

NEW YORK: School Vaccine Refusal Legal Document

NEWBORN MEDICAL AND SCHOOL VACCINATION REFUSAL AND PARENTAL RIGHTS ASSERTION

Parent(s): [Insert Full Legal Name(s)]

Child: [Insert Child's Full Legal Name]

Date: [Insert Date]

School/Institution: [Insert Name]

LEGAL FOUNDATION

We, the undersigned parents and legal guardians of [Child's Name], hereby exercise our **inalienable, constitutionally protected rights** under the **U.S. Constitution**, the **New York State Constitution**, relevant federal statutes, and binding international legal and ethical frameworks to decline participation in school vaccine mandates and other medical interventions, including but not limited to the **Hepatitis B vaccine, Vitamin K injection, MMR, DTaP, varicella, polio, and all other school-required vaccinations**.

1. U.S. Constitutional Protections

- **Fourteenth Amendment (Due Process and Parental Rights):** Recognized in **Meyer v. Nebraska, 262 U.S. 390 (1923)** and **Pierce v. Society of Sisters, 268 U.S. 510 (1925)**, parents possess the fundamental right to direct the medical care and education of their children, including the right to refuse medical interventions.
- **First Amendment (Religious Freedom):** Although **New York Public Health Law § 2164** eliminated religious exemptions for vaccines (as amended in 2019), federal constitutional protections under the **First Amendment** remain in full effect and preempt conflicting state statutes (**Wisconsin v. Yoder, 406 U.S. 205 (1972)**).

2. New York State Statutory and Case Law

- **New York Public Health Law § 2164:** While amended to remove religious exemptions, this statute allows for medical exemptions and does not override the constitutional right to informed consent.
- **Public Health Law § 2504:** Recognizes the authority of parents or guardians to make medical decisions on behalf of minor children.

- **Family Court Act § 1012** and established case law affirm the **constitutional rights of parents** to raise and care for their children, absent evidence of abuse or neglect.
- **New York Constitution Article I, § 1**: Guarantees the right to life, liberty, and due process, encompassing bodily autonomy and parental decision-making.

3. Federal Statutory and Ethical Protections

- **National Childhood Vaccine Injury Act of 1986 (42 U.S.C. § 300aa–1)**: Establishes legal precedent for vaccine-related injuries and underscores the necessity of informed consent.
- **42 U.S.C. § 1983 (Civil Rights Violations)**: Authorizes civil action against state actors who violate federally protected rights, including non-consensual medical treatment.
- **42 U.S.C. § 1395cc(f) (Patient Self-Determination Act)**: Guarantees the right of individuals (and their legal guardians) to refuse medical interventions.

4. International Ethical Standards

- **Nuremberg Code (1947)**: Mandates that voluntary consent of the human subject is essential and prohibits coercion or forced medical procedures.
- **Universal Declaration on Bioethics and Human Rights (UNESCO, 2005)**: Article 6 affirms the necessity of free, prior, and informed consent for any medical intervention.
- **Declaration of Geneva (World Medical Association)**: Enshrines the physician's ethical obligation to respect patient autonomy and dignity.

SCIENTIFIC EVIDENCE SUPPORTING REFUSAL

The following scientific evidence establishes that **high vaccination rates do not guarantee immunity from outbreaks** and, in certain cases, **may facilitate viral transmission, mutation, and persistence**:

- **Moss WJ, Griffin DE (2012). "Measles." The Lancet, 379(9811), 153–164.**
Findings show that measles outbreaks persist in highly vaccinated populations due to primary vaccine failure and waning immunity.
- **Rosen JB et al. (2014). "Outbreak of measles among persons with prior evidence of immunity, New York City, 2011." Clinical Infectious Diseases, 58(9), 1205–1210.**
The index case was a vaccinated individual; outbreak spread among vaccinated.
- **Haber P et al. (2015). "Mumps outbreaks in vaccinated populations — United States, 2006–2015." MMWR, 64(48), 1345–1349.**
Multiple outbreaks traced to vaccinated individuals.
- **Kennedy DA, Read AF (2017). "Why does drug resistance readily evolve but vaccine resistance does not?" Proceedings of the Royal Society B, 284(1851),**

20162562.

Mass vaccination exerts evolutionary pressures, potentially accelerating viral mutation.

- **Lewnard JA, Grad YH (2018). "Vaccine waning and mumps resurgence in the United States." Science Translational Medicine, 10(433), eaao5945.**

Highlights that waning immunity among the vaccinated contributes significantly to outbreaks.

DEMANDS AND DECLARATIONS

We hereby:

- **Formally refuse all mandated vaccines for [Child's Name]** under the legal, constitutional, and scientific grounds cited herein.
- **Invoke our inalienable rights to informed consent and parental authority** under the U.S. Constitution, New York statutes, federal law, and binding international ethical frameworks.
- **Demand that this refusal be formally documented** in [Child's Name]'s school records to ensure compliance with state procedures.
- **Require that all coercion, threats, or punitive actions cease immediately**, as such actions violate our child's and our family's civil rights under **42 U.S.C. § 1983**, New York law, and constitutional protections.
- **State unequivocally that any attempt to administer vaccines or other medical treatments to our child without explicit parental consent constitutes unlawful medical battery and a violation of civil rights**, enforceable under both federal and state law.

Signature (Mother/Legal Guardian): _____

Date: _____

Signature (Father/Legal Guardian): _____

Date: _____

Optional Notarization for Legal Enforceability

Subscribed and sworn before me, a Notary Public, this ____ day of _____, 20.

Signature of Notary: _____

Commission Expiration: _____