

Submitter: KIM EVANS
On Behalf Of:
Committee: House Committee On Health Care
Measure, Appointment or Topic: SB1598

I STRONGLY OPPOSE SB1598.

OHA claims it has authority to create law, however Oregon Administrative Rules (OAR) are not Oregon Revised Statutes (ORS), and OHA is not authorized to create and enforce rules and regulations all by itself; nor in violation of separation of powers; nor without proper authority from an elected governing body, such as the Oregon legislature; nor in violation of federal law; nor in violation of the Oregon or US Constitutions, regardless of what power they are trying to gain even in AN EMERGENCY--THEY DON'T HAVE AUTHORITY.

OREGON HEALTH AUTHORITY (OHA) is a CITIZEN AGENCY. This is abuse of power, and this is an abuse of the Administrative Procedures Act, by suggesting such a mandate for something that has been proven a PARENTAL CHOICE BY PRECEDENT all over the US.

OHA's Mission Statement: "Ensuring all people and communities can achieve optimum physical, mental, and social well-being through partnerships, prevention, and access to quality, affordable health care."

This violates CONSTITUTIONAL PROVISIONS, EXCEEDS STATUTORY AUTHORITY OF THE AGENCY.

"ORS 431.180 Interference with individual's selection of health care provider, treatment or religious practice is prohibited. Nothing in ORS 431.001 to 431.550 and 431.990 or any other public health law of this state shall be construed as authorizing the OHA or its representatives, or any local public health authority or its representatives, to interfere in any manner with an individual's right to select the physician, physician assistant, naturopathic physician or nurse practitioner of the individual's choice or the individual's choice of mode of treatment, nor as interfering with the practice of a person whose religion treats or administers sick or suffering people by purely spiritual means.

Under ORS 431A.015, Authority of Public Health Director to take public health actions, it defines the limited scope as:

(2) The Public Health Director, after making the determinations required under subsection (1) of this section, may take the following public health actions:

(a) Coordinate the public health response across jurisdictions.

(b) Prescribe measures for the:

(A) Identification, assessment and control of the communicable disease or reportable

disease, disease outbreak, epidemic or other condition of public health importance; and

(B) Allocation and distribution of antitoxins, serums, vaccines, immunizing agents, antibiotics, antidotes and other pharmaceutical agents, medical supplies or personal protective equipment.

(c) After consultation with appropriate medical experts, create and require the use of diagnostic and treatment guidelines and provide notice of those guidelines to health care providers, institutions and facilities.

(d) Require a person to obtain treatment and use appropriate prophylactic measures to prevent the introduction or spread of a communicable disease or reportable disease, unless:

(A) The person has a medical diagnosis for which a vaccination is contraindicated; or

(B) The person has a religious or conscientious objection to the required treatments or prophylactic measures. “

AND...

(b). ORS 174.030 Construction favoring natural right to prevail - when laws conflict, 'natural rights' are to prevail.

(c). ORS 127.507 Capable adults may make own health care decisions, and OHA cannot break this law.

AND...

(a). Fourteenth Amendment, Section 1: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens [Sovereign Individuals] of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens [Sovereign Individuals] of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

There's other laws this MANDATE WOULD VIOLATE.

ALL vaccines must stay OPTIONAL