

RESOLUTION NO. 2021-12

of the Board of Lander County Commissioners

SUMMARY: A RESOLUTION PROHIBITING THE LANDER COUNTY COMMISSION OR ANY LANDER COUNTY BOARD, AGENCY, DEPARTMENT, POLITICAL SUBDIVISION AGENT OR ASSIGNS FROM PRODUCING AND/OR ISSUING A COVID-19 “VACCINE PASSPORT” OR REQUIRING ONE FOR ANY PURPOSE OR FROM PROVIDING INFORMATION OF AN INDIVIDUAL’S COVID-19 VACCINE STATUS TO ANYONE OR TO ANY ENTITY FOR INCLUSION IN A COVID-19 “VACCINE PASSPORT” PROGRAM.

WHEREAS, an individual’s COVID-19 vaccination status and records are protected health information which should not be shared by mandate; and

WHEREAS, COVID-19 “vaccine passports” reduce individual freedom and will harm patient privacy; and

WHEREAS, no government or business entity should compel disclosure of protected health information by mandating a “vaccine passport” for COVID-19 or by otherwise conditioning receipt of services on an individual’s COVID-19 vaccination status; and

WHEREAS, requiring COVID-19 “vaccine passports” for taking part in everyday life - such as for employment, attending school, or a sporting event, patronizing a restaurant, or going to a movie theater - would create two classes of citizens based on vaccination; and

WHEREAS, Jim Crow laws and regulations institutionalized segregation, discrimination and economic, educational, and social disadvantages for African Americans; and

WHEREAS, Jim Crow laws were upheld in 1896 in the case of *Plessy vs. Ferguson*, in which the U.S. Supreme Court laid out its “separate but equal” legal doctrine for facilities that segregated and discriminated against African Americans; and

WHEREAS, in 1954, the U.S. Supreme Court declared segregation of public schools unconstitutional in the landmark case *Brown v. Board of Education*. Generally, the remaining Jim Crow laws were overruled by the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, COVID-19 “vaccine passports” and segregation and discrimination based on an individual’s COVID-19 vaccination status create the conditions of a new Jim Crow 2.0; and

WHEREAS, the crimes of World War II led to the establishment of the Nuremberg Code, which lays out requirements for medical experimentation on human subjects. The most important provision of the code being, **voluntary consent of the human subject is absolutely essential** (<https://history.nih.gov/display/history/Nuremberg+Code>); and

WHEREAS, the right to bodily integrity and self-ownership of one’s body is globally recognized as inalienable and protected human rights. To preserve bodily integrity, all medical

interventions, including vaccination, must be made with full informed consent and without conditions of coercion, including the restriction of free movement through and participation in normal society; and

WHEREAS, Nevada law does not require Nevadans receive a COVID-19 vaccine and it is a personal choice and where some Nevadans because of their age, medical condition, religious or philosophical objection are unable to receive a vaccine; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has granted Emergency Use Authorization (EUA) for COVID-19 vaccines that are not yet FDA licensed, pursuant to the Project BioShield Act of 2004, 21 U.S.C. (&) 360bbb-3; and

WHEREAS, that federal statute expressly recognizes that each individual has “the option to accept or refuse administration of the product” under an Emergency Use Authorization (EUA), 21 U.S.C. 360bbb-3(e)(1)(A)(ii)(III); and

WHEREAS, the U.S. Supreme Court ruled vaccines “unavoidably unsafe” in *Bruesewitz v. Wyeth LLC* (2011); and

WHEREAS, all COVID-19 vaccine manufacturers, and the entire chain from production distribution to administration, have been granted immunity from liability for adverse events; and

WHEREAS, COVID-19 vaccines use new platform technology, such as mRNA and nanotechnology, making them both innately experimental and significantly divergent from any previous vaccines which necessitates extensive gold standard safety studies, which have not yet begun; and

WHEREAS, COVID 19 “vaccine passports” are being developed primarily as digital vaccination records which are inherently vulnerable to privacy breaches, manipulation and integration into a digital tracking system - like blockchain - that enrolls the participant, with or without consent into a “do to do” system for one’s participation in society. A “do to do” system dictates that one must “do” something (such as receive a COVID-19 vaccine) in order to be able to “do” another thing (such as have a job or access to food in a grocery store) and is the next generation of a “show me your papers” totalitarian technocratic regime; and

WHEREAS, Nevada Governor Sisolak is championing “Innovation Zones” which would establish a new political subdivision of autonomous self-governing blockchain-powered “smart cities” functioning outside of county ordinances. “Innovation Zones” are focused on the development of advanced technologies such as blockchain, Internet of Things (IoT), artificial intelligence, robotics, biometrics and renewables and will use digital blockchain technology to fully integrate the “smart city” operating systems and the residents’ personal information including health, finance, education, utilities, judicial, and social media thereby creating a complete digital control system; and

WHEREAS, it is discriminatory, coercive and a violation of inalienable human and civil rights for either the government or the private sector to require that an individual show proof of vaccination to participate in normal society; and

WHEREAS, some states are exploring the creation of COVID-19 “vaccine passports” and New York is promoting a software program that will facilitate the exclusion of Americans who have not received a COVID-19 vaccine from receiving services and fully participating in public life; and

WHEREAS, the board has serious concerns that implementing COVID-19 “vaccine passports” will violate Lander County residents’ medical privacy rights, prejudice those who have not been vaccinated, and cause division among our populace; and

WHEREAS, it is contrary to the core values and principles of this board, of the U.S. Constitution, the Bill of Rights and the global body of human rights doctrines to mandate the COVID-19 vaccine or issue COVID-19 “vaccine passports” and

WHEREAS, it is necessary to prohibit discrimination against individuals who have not been vaccinated against COVID-19; and

WHEREAS, it is necessary to protect the fundamental rights and privacies of Lander County residents and the free flow of commerce within the county.

NOW THEREFORE, BE IT RESOLVED, that the Lander County Board of Commissioners, do hereby proclaim and declare as follows:

1. No Lander County commission, board, agency, department, political subdivision, agent or assigns, shall:
 - a. Require as condition for accessing state services or facilities that an individual produce proof that he or she has received a Covid-19 vaccine;
 - b. Produce and issue a COVID-19 “vaccine passport” for the purpose of certifying that an individual has received a COVID-19 vaccine; or
 - c. Provide information of an individual’s COVID-19 vaccine status to any person, company, or government entity for inclusion in a COVID-19 “vaccine passport” program.
2. Businesses in Lander County are prohibited from requiring patrons or customers to provide any documentation certifying COVID-19 vaccination or post-transmission recovery to gain access to, entry upon, or service from the business.
3. Public and private business entities are prohibited from basing employment on requiring proof of COVID-19 vaccination status or making employment decisions based on such vaccination status.
4. All county agencies shall work to ensure businesses comply with this order.
5. All businesses must comply with this order to be eligible for grants or contracts funded through county revenues.
6. The Lander County Board of Health shall engage with other counties in Nevada to convene an ad hoc working group for the purpose of promulgating a statement of the ethical and legal

considerations around the use of 1.) new platform technology being used in vaccines, such as mRNA and nanotechnology, and 2.) digital ledger and tracking systems.

- 7. This Resolution does not , and shall not be construed to, prohibit, restrict, or otherwise limit the right of an individual to access his or her own personal health information under state or federal law.

PASSED AND ADOPTED this 22nd day of April, 2021.

THOSE VOTING AYE: Commissioner: _____

Commissioner: _____

Commissioner: _____

Commissioner: _____

Commissioner: _____

THOSE VOTING NAY: Commissioner: _____

Commissioner: _____

THOSE ABSENT: Commissioner: _____

Commissioner: _____

Kathleen V. Ancho, Chair

Lander County Board of Commissioners

ATTEST:

APPROVED AS TO FORM AND LEGALITY,

SADIE SULLIVAN, County Clerk and Ex-Officio
Clerk of the Board of Commissioners of
Lander County, Nevada

THEODORE C. HERRERA
Lander County District Attorney