

WEST VIRGINIA: 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 assert our **inalienable, constitutionally protected rights** under the **U.S. Constitution**, the **West Virginia Constitution**, **federal statutes**, and binding **international ethical frameworks** to refuse participation in school vaccine mandates and any 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)**, affirms that parents have a **fundamental right** to direct the medical care of their children.
- **First Amendment (Religious Freedom):** Although **West Virginia does not recognize religious exemptions**, federal constitutional protections under the **First Amendment** remain applicable and preempt conflicting state statutes (**Wisconsin v. Yoder, 406 U.S. 205 (1972)**).

2. West Virginia Statutory and Case Law

- **W. Va. Code § 16-3-4:** Requires vaccination for school entry, permitting only **medical exemptions**.
- **W. Va. Const. Art. III, § 10 and common law principles:** Recognize parental rights but subordinate them to state public health authority.
Interpretation:

While West Virginia's law is among the most restrictive, it does not override **federal constitutional rights** or the requirement of **informed consent** for medical interventions.

- **Informed Consent:** Even within strict vaccination frameworks, parental consent is required for non-mandated newborn procedures, such as Vitamin K injections and Hepatitis B vaccine at birth.

3. Federal Statutory and Ethical Protections

- **National Childhood Vaccine Injury Act of 1986 (42 U.S.C. § 300aa–1):** Establishes a system for vaccine injury compensation and affirms the necessity of informed consent.
- **42 U.S.C. § 1983 (Civil Rights Violations):** Authorizes civil action against state actors infringing upon federally protected rights, including unauthorized medical interventions.
- **42 U.S.C. § 1395cc(f) (Patient Self-Determination Act):** Protects patients' rights to accept or refuse medical treatment.

4. International Ethical Standards

- **Nuremberg Code (1947):** Prohibits coercion and mandates fully informed, voluntary consent for medical procedures.
- **Universal Declaration on Bioethics and Human Rights (UNESCO, 2005):** Article 6 guarantees prior, free, and informed consent for any medical intervention.
- **Declaration of Geneva (World Medical Association):** Establishes the physician's duty to respect patient autonomy and dignity.

SCIENTIFIC EVIDENCE SUPPORTING REFUSAL

Scientific evidence demonstrates that **high vaccination rates do not guarantee immunity from outbreaks** and may contribute to **viral transmission, mutation, and persistence**:

- **Haber P et al. (2015). "Mumps outbreaks in vaccinated populations — United States, 2006–2015." MMWR, 64(48), 1345–1349.**
Mumps outbreaks were linked to vaccinated populations, highlighting vaccine limitations.
- **Guerra FM et al. (2017). "The basic reproduction number (R0) of measles: A systematic review." The Lancet Infectious Diseases, 17(12), e420–e428.**
Measles outbreaks occurred in populations with greater than 95% vaccination coverage.
- **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 on viruses, 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 waning immunity as a major contributor to outbreaks, even in vaccinated groups.

DEMANDS AND DECLARATIONS

We hereby:

- **Refuse all mandated vaccines for [Child's Name]**, asserting our legal rights under the West Virginia Constitution, the U.S. Constitution, federal law, and binding international ethical frameworks.
 - **Invoke our statutory and constitutional rights to informed consent and parental authority**, recognizing the limits of West Virginia law and the superior protections provided by federal statutes and international principles.
 - **Request that this refusal be documented in [Child's Name]'s school records** to ensure compliance with procedural requirements.
 - **Demand immediate cessation of any form of coercion, intimidation, or adverse action** by school officials, public health authorities, or other entities, as such actions violate civil rights under **42 U.S.C. § 1983**, federal law, and West Virginia tort law.
 - **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, actionable under federal and state law.
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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: _____