

RESOLUTION NO. 2021-XX

**A RESOLUTION OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS
PROHIBITING ANY ENTITY FROM ESTABLISHING A VACCINE REQUIREMENT
OR PROOF OF VACCINE REQUIREMENT TO ENJOY ANY BENEFIT OR
EXERCISE ANY RIGHT HELD BY CITIZENS OF SAN BENITO COUNTY**

WHEREAS, San Benito County is a subdivision of the State of California, and may make laws to preserve the public health, safety, and welfare of those in the County;

WHEREAS, The Board of Supervisors finds that San Benito County recognizes the right of its residents to make medical decisions for themselves, in accordance with their personal and/or religious beliefs;

WHEREAS, San Benito County Board of Supervisors recognizes every patient's right to refuse medical treatment and the right to retain his or her privacy concerning the patient's medical care;

WHEREAS, both the United States Constitution and the Constitution of the State of California prohibit infringement on religious liberty and unlawful searches and seizures;

WHEREAS, no COVID vaccine is FDA-approved at this time, but have been authorized under a temporary Emergency Use Authorization as experimental (investigational) agents only;

WHEREAS, some members of the public may be unaware of the meaning of the EUA status;

WHEREAS, an Emergency Use Authorization (EUA) is a mechanism to facilitate the availability and use of medical countermeasures, including vaccines, during public health emergencies, such as the current COVID-19 pandemic;

WHEREAS, under an EUA, the FDA may allow the use of unapproved medical products, or unapproved uses of approved medical products in an emergency to diagnose, treat, or prevent serious or life-threatening diseases or conditions;

WHEREAS, federal law 21 U.S.C. Section 360bbb-3 requires that persons to whom a product is administered that has EUA status is informed, "of the significant known and potential benefits and risks of such use, and the extent to which such benefits and risks are unknown;

WHEREAS, emergency use products are specifically prohibited by federal law 21 U.S.C. Section 360bbb-3 from being mandated: "Authorization for medical products for use in emergencies ... require ...the option to accept or refuse administration of the product";

WHEREAS, the CDC Advisory Committee on Immunization Practices (ACIP) affirmed in August 2020 that under an Emergency Use Authorization (EUA), experimental vaccines are not allowed to be mandatory;

WHEREAS, a portion of San Benito County residents have opted out of taking the experimental COVID vaccines despite them being readily available at this time to persons 12 years old or older;

WHEREAS, the public is entitled to receive unbiased, transparent, easily-accessible medical information related to all vaccines from their public health officials; and

WHEREAS, the County of San Benito respects the right of individuals to make their own informed medical decisions;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, hereby resolves as follows:

THAT NO ENTITY SHALL ESTABLISH A VACCINE REQUIRMENT OR PROOF OF VACCINE REQUIREMENT TO ENJOY ANY BENEFIT OR EXERCIZE ANY RIGHT HELD BY CITIZENS OF SAN BENITO COUNTY.

THAT IN RESPONSE TO THIS DECLARATION, THE FOLLOWING WILL TAKE EFFECT IMMEDIATELY:

- I. That no business, entity, or organization in San Benito County shall require any person to receive a vaccination, or be required to show proof of a vaccination, as a condition of employment.
- II. That no business, entity, or organization in San Benito County shall require any person to receive a vaccination, or be required to show proof of a vaccination, as a condition of patronizing any business, entity, or organization.
- III. That as individuals are encouraged to make medical decisions with his or her informed consent, in concert with the medical provider of his or her choosing, and has the right to maintain his or her privacy regarding said decisions, no business, entity, or organization shall interfere with those rights in any way.

THAT SAN BENITO COUNTY WILL NOT REQUIRE NOR WILL IT ENFORCE ANY MANDATE THAT REQUIRES PERSONS TO WEAR MASKS OR FACE COVERINGS.

BE IT FURTHER RESOLVED THAT:

- I. That San Benito County will issue no mask or face covering mandates.
- II. That the County shall treat all individuals whether or not they receive a vaccine equally, and
- III. Separation into people in San Benito County into separate groups or classes, based on their vaccination status, shall not occur for any purpose.

- IV. That San Benito County will not enforce any mask or face covering mandates issued by any outside agency.
- V. That all signage requiring masks or face coverings shall be removed from all County facilities.
- VI. The County requests that California leadership direct clarity, not confusion or conflict, between different California Departments, and the regulations promulgated by those Departments.
- VII. That all medical providers should take all necessary steps to provide informed consent pursuant to the EUA.
- VIII. That the State shall take all action necessary to allow all County employees and citizens to be empowered to make their own decisions regarding whether to wear a mask, with which such decision shall not be interfered.

BE IT FURTHER RESOLVED THAT County staff shall continue to comply with all laws and regulations.

PASSED AND ADOPTED by the Board of Supervisors, County of San Benito, State of California on this 22nd day of June 2021, by the following vote:

AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSTAINING: SUPERVISORS
 ABSENT: SUPERVISORS

By _____
 Bea Gonzales, Chair
 Board of Supervisors, County of San Benito

ATTEST:
 Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM:
 Barbara J. Thompson, County Counsel

By: _____

By: _____
 Barbara Thompson, County Counsel

Date: _____

Date: June 22, 2021