

## Resolution Supporting Individual Health Decisions in Utah Schools

Whereas the Utah State Board of Education has general control and supervision over the education system in Utah ([Utah Code 53E-3-401](#));

Whereas the Utah State Board of Education and local schools are government entities ([Utah Code 63D-2-102](#));

Whereas "Emergency COVID-19 vaccine" means a substance that is: authorized for voluntary use only, by the United States Food and Drug Administration under an *Emergency Use Authorization (EUA)*, under 21 U.S.C. Sec. 360 bbb-3; injected into, or otherwise administered to, an individual; and intended to immunize an individual against COVID-19, as defined in [Utah Code 78B-4-517](#);

Whereas a governmental entity may not require, directly or indirectly, that an individual receive an emergency use authorized COVID-19 vaccine;

Whereas an emergency COVID-19 vaccine may not be used by a government entity as a condition of employment; participation in an activity of the governmental entity, including outside or extracurricular activities; or attendance at events that are hosted or sponsored by the governmental entity;

Whereas Utah's legislature and executive branch signed into law House Bill 308 "COVID-19 Vaccine Amendments," which may not be suspended or modified by the governor or any other chief executive officer, under Title 53, Chapter 2a, Emergency Management Act;

Whereas individual rights to choose the diet, therapy, or mode of treatment to be administered to an individual or an individual's family includes educators, administrators, and students and are protected by [Utah Code 26-1-33](#);

Whereas parents retain the fundamental right and duty to exercise primary control over the care, supervision, upbringing, and education of their children, and the state's role is secondary and supportive, as detailed in [Utah Code 62A-4a-201](#) and in the United States Constitution;

Whereas in the implementation of "all policies, programs, and responsibilities, the Utah Legislature, the Utah State School Board, local school boards, and charter school governing boards" are required to "respect, protect, and further the interests of parents in their children's public education" ([Utah Code 53E-2-201](#)).

Therefore, be it resolved that, the Utah State Board of Education supports individuals--including educators, administrators, school staff, and parents--in exercising their full rights to make important health related decisions for themselves and families, free from direct or indirect coercion, undue burden and inducement including incentives;

Be it further resolved that masks, immunizations and COVID-19 testing are an individual/parental choice and should be optional in Utah Schools.