

STATE OF INDIANA
BEFORE THE BOARD OF KOSCIUSKO COUNTY
COMMISSIONERS

RESOLUTION NO. 21-05-25-001

RESOLUTION FOR HEALTHCARE FREEDOM & PRIVACY AND AGAINST
MANDATORY COVID-19 IMMUNIZATION REQUIREMENTS

WHEREAS:

1. This resolution is not to suggest that a COVID-19 vaccine should or should not be taken by any individual. Instead, this resolution is in support of individual liberty and freedom of choice.
2. The Board of Commissioners ("Board") of Kosciusko County, Indiana ("County"), is the executive body of County government pursuant to the provisions of I.C. 36-2-2-2 and the legislative body of County government pursuant to the provisions of I.C. 36-1-2-9.
3. The Constitution of the United States of America ("U.S. Constitution") is the supreme law of the United States of America.
4. The right to privacy is not mentioned in the U.S. Constitution, but the Supreme Court has said that several of the amendments create this right, including the 4th Amendment which states: *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.*
5. The Constitution of the State of Indiana ("Indiana Constitution") is the supreme law of the State of Indiana.
6. Article I, Section 11 of the Indiana Constitution also states: *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated.*
7. The County is a Constitutional Rights Sanctuary County pursuant to Ordinance 20-12-22-002 adopted and passed by the Board on December 22, 2020, and the County will steadfastly and proactively support and defend the U.S. Constitution and the Indiana Constitution.
8. It is an unreasonable seizure of a person for the government to require a COVID-19 vaccine for all persons regardless of age, medical condition, or other factors, for the reasons to be stated below.
9. It is an unreasonable invasion of privacy, except in certain healthcare related facilities and other exceptional circumstances, to require a person to disclose the status of his or her COVID-19 immunization status for employment, education, access to events, or engagement in normal commercial and recreational activities for the reasons to be stated below.
10. Nevertheless, so called COVID-19 immunization passports are starting to be used in other states and localities. For example, the Excelsior Pass is being used in New York State. For further information on this, see this New York Post article: https://nypost.com/2021/05/19/what-is-the-excelsior-pass-and-how-does-it-work/?utm_campaign=iphone_nyp&utm_source=facebook_app. Also, Indiana

University is requiring that its students produce proof of COVID-19 immunization before returning to school in the Fall. According to an IU spokesperson, there will be "strong consequences" for those who choose not to get the vaccine and do not meet the exemption criteria. Students who violate the requirement could have their registration canceled, CrimsonCard access terminated and access to IU systems, such as Canvas and email, restricted. They also will not be able to participate in on-campus activities. For further information on this, see this IndyStar article: <https://www.indystar.com/story/news/health/2021/05/21/indiana-university-require-covid-vaccine-fall-semester-return/5200034001/>

11. As a partial response to potential COVID-19 immunization passport requirements, the 2021 Indiana General Assembly added Chapter 11 to Indiana Code 16-39.
12. Indiana Code §16-39-11-3 defines an "immunization passport" as any written, electronic, or printed information regarding whether an individual has or has not received a vaccine to produce immunity against COVID-19.
13. Indiana Code §16-39-11-5 establishes that the State of Indiana and its local units of government are prohibited from issuing or requiring an immunization passport, except as set forth in the section.
14. The Board wholeheartedly supports the addition of Chapter 11 to Indiana Code 16-39 as described above.
15. However, the Board also expresses additional grave concerns that COVID-19 immunization passport requirements could create in non-government settings, including, but not limited to, concerns associated with civil liberties, privacy of personal health information, religious freedom, discrimination, and individual choice with regard to a person's own healthcare.
16. In order to prevent concerns associated with such significant issues, and for the further reasons stated in this resolution, the Board desires to encourage businesses and schools in the County to avoid any measures or mandates that require employees, customers, patrons, students, or other persons, except in certain healthcare related facilities and other exceptional circumstances, to get a COVID-19 vaccine or to produce health information on COVID-19 immunization status, otherwise known as COVID-19 immunization passports.
17. The U.S. Occupational Safety and Health Administration ("OSHA") has also put employers on notice that, should an employer attempt to require employees to receive injections of a COVID-19 vaccine, a resulting adverse reaction for the employee will be considered "work-related" for which the employer may be held liable. See these two articles for further information:
 - 17.1. <https://www.enr.com/articles/51691-oshha-imposes-new-guidance-for-employer-required-covid-19-vaccines?fbclid=IwAR3QYatg9UxDoEdakUitUJLRuEEqPmgOy8Alzi4I7sGoxRRDR78MZJj-WMI>
 - 17.2. <https://www.lifesitenews.com/news/employers-may-be-liable-for-any-adverse-reaction-from-mandated-coronavirus-shots-oshha>
18. It is reasonable for a person or parent, in his or her own personal circumstances, to have the individual freedom and liberty to make his or her own informed healthcare decision on whether to get a COVID-19 vaccine for the reasons stated below.

19. Per recent CDC guidance, persons that have received a COVID-19 vaccine should not have to wear masks or be afraid of those who have not received the COVID-19 vaccine.
20. The COVID-19 vaccines have not yet been approved by the FDA. The FDA has issued an Emergency Use Authorization only for the vaccines.
21. The long-term effects of COVID-19 are unknown. For example, data on the long-term effects from the COVID-19 vaccines on female fertility are still being gathered and are not fully known. Also, the CDC recently announced that it is investigating reports of heart inflammation in teenagers and young adults who have received the COVID-19 vaccines.
22. There also have been some deaths and other significant adverse consequences associated with the COVID-19 vaccines according to The U.S. Department of Health and Human Services' Vaccine Adverse Event Reporting System, which can be found at <https://vaers.hhs.gov/>.
23. Vaccine Information Statements, also known as VISs are documents produced by the CDC, in consultation with panels of experts and parents, to properly inform vaccinees (or their parents/legal representatives) about the risks and benefits of each vaccine. Federal law (under the National Childhood Vaccine Injury Act) requires a healthcare professional to provide a copy of the current VIS to an adult patient or to a child's parent/legal representative before vaccinating an adult or child. However, VISs for the COVID-19 vaccines have not yet been developed.
24. It is unreasonable and detrimental to credibility, trust, fairness, justice, and relationships for governments, businesses, or schools to force persons to get a COVID-19 vaccine when there is significant information yet unknown and for the other reasons stated in this resolution.
25. It is not unreasonable for a person to be skeptical of COVID-19 information. For example, the media has pushed panic to achieve ratings and readership, COVID-19 has often been more about politics than science, and the credibility of the U.S. Government has not been high with regard to COVID-19.
26. Not all persons are at high-risk for death or significant adverse long-term effects from COVID-19. For example, below are tables from the CDC as of May 19, 2021, for COVID-19 deaths in the U.S. for the years 2020 and 2021 broken down by age categories.

State		Sex		Age Group		Year		
United States		All		All		All		
Year in which death occurred	Sex	Age Group	All Deaths involving COVID-19 [1]	Deaths from All Causes	Deaths involving Pneumonia [2]	Deaths involving COVID-19 and Pneumonia [2]	All Deaths involving Influenza [3]	Deaths involving Pneumonia, Influenza, or COVID-19 [4]
2020	All Sexes	0-17 years	195	34,092	612	36	178	949
2020	All Sexes	18-29 years	1,473	63,417	1,781	610	148	2,781
2020	All Sexes	30-39 years	4,266	89,169	4,150	1,862	316	6,848
2020	All Sexes	40-49 years	11,274	133,285	10,169	5,291	489	16,573
2020	All Sexes	50-64 years	56,575	556,623	55,411	28,560	2,082	85,202
2020	All Sexes	65-74 years	81,998	675,414	79,404	42,126	1,878	120,872
2020	All Sexes	75-84 years	105,856	822,560	98,342	51,752	1,895	154,088
2020	All Sexes	85 years and over	122,342	1,012,908	101,640	49,278	1,800	176,295
2020	All Sexes	All Ages	383,979	3,387,468	351,509	179,515	8,786	563,608

State		Sex		Age Group		Year		
United States		All		All		All		
Year in which death occurred	Sex	Age Group	All Deaths involving COVID-19 [1]	Deaths from All Causes	Deaths involving Pneumonia [2]	Deaths involving COVID-19 and Pneumonia [2]	All Deaths involving Influenza [3]	Deaths involving Pneumonia, Influenza, or COVID-19 [4]
2021	All Sexes	0-17 years	100	9,936	121	22	4	203
2021	All Sexes	18-29 years	731	20,140	607	364	3	976
2021	All Sexes	30-39 years	2,137	29,985	1,696	1,102	4	2,734
2021	All Sexes	40-49 years	5,997	45,806	4,496	3,216	9	7,283
2021	All Sexes	50-64 years	32,652	194,401	26,260	18,812	81	40,150
2021	All Sexes	65-74 years	45,428	242,639	37,401	26,330	86	56,548
2021	All Sexes	75-84 years	52,378	287,706	42,232	28,727	93	65,954
2021	All Sexes	85 years and over	50,643	335,960	37,528	22,996	63	65,210
2021	All Sexes	All Ages	190,066	1,166,573	150,341	101,569	343	239,058

These tables show that in the U.S. in 2020, for ages 0-17, there were only 195 COVID-19 deaths out of a total of 383,979 COVID-19 deaths, or, in other words, only .05% of total COVID-19 deaths. For ages 18-29, there were only 1473 COVID-19 deaths, or .38% of the total COVID-19 deaths. On the other hand, 95.5% of all COVID-19 deaths were for ages 50 and above. 2021 to date also shows a similar statistical breakdown. Another CDC table shows that ages 85 and older are 8700x more likely to die from COVID-19 than ages 0-17. <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-age.html>. An individual risk factor calculator from Johns Hopkins also shows the differences can be much higher than 8700x. <https://covid19risktools.com:8443/riskcalculator>. This information demonstrates the multi-factored complexity of the issue and that draconian, over-generalized decisions like those made in New York and by Indiana University are ill-considered and unreasonable.

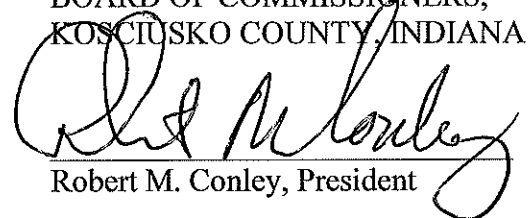
NOW, THEREFORE, THE FOLLOWING IS HEREBY RESOLVED BY THE BOARD:

1. Every person who wants to get a COVID-19 vaccine should be able to do so, and every person or parent that does not want to get a COVID-19 vaccine for themselves or their child should not be required to do so.
2. It is an unreasonable seizure of a person, contrary to the 4th Amendment of the U.S. Constitution and Article 1, Section 11 of the Indiana Constitution, for the government to require a COVID-19 vaccine for all persons regardless of age, medical condition, and other factors.
3. It is an unreasonable invasion of privacy, except in certain healthcare related activities and other exceptional circumstances, to require a person to disclose the status of his or her COVID-19 immunization for employment, education, access to events, or engagement in normal commercial and recreational activities.
4. Indiana Code §16-39-11-5 establishes that the State of Indiana and its local units of government are prohibited from issuing or requiring a COVID-19 immunization passport, except as set forth in the section, and the Board wholeheartedly supports the addition of Chapter 11 to Indiana Code 16-39 as described.
5. Lastly, the Board encourages businesses and schools in the County to avoid any measures or mandates that require employees, customers, patrons, students, or other persons, except in certain healthcare related facilities and other exceptional circumstances, to get a COVID-19 vaccine or to produce health information on COVID-19 immunization status, otherwise known as COVID-19 immunization passports.

So passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, this 25th day of May, 2021.

ATTEST:

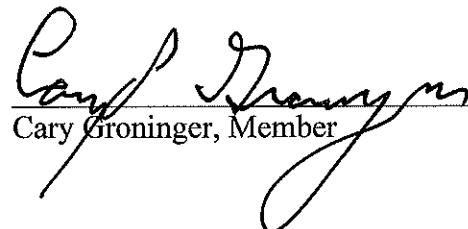

Michelle Puckett, Auditor

BOARD OF COMMISSIONERS,
KOSCIUSKO COUNTY, INDIANA

Robert M. Conley, President

I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document, unless required by law.


Teena Pence


Bradford Jackson, Member


Cary Groninger, Member