

PROPOSED AMENDMENT to LD 867,
An Act To Prohibit Mandatory COVID-19 Vaccinations for 5 Years To
To Allow for Safety Testing and Investigations into Reproductive Harm

Note: Deleted language shown by strikethrough; all changes are highlighted in yellow

Amend the title as follows: **An Act To Prohibit Mandatory COVID-19 Vaccinations for 5 Years To Allow for ~~Informed Consent, Safety Testing and Investigations into Reproductive Harm~~**

Amend the bill as follows:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

~~Whereas, vaccines for coronavirus disease 2019, which is also known as COVID-19, have not been extensively tested; and~~

~~Whereas, this legislation must take effect before the expiration of the 90-day period for timely response to efforts related to coronavirus disease 2019; and~~

~~Whereas, this state is responsible for ensuring that individuals lawfully residing in this state have the right to provide or withhold consent for any medical treatment; and~~

~~Whereas, the decision in *Canterbury v. Spence*, 464 F.2d. 772, 782 D.C. Cir. 1972, establishing the concept of informed consent has become a bedrock principle of the laws of this country and of each state; and~~

~~Whereas, the American Medical Association's Code of Medical Ethics Opinion 2.1.1 recognizes the right of an individual to be fully informed of a recommended medical treatment to allow the individual to make an informed decision regarding the individual's course of treatment, including whether to obtain or decline a particular medical treatment; and~~

~~Whereas, under 42 C.F.R. Section 482.13, a hospital is required as a condition of participation in Medicare to have in place a process for obtaining the informed consent of a patient before providing treatment to the patient and to ensure the patient or his representative, as allows by state law, has the right to make informed decisions regarding his or her care; and~~

~~Whereas, the United States Supreme Court upheld mandatory vaccination policies imposed by state and local governments to combat smallpox in *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), and acknowledged in *Pruneyard Shopping Center v. Robbins*, 447 U.S. 74 (1980), that a state may provide individual liberties more expansive than those conferred by the federal Constitution; and~~

~~Whereas, persons inside and outside this state have sought or are seeking to compel or coerce individuals lawfully residing in this state into being vaccinated against COVID-19 contrary to the individuals' preferences; and~~

LD 867
**Draft Proposed Amendment
Proposed by Sponsor, Rep. Quint
Replaces the Bill as Drafted**

Whereas, any attempt to compel or coerce an individual lawfully residing in this state into being vaccinated against COVID-19 contrary to the individuals' preferences is inconsistent with the principles of informed consent; and

Whereas, the COVID-19 vaccine carries the risk of injury and death to both healthy and vulnerable individuals ; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §802, sub-§7 is enacted to read:

7. ~~Five-year moratorium~~ Moratorium on mandatory COVID-19 vaccinations.
Notwithstanding any law to the contrary, mandatory vaccinations for coronavirus disease 2019, which is also known as COVID-19, are prohibited for 5 years from the date of a vaccines first emergency use authorization by the States Department of Health and Human Services, Food and Drug Administration in order to allow for safety testing and investigations into reproductive harm to allow for informed consent.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This amendment replaces the bill. It changes the title to remove the 5-year limitation on prohibition of mandatory COVID-19 vaccines and requirement for safety testing and investigations into reproductive harm. It amends the emergency preamble and replaces the 5-year prohibition of state-mandated COVID-19 vaccinations with a prohibition on state-mandated COVID-19 vaccinations without informed consent.