



NVIC Position Statement in Support of SB 213

Submission to the Kansas Committee on Commerce
Public Hearing on 2/25/2021 at 10:30 am

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The National Vaccine Information Center (NVIC) is a nonprofit charity founded in 1982 to prevent vaccine injuries and deaths through public education. NVIC advocates for protection of the human right to informed consent to medical risk taking and inclusion of flexible medical, religious and conscientious belief vaccine exemptions in U.S. public health policies and laws.

SB 213 needs to be passed to prevent employees from losing their employment or being discriminated against for refusing to take a vaccine. Law abiding healthy citizens shouldn't be backed into a corner to have to choose between providing for their family and taking a vaccine.

COVID-19 vaccine mandates are already happening. [Atria Senior Living is requiring all 14,000 of its employees](#) across 26 states, to receive 2 COVID-19 vaccines by May 1, 2021 as a condition of employment. [Atria operates 1 facility in Kansas](#) whose employees will have to follow this mandate or they will be terminated. A Wisconsin nursing home has already started [laying off employees for refusing COVID-19 vaccines](#). The mayor of Harrisburg, Pennsylvania signed an executive order [requiring all city employees to be vaccinated for COVID-19](#). The Los Angeles Unified School District is [requiring COVID-19 vaccines before students can return to the classroom](#)

Recent surveys of hospital staff, frontline workers, nursing home staff, long term care employees, and firefighters report responses in range from 20-60% saying they would not take a COVID-19 vaccine. SB 213 is needed to protect critical public safety and care infrastructures in Kansas which would otherwise be severely compromised as those who don't want the vaccine will leave these areas of the workforce. ^{i ii iii iv v}

As of 2/12/21, there have already been [15,923 COVID-19 Vaccine adverse events](#) and [929 COVID-19 Vaccine deaths](#) reported to the [Vaccine Adverse Events Reporting System](#). Some short-term and all long-term risks of new COVID-19 vaccines are still unknown.

Vaccines for 20 different viral and bacterial illnesses (not including the vaccine for SARS-COV2) are on the [CDC's recommended adult vaccine schedule](#). These are all candidates for adult employment mandates.

In the absence of a protective state law like SB 213, there are no state or federal employee protection exceptions to employee vaccine mandates for all vaccines for reasons of conscience objections to all the vaccines being given to adults.

The U.S. Equal Employment Opportunity Commission [affirms the legal right of an employer to exclude the employee from the workplace](#) even if an employee cannot get vaccinated for COVID-19 because of a disability or sincerely held religious belief and there is no reasonable accommodation possible. The state will have to step in and protect employees' right to delay or refuse vaccines.

While the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) allows employees to decline [Hepatitis B Vaccines](#), and [OSHA and many labor unions](#) have expressed opposition to annual influenza vaccination policies that do not include religious and/or personal objection exemptions, there are far too many gaps in protection for employees to refuse vaccines for work.

All vaccines carry the risk of injury or death so there has to be informed consent and the right to refuse any vaccine without penalty. The [National Vaccine Injury Compensation Program](#) had paid out over \$4.5 billion in damages.

[People injured by a COVID-19 vaccine have little recourse](#). Vaccine manufactures and providers are shielded from liability through the Public Readiness and Emergency Preparedness Act, or [PREP Act](#). This federal law establishes that the only option for compensation for COVID-19 vaccine victims is the [Countermeasures Injury Compensation Program \(CICP\)](#). Only eight percent of all petitioners since 2010 have been awarded compensation through the CICP. There is a one-year statute of limitations to file a claim. No legal or medical expert fees are covered, no pain and suffering is awarded, lost wages are capped at \$50,000, and there is no judicial appeal.

ⁱ <https://www.kff.org/coronavirus-covid-19/report/kff-covid-19-vaccine-monitor-december-2020/>

ⁱⁱ <https://www.latimes.com/california/story/2020-12-31/healthcare-workers-refuse-covid-19-vaccine-access>

ⁱⁱⁱ <https://bangordailynews.com/2021/02/11/national-business/mandated-vaccines-threaten-to-divide-long-term-care-industry/>

^{iv} <https://eu.dispatch.com/story/news/politics/government/2020/12/30/gov-mike-dewine-give-final-scheduled-covid-19-briefing-wednesday/4056984001/>

^v <https://www.ny1.com/nyc/all-boroughs/news/2020/12/06/survey-finds-most-fdny-members-do-not-plan-on-taking-covid-19-vaccine>