandates and how to protect their health freedom. I have been sending out this information:

IMPORTANT DISCLOSURE:

Your job, your health, and your life may be at stake.

Please be advised that I am not an attorney and do not and cannot give legal advice or opinion.

My role is that of a volunteer advocate.

If you are looking for legal advice, I urge you to obtain an attorney to assist you.

I believe the requirement to submit to COVID vaccination to keep your job or placement as a college student is an illegal mandate and I urge you to confront the administration/employer/college over their attempt to mandate injection of a medical product that is not FDA licensed, but only has Emergency Use Authorization (EUA). I believe this should be your first line of defense.

An attempt by businesses, colleges, associations, etc. to mandate COVID vaccines that are only available under Emergency Use Authorization and do not have FDA approval is a VIOLATION OF FEDERAL LAW. Let your employer know that their requirement is a violation of federal law and demand that they withdraw the mandate. **Please see the important attached document from Children's Health Defense indicating it is illegal to mandate these shots and that each person must retain the right to decide for themselves.** Please be aware

that you have the right to consent or not to an offer to receive vaccination. It must be an offer, not a requirement or mandate, even if exemptions are provided. The preferred first step is to reject this mandate by writing to your employer your objection. Please do not simply ignore the demands of your employer.

Here is some information on that for you:

“the [FDA’s guidance](#) on emergency use authorization of medical products requires the FDA to “ensure that recipients are informed to the extent practicable given the applicable circumstances … That they have the option to accept or refuse the EUA product …” In the same vein, when Dr. Amanda Cohn, the executive secretary of the CDC’s Advisory Committee on Immunization Practices, was asked if Covid-19 vaccination can be required, [she responded](#) that under an EUA, “vaccines are not allowed to be mandatory. So, early in this vaccination phase, individuals will have to be consented and they won’t be able to be mandatory.” Cohn later affirmed that this prohibition on requiring the vaccines [applies to organizations, including hospitals.](#)”

<https://www.statnews.com/2021/02/23/federal-law-prohibits-employers-and-others-from-requiring-vaccination-with-a-covid-19-vaccine-distributed-under-an-eua/?fbclid=IwAR07382r6ifJHhHdWaIfgmutIW7pUXy8UF42nXs17qAIPKNf-tOee0F4zE8>

Children's Health Defense has provided very important, helpful advice on this matter.
https://childrenshealthdefense.salsalabs.org/university_advocacy_letter?wvpId=c83a304d-c9fa-4214-9857-1833441b7604 **Please thoroughly read this CHD link and information. There are template letters you can use as written or you can modify for your situation, to submit along with the attached memo.**

An exemption is not the same thing as consent or refusal. Federal law regulating EUA products requires the voluntary consent of the recipient. Providing exemptions does not relieve your employer or college from their violation of federal law.

Again, **the COVID shot mandate is a violation of federal law.** My recommendation is that you push back against the mandate as an illegal mandate rather than attempt a medical or religious exemption as your first step. Demand that they rescind this illegal policy. If you wish to assert a religious or medical exemption, please be aware that these exemptions are your personal medical condition and/or religious beliefs. They are yours to assert. They are not to be judged or evaluated or rejected by others. They are to be accepted by others. If you go this route, you must be very careful what you state in your exemption. Most people state too much and then face rejection of their exemption. To consider this option, you must first have a copy of the written vaccination policy, exemption policy, and all forms and documents. Don’t go by what you are “being told”. Get the documents first.

The Children’s Health Defense may be a helpful resource in drafting an exemption.
<https://childrenshealthdefense.org/>

The Informed Consent Action Network (ICAN) has been very helpful in providing information and fighting these mandates. They may also be a resource for you.

<https://www.icandecide.org/>

America's Frontline Doctors may also be helpful.

<https://americasfrontlinedoctors.org/legal/legal-eagle-dream-team/>

Attorney Alan Phillips <https://vaccinerights.com/index.html>

There is also the issue of liability for harm including disability and death that results from mandating these shots that I do not believe employers have fully considered. Already there have been 51 deaths reported for NH residents who have died following COVID vaccination, and 11,940 deaths reported across the nation. <https://www.openvaers.com/> When an employer makes an independent mandate without any legal authority or requirement to do so, it may be that they assume 100% of the risk from this workplace requirement, especially since it violates federal law. The National Childhood Vaccine Injury Act of 1986 <https://www.nvic.org/Vaccine-Laws/1986-Vaccine-Injury-Law.aspx> does not provide immunity for liability for vaccines that only have EUA but does provide immunity to manufacturers and vaccine providers for FDA approved vaccines recommended for children, not employers or colleges mandating adult vaccines. The PREP Act is what covers EUA products, and it does not appear that there is immunity from liability under that act for employers or colleges that impose vaccine mandates that are in violation of federal law.

<https://www.phe.gov/emergency/events/COVID19/COVIDvaccinators/Pages/PREP-Act-Immunity-from-Liability-for-COVID-19-Vaccinators.aspx>

Will workers comp even provide liability protection for an employer who imposes a mandate that is in violation of federal law? It's doubtful. If a workplace requirement harms their employees, employers are liable for the harm. The liability could be significant in cases of permanent disability and death. You should bring this to your employers attention when you ask them to withdraw their policy. In asking them to withdraw their policy, you may also offer the suggestion that they remain free to encourage people to get the shots but must fall short of mandating them.

If your employer should fire you over an illegal vaccine mandate, after you have written to object to the mandate, and have submitted your medical or religious exemption, you may have the right to unemployment and legal action against them. Civil rights are protected for religious beliefs and medical conditions. The New Hampshire Commission for Human Rights would be helpful, and they provide legal assistance without charge to protect your civil rights.

<https://www.nh.gov/hrc/>

Please keep me posted as to what action you take and the outcome of such action. This will help me better advocate. Thank you.

Laura Condon