

Short Ballot Title

An Initiative to require consent for vaccination and prohibit threats or coercion to receive vaccination.

Long Ballot Title

An initiative related to vaccines; amending Title 39, Chapter 38, Idaho Code that this section shall not apply to vaccines; by amending Chapter 48 by adding a new section to establish that no competent person shall be vaccinated without his or her consent; individuals who are not competent shall have written permission by a person having authority; no competent person can be threatened or coerced in any way to accept a vaccination.

Text of Initiative

SECTION 1. SHORT TITLE. This act may be known and cited as the "Idaho Vaccination Choice Protection Act."

SECTION 2. PURPOSE. (1) In the proper application of evidence-based medicine, prophylactic treatments given to a healthy person should be evaluated for both safety and efficacy in rigorous multi-center double-blinded placebo-controlled trials with long-term follow up measuring clinically relevant endpoints. While this is the standard for most prophylactic pharmaceuticals, most vaccines are allowed to gain registration using surrogate endpoints such as humoral immunity measured by antibody titers instead of true efficacy, and the double-blind follow up period is woefully inadequate to insure long-term safety and identify systemic risks of treatment. At the same time the United States government has put in place measures that would give vaccine manufacturers immunity from prosecution in certain circumstances despite studies which do not prove long-term safety or efficacy.

(2) Every person capable of giving lawful consent to care has a right to determine his or her own health care needs or those of his or her minor children. No one should be forcibly medicated, and a prophylactic non-emergent treatment such as a vaccine should never be given to child unable to lawfully consent to such treatment without a parent or lawful guardian's consent. This is particularly important when the safety and efficacy of a product has not been adequately tested.

(3) The right of a competent person to determine what medical treatments he or she shall chose to accept is a natural right retained by the people, thus protected by the ninth amendment to the United States Constitution. Additionally, there exists no enumerated power giving the federal government the authority to forcibly vaccinate any citizen of Idaho.

SECTION 3. That Section 39-3801, Idaho Code, be, and the same is hereby amended to read as follows:

39-3801. INFECTIOUS , CONTAGIOUS, OR COMMUNICABLE DISEASE --
MEDICAL TREATMENT OF MINOR 14 YEARS OF AGE OR OLDER -- CONSENT OF
PARENTS OR GUARDIAN UNNECESSARY. Notwithstanding any other provision of law, a
minor fourteen (14) years of age or older who may have come into contact with any infectious,

contagious, or communicable disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease, if the disease or condition is one which is required by law, or regulation adopted pursuant to law, to be reported to the local health officer. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section. This section shall not apply to any treatment defined as a vaccine in subsection (1) of 39-4805, Idaho Code.

SECTION 4. That Chapter 48, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-4805, Idaho Code, and to read as follows:

39-4805. VACCINATION CHOICE. (1) For the purposes of this section:

(a) "Competent person" means any emancipated minor or person eighteen (18) or more years of age, satisfying the conditions of those who may consent to their own care under 39-4503, Idaho Code.

(b) "Vaccine" means any biopharmaceutical agent or biological product manufactured for the purpose of stimulating a humoral or cellular immune response to one or more specific pathogens or antigens.

(c) "Vaccination" means the process of administering a vaccine to a natural person.

(2)(a) No competent person shall be vaccinated without his or her consent.

(b) In the case of individuals who are not competent persons, a specific written permission for each vaccine administered shall be required before any vaccine is given to such individuals. The written permission is to be executed by a person having authority pursuant to 39-4504, Idaho Code.

(c) Persons administering a vaccine to a child in the state of Idaho shall comply with the notification requirements of 39-4804, Idaho Code.

(d) No competent person can be threatened or coerced in any way to accept a vaccination. For the purposes of this section, describing the potential negative health consequences of not being vaccinated shall not be considered coercive or threatening.

(e) No competent person can be treated differently by the government or any of its agencies for failing to get vaccinated. This includes selective quarantining or segregating non-vaccinated people from society.

(3) In event of quarantine or health emergency, no individual can be forced to be vaccinated in violation of the terms of subsection (2) of this section. All penalties of this section shall apply, even in the event of martial law.

(4) Any employer who forces employees to get vaccinated under threat of any type of reprisal, shall be fully liable for any ill health effects that the person who was forcibly vaccinated might suffer. This civil liability can not be waived by written contract or waiver, and such a provision for waiver in any contract executed in Idaho subsequent to the enactment of this section shall be considered null and void.

(5) No employee or consultant to the state of Idaho or any agency, county, or municipal corporation established by Idaho, shall be forced or intimidated to take a vaccine by any agent of the state of Idaho or its counties or municipalities. Members of the militia of the State of Idaho shall be likewise not forcibly vaccinated by any person or threatened into taking a vaccination by

any agent of the state of Idaho or its counties or municipalities.

(6) The provisions of this section shall apply to any and all federal officials and agents of the United States government. The right to determine the course of one's health is a valid natural right protected under the ninth amendment to the United States Constitution. Additionally, there is no enumerated power which would confer upon the federal government the authority to medicate a competent person against his or her will; any such law would therefore be strictly invalid. Any law to the contrary of this act is null and void and of no force in the state of Idaho.

(7)(a) An arrest, search, or seizure or attempted arrest, or seizure in violation of this chapter is unlawful, and individuals involved can be prosecuted by the county prosecuting attorney or attorney general's office for kidnapping if an arrest or attempted arrest occurred, for trespass if a search or attempted search occurred, for theft if a seizure or attempted seizure occurred, and for any applicable homicide offense if loss of life occurred. The individuals involved can also be charged with any other applicable criminal offenses in Title 18, Idaho Code.

(b) Any individuals violating subsections (2)(a), (2)(b), or (2)(e) of this section can be charged with battery as described under 18-903, Idaho Code. The individuals involved can also be charged with any other applicable criminal offenses in Title 18, Idaho Code.

(c) Any persons violating subsection (2) of this section, Idaho Code, shall be subject to a fine of between \$100 and \$10,000 per individual violation. Such persons shall also be subject to civil liability for any compensatory or punitive damages, as applicable, stemming from such violations.

SECTION 5. SEVERABILITY. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.