

Draft Model Act: The Self-Shielding Protection Act

Drafted by: Diane Miller JD, Director of Law and Public Policy, www.nationalhealthfreedom.org
Collaborator and Editing: Alan Phillips JD, Author "Vaccine Legal Exemptions", www.vaccinerights.com
Initial posting: August 6, 2009, www.pandemicfluonline.com

SECTION 1. SHORT TITLE.

This Act may be cited as the "**Self-Shielding Protection Act**"

SEC. 2. DEFINITIONS.

1. 'Self-shielding': means when an individual, group or family chooses to temporarily remain at home or other voluntarily chosen and lawful location, to avoid exposure to a contagious pathogen or toxic substance.
2. 'Self-quarantine': means when an individual, group or family chooses to temporarily remain at home or other voluntarily chosen and lawful location, after exposure to a contagious pathogen or toxic substance.
3. "Preferred-location isolation": means when an individual who has contracted an illness from a contagious pathogen or toxic substance chooses to remain at home or another voluntarily chosen and lawful location, to be together with other individuals, family members, or groups with the agreement and consent of those individuals.
4. "Countermeasure procedures and protocols": means any procedure or protocol of any governmental entity or agent thereof intended to be used with or on individual members or groups of persons in the population, in response to a security emergency, health emergency, or pandemic, including but not limited to health care or medical assessments, treatments, testing, physical or mental examinations, vaccinations, participation in experimental procedures and protocols, collection of specimens, and preventive treatment programs or other emergency response programs.
5. For purposes of this Act, the terms "immunization", "vaccination" and "inoculation" or any other common forms of these terms shall be interchangeable, and any reference to any of these terms shall be deemed to be inclusive of all of these terms.
6. For purposes of this Act, the individual and people's rights of this Act apply to adults, children and legal wards, and parents, legal guardians, and conservators have the sole authority to Act on their children's and wards behalf according to this Act.

SEC. 3. [CONGRESSIONAL] [LEGISLATIVE FINDINGS] FINDINGS REGARDING REFUSAL OF TREATMENTS, SELF-SHIELDING, SELF-QUARANTINE, OR PREFERRED-LOCATION ISOLATION.

The [Congress of the United States] [STATE OF XXXXX] has determined:

1. The right of the people to make health care decisions, to refuse treatments, and to self-shield, self-quarantine, or participate in preferred-location isolation are fundamental constitutional rights and should not be abridged by any governmental authority.

Draft Model Act: The Self-Shielding Protection Act

Drafted by: Diane Miller JD, Director of Law and Public Policy, www.nationalhealthfreedom.org
Collaborator and Editing: Alan Phillips JD, Author "Vaccine Legal Exemptions", www.vaccinerights.com
Initial posting: August 6, 2009, www.pandemicfluonline.com

2. The common law practice of voluntarily self-shielding, self-quarantine, or participating in preferred-location isolation in the event of a declared emergency or pandemic is the preferred public health response to such an emergency or pandemic, and encourages responsible citizen participation in overall countermeasures and preparedness.

3. In the event of a security emergency, health emergency, or pandemic, self-shielding, self-quarantine, and preferred-location isolation are reasonable and humane alternatives to government forced quarantine and isolation sites, mandatory inoculations with uninsurable vaccinations, and mass non-customized population treatment programs.

SEC. 4. PROTECTION FOR REFUSAL OF TREATMENTS, SELF-SHIELDING, SELF-QUARANTINE, OR PREFERRED-LOCATION ISOLATION

Notwithstanding laws, rules, or orders made or promulgated by international, federal, state, or local government, in response to public health preparedness activities, or an international, national, regional, state, or local emergency, whether in war or in peacetime, and whether (a) an emergency initiated by human actions, whether intentionally by adversaries or accidentally; or (b) naturally occurring emergencies;

1. Individuals retain their fundamental right to refuse health care or medical assessment, treatment, testing, physical or mental examination, participation in countermeasure procedures or protocols, vaccinations, participation in experimental procedures and protocols, collection of specimens, and preventive treatment programs, and retain their fundamental right to remain in their homes or preferred lawful place of residence, and be with individuals, groups, or family members of their choice and shall not be disturbed without prior consent.

2. Nothing in Federal, State, or Commonwealth law or regulation shall by any agency or any Court thereof, forbid, or be interpreted to forbid, the refusal of countermeasure procedures and protocols, or to forbid self-shielding, self-quarantine, or preferred-location isolation. Nor shall any Federal or State funds, or materials, supplies, and support materials purchased with Federal or State funds, be expended to inhibit or prohibit an individual from arriving at a location of self-shielding, self-quarantine, or preferred-location isolation, or to remove any person involuntarily from his or her chosen location of self-shielding, self-quarantine, or preferred place of isolation.

3. The Armed Forces of the United States, their agents or any agent of the US Government, Department of Homeland Security, any Federal or State Department of Public Health, State or local authorities, shall not attempt to force, coerce or compel any individual, family or group, to submit to countermeasure procedures and protocols; or force them to leave any individual's, family's or group's lawfully chosen location for self-shielding, self-quarantine, or preferred -location isolation; nor shall any such governmental authority remove or attempt to remove any person, family or group involuntarily from his or her or their lawfully chosen location for self-shielding, self-quarantine, or preferred-location isolation. Such prohibited governmental action shall constitute a violation of this Act.

Draft Model Act: The Self-Shielding Protection Act

Drafted by: Diane Miller JD, Director of Law and Public Policy, www.nationalhealthfreedom.org
Collaborator and Editing: Alan Phillips JD, Author "Vaccine Legal Exemptions", www.vaccinerights.com
Initial posting: August 6, 2009, www.pandemicfluonline.com

SEC 5. NOTICES.

1. Notice to Individuals of their Right to Refuse Treatment and to Self-shield, Self-quarantine, Preferred-Location Isolation: During a health emergency, pandemic, or declared security emergency, a health care provider, a public servant, or agent of the government, before performing or demanding participation in countermeasure procedures or protocols, including but not limited to medical assessment, treatment, testing, physical or mental examination, vaccination, collection of specimens, preventive treatment program, or experimental procedures and protocols, or demanding quarantine or isolation, must give clear, unambiguous notice in writing to each individual, before that individual is directed to participate in any such countermeasure procedure or protocols, that:

- a) he or she has the right to refuse said procedures or protocols;
- b) he or she has the right to self-shield, self-quarantine, or remain in a preferred-location for isolation; and
- c) if he or she refuses to self-shield, self-quarantine, or remain in a preferred-location for isolation, that he or she may be ordered by the directing official to reside in isolation or quarantine, and said isolation and quarantine will be the least restrictive type available including remaining in the home if possible, after being afforded lawful procedures under due process of law.
- d) Notice must be given at least 12 hours but not more than 24 hours before an individual is directed to participate in any such countermeasure procedure or protocol, unless a shorter time for notice is specifically ordered in a declared emergency order, but in either case, each individual must be given a reasonable amount of time to make a well-informed decision regarding their options.

2. Notice to Authorities of Intent to Refuse Treatment and to Self-shield, Self-quarantine, Preferred Location Isolation: Upon receipt by any individual of Notice pursuant to subparagraph 5. 1., and following a period of time reasonable for consideration thereof, any individual choosing to self-shield, self-quarantine, or remain in preferred-location isolation must notify the directing government official or an agent thereof of the individual's plan to self-shield, self-quarantine, or remain in preferred-location isolation, and the individual must abide by that choice for a period of time as long as would have otherwise been ordered by the directing government official, provided said period of time is communicated in writing to the individual by the government official.

SEC 6. PARENTAL AND GUARDIAN RIGHTS IN TIMES OF EMERGENCY

For purposes of this Act, and in times of declared emergencies, parents and legal guardians retain their right to make choices for their children and wards, and the right to provide health care services that parents or guardians deem the type of health care services they believe are in the

Draft Model Act: The Self-Shielding Protection Act

Drafted by: Diane Miller JD, Director of Law and Public Policy, www.nationalhealthfreedom.org
Collaborator and Editing: Alan Phillips JD, Author "Vaccine Legal Exemptions", www.vaccinerights.com
Initial posting: August 6, 2009, www.pandemicfluonline.com

best interest of their child or ward, and their choices can include conventional medical health care services or complementary, integrative, holistic, or alternative health care services, or a combination of these as the parents or legal guardians so choose; and government, government employees or agents thereof may not interfere with those choices on the basis of whether the complementary, integrative, holistic, or alternative health care services are within the standard of care of conventional medicine.

SEC 7. DISCIPLINE FOR NOT PROTECTING CITIZEN RIGHTS

Health care providers, public servants, or agents of the government, performing or requesting individuals to participate in countermeasure procedures or protocols during a health emergency, pandemic, or declared security emergency, who while so doing violate this act, shall be immediately discharged from their authority, duties, or position as such, and remain legally liable for their actions.