

# BUSINESS MEDICAL REGULATION PROTECTION ACT

## FREQUENTLY ASKED QUESTIONS

### 1. What does this bill do?

This bill does the following:

- It provides protection from liability to businesses who do not engage in vaccine mandates.
- It prevents vaccine mandates from being a requirement for business or professional licenses

The intent of this bill is to protect businesses and professionals from becoming an enforcement arm of medical policy in the State of Utah.

### 2. Why do businesses need this bill?

Businesses in Utah, particularly medium to small size businesses, have been hit with loss of revenue, increasing labor shortages, and fines<sup>1,2</sup> from the health department during the course of 2020-2021. Some service sectors which deal with customer-facing interactions, like restaurants and other community oriented businesses, have been hit particularly hard, with several of them going out of business<sup>3</sup> or suffering from conflicts with customers. The businesses have mainly agreed to enforce the policies the health department communicated to them, which has put them in an uncomfortable position with respect to the split demographic in Utah.

If small businesses are pressured to bear the brunt of enforcing vaccine policies, they are in turn made liable for damages that multinational pharmaceutical companies have absolved themselves from paying out.

This Bill allows businesses in Utah, 40% of which are medium to small size, to continue functioning without being concerned about getting fined or being shut down for refusing to establish vaccine passports.

<sup>1</sup><https://www.ksl.com/article/50099452/state-mask-enforcement-for-businesses-issues-nearly-50k-in-fines>

<sup>2</sup><https://www.fox13now.com/news/fox-13-investigates/fox-13-investigates-utah-cites-24-businesses-for-employees-not-wearing-masks>

<sup>3</sup><https://kslnnewsradio.com/1938336/utah-restaurants-struggling-covid19/>

### 3. Why does the Utah State Government need this bill?

In all instances of medical practice, liability is necessarily present. If precedence is anything to go by, since 1986, vaccine manufacturers have transferred their liability to the federal government.

Over the years the Federal government has paid out billions of dollars in compensation<sup>4</sup>. Unless Utah State takes steps to place liability only on those responsible for the medical mandates, it will be difficult to avoid such a transfer of liability at the state level that could potentially lead to a financial loss of millions of dollars. This danger was not present earlier since the average business was not directly involved in strong-arming the consumption of a particular product.

In order to prevent this slippery slope of liability transfer, it is essential for the Utah State Government to pass this bill.

<sup>4</sup><https://www.theatlantic.com/health/archive/2019/05/vaccine-safety-program/589354/>

#### 4. Who else has banned vaccine passports in businesses?

Utah would not stand alone in legislation of this form, since other conservative states like **Montana**<sup>5</sup>, **Iowa**<sup>6</sup>, **North Dakota**<sup>7</sup>, **Alabama**<sup>8</sup>, and **Texas**<sup>9</sup> have already banned vaccine passports for businesses. This is further proof that states that are business friendly prefer NOT to enforce vaccine passports.

<sup>5</sup><https://leg.mt.gov/bills/2021/billpdf/HB0702.pdf>

<sup>6</sup><https://www.legis.iowa.gov/legislation/BillBook?ba=HF%20889&ga=89>

<sup>7</sup><https://www.legis.nd.gov/assembly/63-2013/documents/13-0769-05000.pdf>

<sup>8</sup><https://legiscan.com/AL/text/SB267/id/2397505/Alabama-2021-SB267-Enrolled.pdf>

<sup>9</sup><https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00968F.pdf>

#### 5. What about protecting Public Health?

A recent study from the CDC<sup>10</sup> has shown that up to 74% of COVID-19 cases occurred in the fully vaccinated population. In late August 2021, the Director of the CDC has declared that “Data that we’ve seen from our international colleagues, specifically and especially Israel, have demonstrated a **worsening of infections among vaccinated people over time.**”<sup>11</sup> These admissions from the CDC show that the effectiveness of the vaccines is not as airtight and “settled” as one would hope, and as a result, it is clear that a business cannot guarantee non-transmission of disease on its premises by establishing vaccination policies.

The most up-to-date information we possess shows that businesses would become responsible for enforcing policies that may not be as effective as commonly believed, and the undue responsibility of maintaining public health is also imposed on them. This Bill provides a way for this responsibility of maintenance of health to be removed from the shoulders of businesses by removing any penalties the government could enforce on them for lack of a vaccination policy.

<sup>10</sup>[https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s\\_cid=mm7031e2\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s_cid=mm7031e2_w)

<sup>11</sup><https://www.whitehouse.gov/briefing-room/press-briefings/2021/08/18/press-briefing-by-white-house-covid-19-response-team-and-public-health-officials-50/>

## 6. What happens in case of an infection at a business?

Utah is a business-friendly state, and as such, has already passed a bill in the Third Special Session 2020 - SB 3007<sup>12</sup> - that provides civil immunity related to exposure to COVID-19. This exempts businesses from having to worry about being responsible for any damages arising from such an infection. Intentional exposure of someone to a communicable disease is already penalized by Utah law: **26-6-5. Willful introduction of communicable disease a misdemeanor.**<sup>13</sup>

Hence, with this existing protection in Utah law, there is no reason for a business to resort to a vaccine mandate due to fear of being held responsible for infections on the premises.

<sup>12</sup><https://le.utah.gov/~2020S3/bills/static/SB3007.html>

<sup>13</sup>[https://le.utah.gov/xcode/Title26/Chapter6/26-6-S5.html?v=C26-6-S5\\_1800010118000101](https://le.utah.gov/xcode/Title26/Chapter6/26-6-S5.html?v=C26-6-S5_1800010118000101)

## 7. What advantages are granted to businesses by this Bill?

- It removes the pressure off of businesses by allowing them to better navigate the demographic split in health and vaccine choices.
- It protects them from the threat of fines and loss of license due to the presence or absence of a vaccine policy.
- When a business does not wish to enforce a vaccine mandate, it protects them from liability due to any potential adverse reactions due to the vaccine.
- It also prevents businesses from being embroiled in potential discrimination charges.

## 8. How does this Bill impact employees and customers?

**Employees:** According to the Business Insider<sup>14</sup>, Utah is among the few states hardest hit by labor shortages. Restaurant owners have been reduced to poaching their competitors for staff<sup>15</sup>. In such a situation, the controversy generated by establishing a vaccine passport (as exemplified by protests<sup>16</sup>) is not helpful in acquiring and retaining work staff. Health workers in several places have quit work due to vaccine mandates, leading to labor shortage in the crucial health sectors<sup>17,18</sup>. Forbes recently declared that **up to 44% of employees would quit if ordered to get vaccinated.**<sup>19</sup>

**Customers:** There has been considerable division among Utahns regarding the enforcement of the mask mandates. There have been protests<sup>20</sup>, flash mobs<sup>21</sup>, and rallies<sup>22</sup> spanning the state. The Deseret News highlighted this charged atmosphere by showing how a businesswoman was worried that the mask policies “could make her a target for protesters who are threatening to boycott businesses that require them”<sup>23</sup>. In such a situation, introduction of vaccine passports would add fuel to the fire, making it even more difficult for business owners to carry on business as usual.

From the point of view of both employees and customers, this Bill removes the need for businesses to enforce any mandates that could stoke the controversy further. By remaining outside of the controversy of mandating medical procedures, businesses can better retain their workforce and customer base.

<sup>14</sup><https://www.businessinsider.com/labor-shortage-staff-workers-jobs-hiring-economy-maine-utah-dakota-2021-6>

<sup>15</sup><https://kutv.com/news/local/some-utah-bar-and-restaurant-owners-are-walking-into-competing-businesses-to-poach-staff>

<sup>16</sup><https://www.sltrib.com/news/2021/09/04/businesses-find-protests/>

<sup>17</sup>[https://www.usnews.com/news/best-states/maine/articles/2021-08-05/worker-shortage-stymies-vaccine-mandates-at-nursing-homes?fbclid=IwAR04vGh9IDwYNIECaqHo45HToILaqO2JtkYl8Z0vPHf\\_u-HhnSj7HAF\\_TV8](https://www.usnews.com/news/best-states/maine/articles/2021-08-05/worker-shortage-stymies-vaccine-mandates-at-nursing-homes?fbclid=IwAR04vGh9IDwYNIECaqHo45HToILaqO2JtkYl8Z0vPHf_u-HhnSj7HAF_TV8)

<sup>18</sup><https://thehill.com/policy/healthcare/570807-nursing-homes-warn-vaccine-mandate-could-lead-to-staff-shortages>

<sup>19</sup><https://www.forbes.com/sites/jackkelly/2021/08/12/study-shows-that-44-of-employees-would-quit-if-ordered-to-get-vaccinated/>

<sup>20</sup><https://kutv.com/news/local/who-is-organizing-the-protests-at-utah-health-officials-homes-angela-dunn>

<sup>21</sup><https://thehill.com/policy/healthcare/570807-nursing-homes-warn-vaccine-mandate-could-lead-to-staff-shortages>

<sup>22</sup><https://kjzz.com/news/local/anti-vaccine-utah-group-meets-to-burn-giant-syringe-end-medical-tyranny>

<sup>23</sup><https://www.deseret.com/utah/2020/4/29/21241281/utah-covid-19-cases-plans-economic-recovery-coronavirus-masks-political-statement>

## **9. What about providing reasonable accommodations?**

A business is free to offer reasonable accommodations to any customers who, in spite of the fact that medical policing is not the job of a business, insist that the business must mandate vaccine passports. That way a business can avoid creating a minority group through a mandate (as was done in case of masks, which was pointed out by Spencer Cox: the “extreme maskers” and “anti-maskers”<sup>24</sup> and offer a different route for those who do not wish to enter the premises.

<sup>24</sup><https://www.fox13now.com/news/local-news/gov-cox-and-healthcare-leaders-update-status-of-covid-19-in-utah>

## **10. Do businesses support this bill?**

Key players from the real estate community, the restaurant industry, and the retail community, along with hundreds of businesses, support this bill. Having been exhausted with the restrictions of the last year from the health departments, a large percentage of the small business community would strongly prefer to stay away from medical policing entirely.

**11. What about businesses who want to require medical interventions? Don't they have rights? Isn't this an at-will state after all?**

There have been considerable misunderstandings about what "rights of businesses" actually mean. If rights of businesses were truly valued in Utah in the last 18 months, no business would have been told what to do by the government, and/or fined thousands of dollars for not imposing medical mandates on their premises.

Secondly, the "business rights" argument cannot be used to facilely bypass individual rights, since individual rights are the foundation for business rights. This is why laws regarding employment of minors and discrimination exist: to protect *human* rights. It is due to the same argument that, in this bill, if a business decides to enter the field of medical policing, they will be held medically responsible for their employees as well.

**12. Isn't a vaccine passport just like an ID check at the liquor store?**

Yes, the state does impose this mandate on specific businesses. However, the mandate is very narrow in scope and only applies at the point of sale to individuals purchasing a very specific product. It does not require a grocery store that sells beer to check the IDs of everyone entering the store.

**13. What if a business has federal/international contracts that mandate vaccinations?**

The bill already exempts those with a department of defense contract from being a part of this bill. Utah as a state has had a long history of asserting its State rights and carving out policies that benefit its population. If the federal contracts impose upon businesses in the State, it is ultimately the Federal government that bears the liability, so the passage of this bill will not affect that relationship.

# THE FDA ADMITS TO A VARIETY OF ADVERSE REACTIONS TO THE COVID-19 VACCINE

## Vaccines and Related Biological Products Advisory Committee October 22, 2020 Meeting Presentation

Individuals using assistive technology may not be able to fully access the information contained in this file. For assistance, please send an e-mail to: [ocod@fda.hhs.gov](mailto:ocod@fda.hhs.gov) and include 508 Accommodation and the title of the document in the subject line of your e-mail.

The screenshot shows a Zoom meeting interface. On the left, there is a video feed of Steven Anderson, a man with a receding hairline wearing a suit and tie. Below the video is a logo for the FDA (Food and Drug Administration) and text identifying the meeting as the 161st Meeting of the Vaccines and Related Biological Products Advisory Committee. On the right, a slide is displayed with the following content:

**FDA Safety Surveillance of COVID-19 Vaccines :**  
**DRAFT Working list of possible adverse event outcomes**  
**\*\*\*Subject to change\*\*\***

- Guillain-Barré syndrome
- Acute disseminated encephalomyelitis
- Transverse myelitis
- Encephalitis/myelitis/encephalomyelitis/meningoencephalitis/meningitis/encephalopathy
- Convulsions/seizures
- Stroke
- Narcolepsy and cataplexy
- Anaphylaxis
- Acute myocardial infarction
- Myocarditis/pericarditis
- Autoimmune disease
- Deaths
- Pregnancy and birth outcomes
- Other acute demyelinating diseases
- Non-anaphylactic allergic reactions
- Thrombocytopenia
- Disseminated intravascular coagulation
- Venous thromboembolism
- Arthritis and arthralgia/joint pain
- Kawasaki disease
- Multisystem Inflammatory Syndrome in Children
- Vaccine enhanced disease

At the bottom of the screen, there is a video player control bar showing a play button, a progress bar at 2:33:40 / 8:50:55, and icons for mute, video, settings, and window management.

**Table 1: All Cause Severe Morbidity**

	<b>Moderna</b>		<b>Control</b>	
Randomized	15,210		15,210	
Days of Safety Follow Up	56		56	
# Severe COVID-19 Cases	0		30	
# Unsolicited Severe Adverse Events	234		202	
# Solicited Grade 3 AE, Shot 1	848		361	
# Solicited Grade 4 AE, Shot 1	5		6	
# Solicited Grade 3 AE, Shot 2	2884		341	
# Solicited Grade 4 AE, Shot 2	14		3	
# Total Severe Events	3985		943	
#Deaths	2		3	
	<b>Pfizer</b>		<b>Control</b>	
Randomized	21,720		21,728	
Days of Safety Follow Up	81		81	
# Severe COVID-19 Cases	1		9	
# Unsolicited Severe Adverse Events	240		139	
# Unsolicited Life Threatening Adverse Events	21		24	
# Total Severe Events	262		172	
#Deaths	2		4	
	<b>Jansen</b>	<b>Jansen</b>	<b>Control</b>	<b>Control</b>
Randomized	19,630		19,691	
Safety Subset		3,356		3,386
Days of Safety Follow Up	28		28	
# Severe COVID-19 Cases	21		78	
# Solicited Grade 3 Adverse Events				
Local (extrapolated)	135	23	35	6
Systemic (extrapolated)	357	61	122	21
# Unsolicited Grade 3-4 Adverse Events	83		96	
# Total Severe Events	595		331	
# Deaths	3		16	

**Moderna** Baden LR, El Sahly HM, Essink B, et al. Efficacy and safety of the mRNA-1273 SARS-CoV-2 vaccine. *N Engl J Med.* 2021;384:403-416.

**Pfizer** Polack FP, Thomas SJ, Kitchin N, et al. Safety and efficacy of the BNT162b2 mRNA Covid-19 vaccine. *N Engl J Med.* 2020;383:2603-2615.

**Jansen** Sadoff J, Gray G, Vandebosch A, et al. Safety and efficacy of single-dose Ad26.COV2.S vaccine against Covid-19. *N Engl J Med.* 2021;384:2187-2201.

**CONCLUSION: COVID-19 VACCINE TRIALS SHOW A HUGE INCREASE IN ADVERSE EVENTS VS. CONTROLS.**