

Date:

Dear

I realize that the company is in a position where Health and Human Services has made new guidelines for all California companies to follow regarding COVID-19, but many of those guidelines go directly against congressionally passed Acts (GINA, ADA, Civil Unruh Law, and HIPAA).

By your email asking if I am vaccinated or not, you are directly asking for my genetic testing information such as results from a PCR test or mRNA vaccine that alters DNA or contributes to my genetic constitution from a 3rd party wellness center such as a vaccination clinic, an action which is a violation of GINA Title II:

Employment (Title II)

Title II of GINA is implemented by the Equal Employment Opportunity Commission (EEOC) and prevents employers from using genetic information in employment decisions such as hiring, firing, promotions, pay, and job assignments. Furthermore, GINA prohibits employers or other covered entities (employment agencies, labor organizations, joint labor-management training programs, and apprenticeship programs) from requiring or requesting genetic information and/or genetic tests as a condition of employment. The regulations governing implementation of GINA in employment took effect on January 10, 2011.

Please take the time to review the full text of The Genetic Information Nondiscrimination Act of 2008, Public Law 110-223.

Genetic Testing Definition:

PCR: <https://www.genome.gov/about-genomics/fact-sheets/Polymerase-Chain-Reaction-Fact-Sheet>

Predictive and pre-symptomatic testing: <https://medlineplus.gov/genetics/understanding/testing/uses/>

mRNA: https://www.algora.com/Algora_blog/2021/03/16/mit-harvard-study-suggests-mrna-vaccine-might-permanently-alter-dna-after-all

While the PCR test is a genetic test, the experimental COVID-19 vaccine is genetic therapy since it is based on the introduction of mRNA into my genome. In either case, it is illegal for an employer to request information on the current status of my genetic makeup or to make genetic testing a condition to work:

It is against 42 U.S.C 2000ff-1 Section. 202(b) ACQUISITION OF GENETIC INFORMATION. —It shall be an unlawful employment practice for an employer to REQUEST, require, or purchase genetic information with respect to an employee or a family member of the employee

The GINA ACT prohibits employers from making medical history IDs mandatory since the vaccine cards are providing medical health information – notably, genetic information - or medical health history such as a card/electronic ID, stating I have been vaccinated.

Per calGINA (a California state law) it is against the law to discriminate or coerce/induce employees to show medical identification or take a vaccine - that alters DNA or amends my genetic constitution – in order to enjoy amenities that are not provided to those who do not show medical history, or in this case, genetic information identification. This would be considered medical discrimination in California under [calGINA](#).

Medical discrimination is covered in GINA, HIPAA, CalGINA, Civil Unruh Law and ADA.

Damages for Genetic Discrimination:

The remedies available under FEHA may be considerably greater than under GINA. In a civil action under FEHA, the employee may recover unlimited monetary damages, such as back pay, future lost earnings, emotional distress damages, punitive damages, and attorneys' fees and costs, including expert witness fees. By comparison, damages under GINA are the same as those available under Title VII of the Civil Rights Act of 1964 and are limited to reinstatement, hiring, promotion, back pay, injunctive relief, and pecuniary and non-pecuniary damages. Thus, an employer liable for genetic discrimination under California law may be required to pay damages in excess of those available under federal law.

My doctor (A licensed physician) is not allowed to administer to give me a COVID-19 vaccine, therefore, I would have to go to a 3rd party wellness center as a condition to work to either get tested or take an experimental vaccine. This is coercion and genetic discrimination and I do have the right to full consent as to whether I need to put something foreign into my body.

The EEOC's [guidance](#), however, does not claim that an employer can legally require an emergency use COVID-19 vaccine. The EEOC guidance merely states that the "federal EEO [Equal Employment Opportunity] laws do not prevent an employer from requiring" an emergency authorized COVID-19 vaccine.

When one reviews the FDA's EUA and its approved labeling, a.k.a. "fact sheets," for [each COVID-19 vaccine](#), they each clearly provide that: "It is [the vaccine recipient's] choice to receive or not receive the COVID-19 Vaccine." The reason each fact sheet includes this language is because the same [section](#) of the Federal Food, Drug, and Cosmetic Act that authorizes the FDA to grant an EUA also requires the Secretary of Health and Human Services to "ensure that individuals to whom the product is administered are informed ... of the option to accept or refuse administration of the product."

Businesses are not shielded from liability with experimental agents.

Under the 2005 PREP Act enacted by Congress, pharmaceutical companies that manufacture EUA vaccines are shielded from liability related to injuries and damages caused by their experimental agents. However, any employer, public school, or any other entity or person who mandates experimental vaccines on any human being is not protected from liability for any resulting harm. While vaccine manufacturers may be shielded from liability, your institution is not protected, and neither are you.

I urge the business to comply with the FD&C Act and the terms of the EUA and its accompanying Fact Sheet, and to advise all employees of their right to accept or refuse any COVID-19 vaccine. Any other course of action is contrary to federal law.

I would also like to bring your attention to Cal/OSHA's recently released "Revisions to the COVID-19 Prevention Emergency Temporary Standards Frequently Asked Questions"⁽²⁴⁾, which clearly states that "Under the ETS (Emergency Temporary Standards), an employer is not obligated to require employees to submit proof of being fully vaccinated. Absent such a requirement, an employee has the right to decline to state if they are vaccinated or not. In that case, the employer must treat the employee as unvaccinated and must not take disciplinary or discriminatory action against the employee."

Under California State Code HEALTH AND SAFETY CODE – HSC **DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS** Chapter 1.3 Human Experimentation: [24172](#).

As used in the chapter, "experimental subject's bill of rights," means a list of the rights of a subject in a medical experiment, written in a language in which the subject is fluent. Except as otherwise provided in Section 24175, this list shall include, but not be limited to the subject's right to:

- (a) Be informed of the nature and purpose of the experiment.
- (b) Be given an explanation of the procedures to be followed in the medical experiment, and any drug or device to be utilized.
- (c) Be given a description of any attendant discomforts and risks reasonably to be expected from the experiment.
- (d) Be given an explanation of any benefits to the subject reasonably to be expected from the experiment, if applicable.
- (e) Be given a disclosure of any appropriate alternative procedures, drugs or devices that might be advantageous to the subject, and their relative risks and benefits.
- (f) Be informed of the avenues of medical treatment, if any, available to the subject after the experiment if complications should arise.
- (g) Be given an opportunity to ask any questions concerning the experiment or the procedures involved.
- (h) Be instructed that consent to participate in the medical experiment may be withdrawn at any time and the subject may discontinue participation in the medical experiment without prejudice.
- (i) Be given a copy of the signed and dated written consent form as provided for by Section 24173 or 24178.
- (j) Be given the opportunity to decide to consent or not to consent to a medical experiment without the intervention of any element of force, fraud, deceit, duress, coercion, or undue influence on the subject's decision.

Also, Employers must disclose to employees that Per 21 U.S.C §360bbb-3(e)(1)(A)(ii)(III):

(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.”

I must be informed of the option to accept or refuse administration (by your policy) of a vaccine, mask or face covering that is under Emergency Use Authorization.

Regardless of whether it is mandatory or not, providing amenities to segregate employees per advised from State Health and Human Services or CDC - who are the entities that are currently determining if an employee is considered healthy or not healthy - is in violation of the ADA because employees who cannot take a gene therapy drug (COVID-19 vaccine) would be discriminated against by being denied equal accommodations provided by the company.

Currently, I am not refusing the vaccine. I am deferring until the clinical trials are over in two years (as stated by the vaccine manufacturers’ websites) and the safety data is analyzed and available so I can exercise informed consent.

I would be most grateful if you could please provide the following information, in accordance with statutory legal requirements to help me have informed consent:

NOTE TO EMPLOYER: As your employee, I am requesting that you review this document, provide the requested information, and sign the form, regarding your requirement that employees get a COVID-19 emergency use authorization (EUA) experimental vaccine.

1) If I agree to receive an EUA Covid-19 injection, does my employee health insurance plan provide complete coverage should I experience an adverse event, or even death?

2) As an employee, does my life insurance policy provide any coverage in the event that I die from receiving an EUA Covid-19 injection?

3) As an employee, will you be providing Workers' Compensation, disability insurance, or other resources if I have an adverse event to an EUA COVID-19 injection and am unable to come to work for days, weeks, or months, or if I am disabled for life?

4) The Food and Drug Administration (FDA) requires that EUA vaccine recipients be provided with certain vaccine-specific information to help them make an informed decision about vaccination⁽⁸⁾. The EUA fact sheets that must be provided are specific to each authorized COVID-19 injection and are developed by the manufacturers of the injections (Pfizer/BioNTech, Moderna, Oxford/AstraZeneca, and the Johnson & Johnson subsidiary Janssen). The fact sheets must provide the most current and up-to-date information on the injections, and vaccine recipients must also receive information about adverse effects. Have you read, understood, and provided me (and all other employees) with these fact sheets and with current information on adverse effects so that I/we can make an educated decision?

5) Have you reviewed the available databases of material adverse events reported to date for people who have received COVID-19 injections? Potential and reported adverse events include death, anaphylaxis, neurological disorders, autoimmune disorders, other long-term chronic diseases, blindness and deafness, infertility, fetal damage, miscarriage, and stillbirth. ^(9,10,11,12)

6) The FDA's guidance⁽¹³⁾ on Emergency Use Authorization of medical products requires the FDA to "ensure that recipients are informed to the extent practicable given the applicable circumstances... [t]hat they have the option to accept or refuse the EUA product..." Are you aware of this statement? Have you informed all employees that they have the option to refuse?

7) With respect to the emergency use of an unapproved product, the Federal Food, Drug and Cosmetic Act, Title 21 U.S.C. 360bbb-3(e)(1)(A)(ii)(I-III)⁽¹⁴⁾ reiterates that individuals be informed of "the option to accept or refuse administration of the product, [and] of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their

benefits and risks.” If EUA COVID-19 experimental vaccines are ever approved by the FDA, state legislation would be necessary to allow companies to mandate the COVID-19 injections. Are you aware of these facts?

8) EUA products are unapproved, unlicensed, and experimental. Under the Nuremberg Code—the foundation of ethical medicine—no one may be coerced to participate in a medical experiment. The individual’s consent is absolutely essential. No court has ever upheld a mandate for an EUA vaccine. In *Doe #1 v. Rumsfeld*, 297 F. Supp. 2d 119 (2003)¹⁵, a federal court held that the U.S. military could not mandate EUA vaccines for soldiers: “[T]he United States cannot demand that members of the armed forces also serve as guinea pigs for experimental drugs” (Id. at 135). Are you aware of this?

9) The United States Code of Federal Regulations¹⁶ and the FDA require the informed consent of human subjects for medical research. The EUA COVID-19 injections are unapproved, unlicensed, investigational vaccines that are still in their experimental stage. It is unlawful to conduct medical research on a human being, even in the event of an emergency, unless steps are taken to secure the informed consent of all participants. Are you aware of this?

10) According to Federal Trade Commission (FTC) Guidelines¹⁷ and the FTC’s “Truth In Advertising,”¹⁸ promotional material—and especially material involving health-related products—cannot mislead consumers, omit important information, or express claims. All this falls under the rubric of “deceptive advertising” (whereby a company is providing or endorsing a product), whether presented in the form of an ad, on a website, through email, on a poster, or in the mail. For example, statements such as “all employees are required to get the COVID-19 vaccine to make the workspace safe” or “it’s safe and effective” leave out critical information. Critical information includes the facts that COVID-19 injections are unapproved EUA vaccines that “may” or “may not” prevent COVID-19, will not necessarily make the workspace safer, and could in fact cause harm. Not providing links or attachments of the manufacturers’ fact sheets and current information on adverse events is omitting safety information. Are you aware of this?

11) Since the COVID lockdowns began over one year ago, there have been over 178 reported breaches of unsecured protected health information (PHI), incidents investigated by the Office for Civil Rights (OCR). These breaches exposed millions of peoples’ personal health information. Although many of these incidents were attributed to hacking, some of the breaches to PHI fell directly under the 1996 Health Insurance Portability and Accountability Act (HIPAA), such as sharing a patient’s or person’s information with an unauthorized individual or incorrectly handling PHI.¹⁹ Can you please explain your obligations to me, under HIPAA law, and how you are going to protect my personal information - both with respect to your requirement that I receive this injection?

12) Whereas pharmaceutical companies that manufacture EUA vaccines have been protected from liability related to injuries or deaths caused by experimental agents since the PREP Act¹ was enacted in 2005, companies and all other institutions or individuals who mandate experimental vaccines on any human being are not protected from liability. Are you aware that you do not enjoy such liability protection?

13) Are you aware that employees could file a civil suit against you should they suffer an adverse event, death, or termination from their place of employment?

As the legally authorized officer of the employer/company, I have read all of the above information, have provided my employees with all of the information that the FDA requires be provided to recipients of the COVID-19 injections, and do hereby agree to assume 100% financial responsibility for covering any and all expenses from adverse events, including death, through insurance coverage or directly. In addition, I affirm that the employee will not be subjected to the loss of their job should they decline to receive a COVID-19 injection.

Authorized officer of company requiring injection:

Company

Date:

Signature: _____

Date: _____

Employee:

Signature: _____

Date: _____

Witness:

Signature: _____ Date: _____

Once I have received the above information in full and I am satisfied that there is NO threat to my health, I will be happy to accept your offer to receive the treatment, but with certain conditions - namely that:

1. You confirm that I will suffer no harm.
2. Following acceptance of this, the offer must be signed by a fully qualified doctor who will take full legal and financial responsibility for any injuries occurring to myself, and/or from any interactions by authorized personnel regarding these procedures.
3. Should I have to decline the offer of vaccination, please confirm that it will not compromise my position and that I will not suffer prejudice and discrimination as a result.

Sincerely,

Endnotes:

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3. America's Frontline Doctors. Vaccines & the law. <https://www.americasfrontlinedoctors.org/legal/vaccines-the-law>.
4. Layton, Catharine. Forced to get the COVID vaccine? ICAN may be able to help. The Defender, Jan. 29, 2021. <https://childrenshealthdefense.org/defender/forced-to-get-covid-vaccine-ican-may-be-able-to-help/>.
5. <https://uscfc.uscourts.gov/sites/default/files/Vaccine%20Attorneys.pdf>.
6. The Solari Report. Family Financial Disclosure Form for Covid-19 injections. Mar. 1, 2021. <https://pandemic.solari.com/familyfinancial-disclosure-form-for-covid-19-injectons/>.
7. Corey Lynn, The Solari Report. Form for Students Attending Colleges or Universitas Requiring Covid-19 Injections. May 3, 2021.

8. Centers for Disease Control and Prevention. COVID-19 Vaccine Emergency Use Authorization (EUA) Fact Sheets for Recipients and Caregivers. <https://www.cdc.gov/vaccines/covid-19/eua/index.html>.
9. UK Medical Freedom Alliance. COVID-19 Vaccine Info. <https://www.ukmedfreedom.org/resources/covid-19-vaccine-info>.
10. Vaccine Adverse Event Reporting System. <https://vaers.hhs.gov>.
11. CDC WONDER. About the Vaccine Adverse Event Reporting System (VAERS). <https://wonder.cdc.gov/vaers.html>.
12. National Vaccine Information Center. Search the U.S. Government's VAERS Data. <https://www.medalerts.org/>.
13. U.S. Department of Health and Human Services. Emergency Use Authorization of Medical Products and Related Authorities:
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<https://www.law.cornell.edu/uscode/text/21/360bbb-3>.
15. Doe #1 v. Rumsfeld, 297 F. Supp. 2d 119 (2003). <https://www.courtlistener.com/opinion/2326816/doe-v-rumsfeld/>.
16. https://www.govregs.com/regulations/expand/title21_chapterI_part50_subpartB_section50.24#regulation_2.
17. Federal Trade Commission. Advertising FAQ's: A Guide for Small Business. <https://www.ftc.gov/tps-advice/businesscenter/guidance/advertising-faqs-guide-small-business>.
18. Federal Trade Commission. Truth in Advertising. <https://www.ftc.gov/news-events/media-resources/truth-advertising>.
19. U.S. Department of Health and Human Services. Office for Civil Rights. Breach Portal: Notice to the Secretary of HHS Breach of Unsecured Protected Health Information.
https://ocrportal.hhs.gov/ocr/breach/breach_report.jsf;jsessionid=618E88DD94EE65D46D5785CB2A643553.
20. <http://market-tcker.org/akcs-www?post=242282>
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22. <https://www.genome.gov/about-genomics/policy-issues/Genetic-Discrimination>
23. https://www.cdc.gov/genomics/gtesting/genetic_testing.htm
24. <https://www.dir.ca.gov/dosh/coronavirus/Revisions-FAQ.html#enforcement> accessed August 8, 2021.