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Virginia  
Freedom Keepers  
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#### About Us:

Virginia Freedom Keepers (VFK) is the local state chapter of Freedom Keepers United (FKU), a National 501(c)3 organization. FKU's mission is to raise national awareness of current and upcoming legislation regarding medical freedom and unconstitutional mandates. As a bipartisan group, the concerted goal is to build positive relationships and be a light to our community.

Founded in 2019, VFK exists to provide accurate and up to date information regarding medical freedom and medical mandates. Our goal is to educate and connect our members through social campaigns, advocacy, community events and to provide resources for effective advocacy. VFK serves as a resource for all who want to expand their knowledge, educate their sphere of influence, and to connect with other advocates who are working together to achieve this goal.

# REGULATORY SPOTLIGHT

## Could Virginians Face Coronavirus Vaccine Mandates & Penalties?

In light of nationwide discussions, an overview of regulations and case law together provides a helpful understanding of the history of vaccine mandates and the probability of one for Coronavirus. Virginians should become familiar with the implementation and enforceability of these types of laws.

### 1.0 HISTORY OF VACCINE MANDATES & ENFORCEABILITY

The history of the enforceability of vaccine mandates stems from the *Jacobson v. Com. of Massachusetts*, 197 U.S. 11 (1905) case in which the Supreme Court upheld a Massachusetts law requiring small pox vaccination. The mandate took place during a deadly small pox outbreak in which small pox was "prevalent and increasing". The plaintiff in the case refused both the vaccination and the \$5 fine imposed as punishment for non-compliance.

In rejecting the plaintiff's arguments, the Supreme Court held that the State, under its police power, has the right to enforce vaccine mandates upon its inhabitants and in doing so did not violate the equal protection clause of the constitution or substantive due process. But the Court also declared that while states have the authority to enact vaccine mandates to protect public health and secure public safety, it made clear that any law mandating vaccines must be reasonable and should not be in conflict with the constitution or infringe on any rights secured by the constitution.

It is important to note that Mr. Jacobson was not forced to take the vaccine itself, but was required to pay the fine for his non-compliance. [Click here](#) for more information.

### 2.0 EXAMPLES OF CURRENT VACCINE MANDATES & NON-COMPLIANCE PENALTIES

As is the case with many laws, vaccine mandates are typically passed at a state level versus the federal level. Historically, many of these mandates have applied to a state's school-aged children while few have been directed at a state's adult or senior populations. [Click here](#) for information on Virginia's immunization requirements for school-aged children.

In many states like Virginia, the penalty for non-compliance with these school-aged child immunization requirements is the "removal" of the child's right to attend public school.\* Arguably, this penalty is a great deal more punitive than the \$5 fine Mr. Jacobson faced.

*\*Requirements apply to public, private and home-schooled children although the reporting is different for home-schoolers. Virginia offers alternatives to fulfilling the requirements including religious or medical exemptions. [Click here](#) for more on exemptions and [click here](#) for home-school requirements.*

### 3.0 WHAT COULD A VIRGINIA CORONAVIRUS VACCINE MANDATE LOOK LIKE

In light of Virginia's current laws and those effective July 1, 2021, the following populations could find themselves squaring off with Coronavirus vaccines mandates.

- **School-Aged & Higher Education Population:** With the implementation of [Virginia's HB1090](#) – a bill passed in 2020 transferring the authority to the Virginia Department of Health to add vaccines to the childhood schedule – school-aged children could be required to take a Coronavirus vaccine(s) once one becomes available.

# REGULATORY SPOTLIGHT

## Could Virginians Face Coronavirus Vaccine Mandates & Penalties?

### Our Focus:

#### Connection.

Connecting constituents to each other and their representatives.

#### Community.

Community building through our group platform.

#### Education.

Educating our members so they can better educate their sphere of influence.

#### Empowerment.

Empowering each member to lobby for medical freedom in Virginia.

[Website](#)

[Facebook](#)

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*For informational purposes only. Not intended for medical or legal advice. Seek a professional's guidance should you require.*

However, during the course of next year's general assembly - or if a special session is convened before then - the Virginia legislature still retains the authority to include a vaccine requirement to the immunization schedule until July 2021.

With Virginia's existing laws, religious exemptions some public, private and home-schooled children currently claim may not be upheld if "[an emergency or epidemic of disease has been declared by the Board](#)". Children who would claim these exemptions for a Coronavirus vaccine could find themselves facing penalties for not receiving the shot in the instance of a public emergency. Similarly, [exemptions and removal of exemptions](#) apply to those enrolling or enrolled in higher education.

- **Adult & Senior Populations:** While there are no similar "required" schedules for adults or seniors in Virginia, [Emergency Services and Disaster's Laws](#) do include Communicable Diseases of Public Health Threat which are defined as "an illness of public health significance, as determined by the State Health Commissioner in accordance with regulations of the Board of Health, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual to another and has been found to create a risk of death or significant injury or impairment".

The Commonwealth has the power under the law to enact certain Hazard Mitigation techniques which, as defined by law, include "any action taken to reduce or eliminate the long-term risk to human life and property from natural hazards". Whether a mandate could fall under this definition is yet to be determined.\*\*

*\*\*Some vaccine requirements may be deemed as legally imposed by corporations or organizations (i.e. hospitals, the U.S. military, etc.). Meaning their staff could be generally required to follow certain immunization schedules as a condition of employment - regardless of a state requirement.*

### 4.0 RIGHTS VIRGINIANS MIGHT HAVE

While vaccine mandates have been upheld in some case law like Jacobson, the plaintiff was not forced to receive the vaccine. He was only required to pay the fine for non-compliance. Forcing vaccination could be argued as unreasonable regulatory overreach. Furthermore, penalties - such as fines or removal of "rights" - cannot be unconstitutional in nature.

Additionally for the purposes of a mandate under emergency services, an emergency actually needs to exist. Broad demands misusing the case to support the notion that a Coronavirus vaccine mandate could be appropriate and necessary without the existence of a present public health emergency or outbreak could be seen by the courts as overreach. Any mandate of this magnitude may be quickly litigated and fall under intense scrutiny.

### 5.0 CONCLUSION

For Virginians with potential safety, ethical, or other concerns as it relates to the Coronavirus vaccine front runners speeding through production and testing, follow current and potential state and federal laws to stay up-to-date.