

House Business Affairs & Labor

03/03/2022 01:30 PM

HB22-1200 Employee Exemption COVID-19 Vaccine Requirement

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Rita Widmann Amend Self	<p>Amend bill to prohibit vaccine mandates altogether.</p> <p>Prohibit discrimination on vaccine status.</p> <p>To object to shot on basis of safety makes it impossible now to voluntarily consent to take it in order to stay employed.</p> <p>Allow exemptions to mandate because the FDA has not finished clinical trials.</p> <p>The FDA has not approved it.</p> <p>The experimental shot may be considered as a hazardous activity and life insurance may not pay claim if one dies from it. It only had emergency use authorization.</p> <p>The manufacturer is not liable for damages.</p>
Cristina Mccann Amend Self	<p>This bill should be amended to prohibit employer mandates and discrimination based on vaccination status.</p> <p>In cases where individuals' objections to vaccination are not covered by their employer's limited exemption processes, for example if they have objections based on safety, efficacy, or necessity, they are still compelled to get vaccinated to remain employed, and are therefore incapable of giving voluntary informed consent to vaccination.</p> <p>Vaccine mandates — even those that include exemptions — on employees are inappropriate, especially when the vaccine in question is already available to all who want it and COVID-19 vaccines fail to stop infection or transmission of the SARS-COV-2 virus. Mandates with exemptions force individuals who wish to remain unvaccinated into having to opt-out of the process, rather than giving them the freedom to opt-in to vaccination based on their own initiative and through informed consent.</p> <p>In cases where individuals' objections to vaccination are not covered by their employer's limited exemption processes, for example if they have objections based on safety, efficacy, or necessity, they are still compelled to get vaccinated to remain employed, and are therefore incapable of giving voluntary informed consent to vaccination.</p> <p>Vaccine mandates — even those that include exemptions — on employees are inappropriate, especially when the vaccine in question is already available to all who want it and COVID-19 vaccines fail to stop infection or transmission of the SARS-COV-2 virus. Mandates with exemptions force individuals who wish to remain unvaccinated into having to opt-out of the process, rather than giving them the freedom to opt-in to vaccination based on their own initiative and through informed consent.</p>

	<p>Employer vaccine mandates, including those with exemptions, lay the groundwork for discrimination against individuals who are simply exercising personal discretion regarding their own medical choices. Since even the CDC has stated that vaccinated individuals can transmit COVID-19, implementing any type of standard that varies depending on an individual's vaccination status is discriminatory.</p>
<p>Jennifer Dooley Amend Self</p>	<p>I do not support vaccine mandates. Employers should be prohibited from mandating or discriminating against employees based on their vaccination status. I suggest this bill be amended to prohibit employer mandates and discrimination based on vaccination status.</p> <p>In cases where individuals' objections to vaccination are not covered by their employer's limited exemption processes, for example if they have objections based on safety, efficacy, or necessity, they are still compelled to get vaccinated to remain employed, and are therefore incapable of giving voluntary informed consent to vaccination.</p> <p>Vaccine mandates — even those that include exemptions — on employees are inappropriate, especially when the vaccine in question is already available to all who want it and COVID-19 vaccines fail to stop infection or transmission of the SARS-COV-2 virus. Mandates with exemptions force individuals who wish to remain unvaccinated into having to opt-out of the process, rather than giving them the freedom to opt-in to vaccination based on their own initiative and through informed consent.</p> <p>Employer vaccine mandates, including those with exemptions, lay the groundwork for discrimination against individuals who are simply exercising personal discretion regarding their own medical choices. Since even the CDC has stated that vaccinated individuals can transmit COVID-19, implementing any type of standard that varies depending on an individual's vaccination status is discriminatory.</p>
<p>Kenneth Maestas Against Self</p>	<p>Good afternoon, my name is Kenny Maestas – I am the legislative coordinator for the Colorado Cross-Disability Coalition (CCDC).</p> <p>Thank you, House Business Affairs & Labor Committee members for the opportunity to submit my written testimony today in opposition of HB22-1200: Employee Exemption COVID-19 Vaccine Requirement</p> <p>We are all aware that vaccines represent our best hope to end the pandemic and to eradicate COVID-19 and its multiple variants in Colorado and nationwide.</p> <p>Recent advancements, in addition to scientific discoveries un vialing new technologies have led to the rapid development of safe and effective COVID vaccines.</p> <p>We've seen undeniable proof that these vaccines have substantially curbed the transmission rate of COVID-19 and have also been effective against each of the different variants that have developed.</p> <p>This in turn has reduced serious COVID illness and hospitalizations in Colorado and similarly nationwide.</p>

	<p>HB22-1200: Allows employees to submit a written exemption waiver to their employer and specifies that employees who are terminated for noncompliance are still eligible for unemployment insurance benefits. CCDC doesn't believe rewarding a rightfully terminated employee with unemployment insurance is a good workplace practice.</p> <p>Regarding exemptions, there are existing exemptions already in state and federal law that provide workers with options for properly requesting an exemption if one is needed.</p> <p>HB22-1200 would create risky standards for Colorado's employers and could even lead to outbreaks in workplaces and health sensitive environments like healthcare facilities.</p> <p>Simply put, HB22-1200 will allow misinformation to take over policy options and this presents a danger to Colorado's public health.</p> <p>It is for these reasons that the Colorado Cross Disability Coalition is testifying today in opposition of HB22-1200: Employee Exemption COVID 19.</p> <p>End testimony – CCDC Legislative Coordinator – Kenny Maestas – March 3, 2022</p>
--	--

27 February 2022

To Whom This May Concern,

I would like to express my support HB 1200,

- **March 3rd Hearing in [House Business Affairs & Labor Committee](#) at 1:30 PM in The Old State Library**

1) **I SUPPORT THE AMENDMENT of [HB 1200](#), Requires employers who mandate COVID-19 vaccines to grant exemptions for health reasons and religious beliefs, and ask you to do the same.**

- I understand this bill would require employers to grant exemptions to COVID-19 vaccine mandates if employees submit written requests stating that the requirements would either (1) endanger either their own or their household members' health and well-being, or (2) would violate or conflict with the employees' sincerely held religious beliefs.
- If employers terminate these employees, the employees are still eligible for unemployment benefits.
- I do **NOT** support vaccine mandates. Employers should be prohibited from mandating or discriminating against employees based on their vaccination status. NVIC Advocacy suggests this bill be amended to prohibit employer mandates and discrimination based on vaccination status.
- In cases where individuals' objections to vaccination are not covered by their employer's limited exemption processes, for example if they have objections based on safety, efficacy, or necessity, they are still compelled to get vaccinated to remain employed, and are therefore incapable of giving [voluntary informed consent](#) to vaccination.
- Vaccine mandates — even those that include exemptions — on employees are inappropriate, especially when the vaccine in question is already available to all who want it and COVID-19 vaccines [fail to stop infection or transmission](#) of the SARS-COV-2 virus. Mandates with exemptions force individuals who wish to remain unvaccinated into having to opt-out of the process, rather than giving them the freedom to opt-in to vaccination based on their own initiative and through informed consent.
- Employer vaccine mandates, including those with exemptions, [lay the groundwork for discrimination](#) against individuals who are simply exercising personal discretion regarding their own medical choices. Since even the CDC has stated that [vaccinated individuals can transmit COVID-19](#), implementing any type of standard that varies depending on an individual's vaccination status is discriminatory.

I have spent 40 years of my life as a child and spouse sacrificing to preserve the freedoms of the western world, I when I naturalized as a citizen of this country 7 years ago, I took my promises and commitments to the United States with conviction.

To live in a free nation is to have the freedom of choice with regards to our God-given bodies, the right to personal risk assessment, with informed consent, as this vaccine is not a one size fits all, and to not be coerced or threatened through the loss of one's job or career. This is discrimination and everything for which the United States stands.

[VAERS](#) shows that this vaccine is **NOT** safe for everyone. Most recent data shows a total of [1,119,063 reports of adverse events](#) following COVID vaccines were submitted between Dec. 14, 2020, and Feb. 11, 2022. VAERS is the primary government-funded system for reporting adverse vaccine reactions in the U.S.

My entire family contracted COVID-19 in February 2021. We have been exposed multiple times to the virus since then and have remained healthy. Meanwhile, many of our fully vaccinated friends have contracted the virus.

I personally have poor reactions to vaccines and have not had a vaccine in over 25 years. I have had only 2 flu shots in my lifetime and each time I was sick with flu like symptoms for 9 months. As a baby, I had mumps and measles after receiving the vaccines. The COVID vaccine is therefore more of a risk to my health than the virus itself. I contracted the Alpha variant, recovered at home and was back to intense exercise after 2 weeks. As an American citizen, I should have the right choose to make an informed decision about what is best for my health and not be demonized for doing so.

How can you mandate a vaccine when does not prevent infection or transmission and threaten/blame those who have enacted their freedom to make an informed choice?

I am in support of the **AMENDMENT** of [HB 1200](#) I'm asking you to do the same.

Kind Regards,
Anna Aspnes.



AMERICAN ATHEISTS

February 27, 2022

The Honorable Rep. Dylan Roberts (D)
Chair, House Committee on Business Affairs and Labor
Colorado State Capitol – Room HCR 0112
200 East Colfax Avenue
Denver, Colorado 80203-1784

Re: OPPOSE HB 1200, Testimony from American Atheists opposing a bill that creates nonmedical exemptions to vaccination requirements

Dear Chairperson Roberts and Members of the House Committee on Business Affairs and Labor:

American Atheists, on behalf of its 500 constituents in Colorado, writes in opposition to HB 1200, a harmful bill that will needlessly endanger the lives of Colorado citizens. The nonmedical vaccination exemptions created by these bills will harm efforts to control Covid-19. Vaccination is a vital public health issue, and we support vaccination requirements based on public health and medical best practices for the benefit of everyone. We urge you to reject this dangerous bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of others.

Public health experts believe that no exception should be made to neutral immunization requirements intended to protect public health. Nonmedical exemptions are both unnecessary and dangerous from a medical and public health perspective. Non-essential exemptions to immunization requirements endanger everyone in order to accommodate the religious or philosophical beliefs of a few. Such exemptions are unacceptable from both a public health and moral perspective. Successful population immunity to disease depends upon a significant level

of vaccination, as high as 95% for some diseases.¹ Because some people are unable to receive vaccination for medical reasons, it is therefore irresponsible and dangerous to allow for arbitrary compliance by the rest of the population.

Nonmedical exemptions put individuals at significant risk for contracting debilitating and deadly diseases. For example, children exempt from immunization requirements are more than 35 times more likely to contract measles² and nearly 6 times more likely to contract pertussis,³ compared to immunized children. History illustrates that outbreaks are often common in communities that are unsupportive of vaccinations. Measles is one vaccine-preventable disease that has plagued multiple religious communities known to be either hesitant to vaccinate or completely against vaccination.⁴

Requiring broad religious exemptions to Covid-19 vaccine requirements is no less a risk. This dangerous loophole threatens community health and economic growth alike. Businesses in Colorado and across the country have struggled to keep up with the shifting landscape created by the Covid-19 pandemic. HB 1200 deprives businesses of effectively using the single best tool for maintaining a workforce during these difficult times.

In addition to the public health risk and economic burdens, HB 1200 creates a special privilege for residents of Colorado who practice religion. At a time when nearly one in three Americans are religiously unaffiliated,⁵ this bill creates a broad loophole that applies only to religious workers. In fact, one in ten workers claims that they object to Covid-19 vaccines based on their religious beliefs.⁶ However, it is difficult to believe that these objections are sincere when no major religious denomination opposes the vaccine, Covid-19 vaccines are substantially similar

¹ Salathe, Marcel. (Feb. 3, 2015). *Why a few unvaccinated children are an even bigger threat than you think*. Washington Post. Available at https://www.washingtonpost.com/posteverything/wp/2015/02/03/why-a-few-unvaccinated-children-are-an-even-bigger-threat-than-you-think/?utm_term=.69e466010275.

² Salmon DA, Haber M, Gangarosa EJ, Phillips L, Smith NJ, Chen RT. *Health consequences of religious and philosophical exemptions from immunization laws: individual and societal risk of measles*. JAMA.1999;282:47-53.

³ Feikin DR, Lezotte DC, Hamman RF, Salmon DA, Chen RT, and Hoffman RE. *Individual and Community Risks of Measles and Pertussis Associated With Personal Exemptions to Immunization*. JAMA 2007;284:3145-3150.

⁴ See, e.g., Genes, N. (June 20, 2006). *Measles in Boston: Collision of Church and State, Science and Journalism*. Medgadget. Available at http://medgadget.com/2006/06/measles_in_bost.html; WebMD. (August 1, 2006). *Vaccination Fear Causes Measles Spate*. CBS News. Available at http://www.cbsnews.com/2100-500368_162-1857987.html.

⁵ Smith, G. A. (2021, December 14). *About three-in-ten U.S. adults are now religiously unaffiliated*. Pew Research Center. Available at <https://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/>.

⁶ Shivaram, Deepa. (Dec. 9, 2021). *1 in 10 Americans say the COVID-19 vaccine conflicts with their religious beliefs*. NPR. Available at <https://www.npr.org/2021/12/09/1062655300/survey-religion-vaccine-hesitancy-exemptions>.

to other vaccines already obtained by objecting individuals, and a number of religious organizations are handing out exemption letters in exchange for donations.⁷

Moreover, the rights of employees to request reasonable accommodations upon the basis of their religious belief are already protected under Title VII of the Civil Rights Act⁸. Under Title VII, an employer must offer a reasonable accommodation for an employee's sincerely held religious belief unless an accommodation would impose an "undue hardship" on the employer.⁹ HB 1200 would set a different standard leading to confusion and challenges in compliance for employers. After decades of experience providing accommodations under Title VII, businesses will be burdened with a new standard. This will be especially difficult on businesses operating across multiple states.

Finally, we note that the broad religious exemptions created by this bill are not required by the US Constitution. A number of states, including California, Maine, Mississippi, and West Virginia do not allow for these types of religious exemptions. As the US Supreme Court has made clear, "The right to practice religion freely does not include liberty to expose the community or child to communicable disease, or the latter to ill health or death."¹⁰ Recent circuit court decisions have specifically confirmed that Covid-19 vaccination mandates are not required to have religious exemptions, and these rulings were not overturned by the Supreme Court.¹¹

We strongly urge you to reject HB 1200, which would further endanger public health by expanding these exemptions. If you should have any questions regarding American Atheists' opposition to this legislation, please contact me at bparker@atheists.org.

Sincerely,



Brett Parker
State Policy Manager
American Atheists

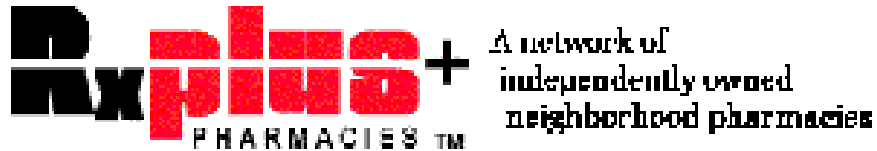
⁷ Kreidler, Mark. (Sep. 9, 2021). *No major religious denomination opposes vaccination, but religious exemptions may still complicate mandates*. Kaiser Health News. Available at <https://www.cnn.com/2021/09/09/health/covid-vaccine-religious-exemptions-khn/index.html>.

⁸ 42 U.S.C. § 2000e-2.

⁹ 42 U.S.C. § 2000e(j).

¹⁰ *Prince v. Massachusetts*, 321 U.S. 158 (1944).

¹¹ *Dr. A v. Hochul*, Docket. No. 21-2566 (2nd Cir. 2021); *Doe v. Mills*, Docket No. 21-1826 (1st Cir. 2021).



Written Opposition Testimony

Submitted by RxPlus Pharmacies

Oppose HB22-1200

Founded in 1981 by a group of community pharmacists, RxPlus Pharmacies, Inc. is a member-owned cooperative buying group, offering pharmacy members personal services that promote the economic, professional, educational, and political advancement of community pharmacy. RxPlus Pharmacies' mission is to keep independent pharmacies in business

RxPlus Pharmacies has joined public health, business, and community leaders to oppose all vaccine misinformation legislation.

RxPlus believes that vaccines are our best hope to end the pandemic and eradicate preventable diseases. Our members oppose any legislation that misinforms the public and presents a danger to public health.

The application of science has led to the development of safe and effective vaccines and slowed the transmission of COVID-19. Legislation like HB22-1200, undermines the public's health and directly affects employers of health care staff. The bill provides misinformation to the public that is counter intuitive to promoting best practices for reducing vaccine-preventable diseases. RxPlus Pharmacies opposes any legislation that misinforms the public about the safety, efficacy, and benefits of vaccines.

Specifically, *HB22-1200, Concerning Employee Exemption COVID-19 Vaccine Requirement*, is concerning as it allows employees to submit a written exemption to their employer and specifies that employees who are terminated for noncompliance are still eligible for unemployment insurance benefits.

As an employer of health care providers, RxPlus is concerned about the message this additional exemption sends to the public and to health care providers throughout the state. Existing exemptions already in place provide workers with an exemption if one is needed. This bill creates risky standards for employers and could lead to outbreaks in health sensitive environments like pharmacies.

RxPlus opposes HB22-1200 because it is unnecessary to allow for any additional exemptions.

Thank you for your time and opportunity to submit this testimony in opposition to HB22-1200.