



WISCONSIN FAMILY ACTION
Marriage|Family|Life|Liberty

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**TESTIMONY IN SUPPORT OF SENATE BILLS 383, 336, 337, AND 342, AND ASSEMBLY BILL 299
SENATE COMMITTEE ON HEALTH
WEDNESDAY, JANUARY 12, 2022
JULIAINE K. APPLING, PRESIDENT**

Thank you, Chairman Testin and committee members, for the opportunity to testify on Senate Bill 383 and its Assembly companion, AB 299, as well as Senate Bills 336, 337 and 342. Wisconsin Family Action supports these bills that address a critical issue in our state. We are grateful for the authors who have taken the lead on these bills and for the co-sponsors who have stepped up to lend support.

At the outset, I want to be perfectly clear that we take no position on whether or not an individual should take the COVID-19 vaccine or any other vaccine for that matter. We are not in any way dismissive of the virus. Like virtually everyone in our state, we have been affected by its reach in our own families and organization. We are not making any kind of judgment in this testimony as to the efficacy of or the necessity for the vaccine. That is not the point or purpose of these bills.

The bills taken as a grouping each do what we believe needs to be done: prohibit any effort by any entity to require any COVID-19 vaccination or to require proof of one having had said vaccine.

One issue we do have with any vaccine, including the COVID-19 vaccine, is whether or not the research and/or testing has involved the use of the cells or tissue or any body part of an aborted baby. And that reality does play into our position on these bills because people should be able to choose not to take a vaccine that in its development violates a person's core, deep-seated beliefs and convictions. That choice should be protected—and we believe it is—by the First Amendment of the US Constitution and by Article I, Section 18 of our Wisconsin Constitution, which gives unequivocal protection to the right of conscience:

Article I, Section 18, Wisconsin Constitution

*Freedom of worship; liberty of conscience; state religion; public funds. SECTION 18. [As amended Nov. 1982] The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend, erect or support any place of worship, or to maintain any ministry, without consent; **nor shall any control of, or interference with, the rights of conscience be permitted**, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries. [1979 J.R. 36, 1981 J.R. 29, vote Nov. 1982] [emphasis added]*

We believe deciding to take a vaccine is a personal matter, even a matter of conscience. Individuals might also involve a doctor in their decision, but even that choice is up to the individual. No vaccine should ever be forced on people, not even during a declared “emergency.” As you will hear today and as you know, vaccines are potent pharmaceuticals. Every vaccine has a risk-benefit associated with it, and people are entitled to determine for themselves whether they want to assume the risk for any benefit the vaccine may bring.

In a country where the rule of law is supposed to be at the heart of how we do government, we cannot set aside the Constitution, either the US Constitution or our state constitution, even during a health crisis. To the contrary, constitutions are meant to ensure protections even during the worst of times. Giving government

officials at any level of government the authority to mandate a vaccine or proof of vaccination threatens the rights of individuals. These bills appropriately restrict that authority and ensure that the rule of law is respected.

When it comes to employers, we firmly believe employees do not forego their constitutional or legal rights when they sign on to work at a given company. Receiving a vaccine or having to provide proof of vaccination should not be a condition of employment. Consider the precedent that would be set if this prohibition does not happen or if such discrimination is permitted. Right now, COVID-19 is the virus we are fighting. Tomorrow it could be something different for which scientists develop a vaccine. We could have situations where a person would need to get multiple vaccines just to have a job. To not prohibit this vaccine mandate and having to provide proof of vaccination would put us on the proverbial slippery slope—which seems to always take us further and take us faster than we ever imagined.

For those who would say that Wisconsin has three vaccine exemption options and that should be sufficient to cover the current vaccine situation, thereby making these bills unnecessary, we respond that we have learned over the last year that once a state or local official declares an “emergency,” safeguards and options we thought were available can be quickly set aside, legally or not. We have no confidence that these exemptions apply in general, say, to an employee or to an individual citizen seeking service at a business, or that if they do apply more generally, that they would be upheld during a declared emergency. Simply put, we need these specific safeguards.

Frankly, our only concern with all of these bills, with the exception of SB 336, is that they are specific to the COVID-19 vaccine. We believe they should be more generally applicable so that we do not have to revisit this issue for any future health crisis we face in the state. SB 336 appropriately makes vaccination status non-specific so that we are not back here next year seeking similar protections from possible vaccination mandates and/or proof of such vaccination regarding another virus or disease.

Individuals and families are being asked to deal with a great deal right now. They should not have to be concerned that they will be violating a law if they decide not to take the COVID-19 vaccine and therefore have no proof of such vaccination, and they should not have to be concerned that their employment would be in jeopardy should they decline the vaccine. Enacting the measures included in these bills would ensure authority would not be abused, would uphold the rule of law, and would help families avoid additional stress. We urge this committee to pass these bills quickly and move them to the full Senate where we hope they will receive swift passage.

Thank you for your attention and thoughtful consideration of our position on these bills.