

Form for Students Attending Colleges or Universities Requiring Covid-19 Injections under Emergency Use Authorization

(The Solari Report, revised July 28, 2021)

[NOTE TO STUDENT: **Be sure to document the date and time you submit the form to your school; also document the date and time and their response if they refuse to sign it.** Note that three other Solari Report forms^{1,2,3} are also available as downloadable PDFs: the “Family Financial Disclosure Form for Covid-19 Injections”; “Notice and Declaration of Parental Authority Requirement of Disclosure and Safety of Medical Treatment/s”; and “Form for Employees Whose Employers Are Requiring Covid-19 Injections under Emergency Use Authorization.”]

Introduction

The situation with Covid-19 injections is fluid and evolving rapidly. As of July 2021, three vaccines were being administered in the U.S. under Food and Drug Administration (FDA) emergency use authorization (EUA): the Pfizer-BioNTech and Moderna mRNA injections and the Janssen/Johnson & Johnson adenovirus-vectored injection.

The injections’ regulatory status could soon change. On July 16, the FDA granted priority review to Pfizer’s application for full approval (licensure) of its Covid-19 vaccine for those age 16 and up. Moderna and Johnson & Johnson are also preparing to seek full approval. FDA officials have pledged to issue a decision with respect to the Pfizer application within two months. And though “not intervening in the decision of government scientists,” President Biden predicts full approval by September or October.⁴

Approval could have significant ramifications for college students. Assuming one or more shots receives full approval, public health experts expect “a wave of Covid-19 vaccine mandates,”⁵ confidently anticipating that licensure will remove legal and public relations barriers, including for colleges and universities that want to—or are being pressured to—require vaccinations for their students. Even under EUA, over 600 colleges have already decided to require student or employee injections for fall 2021.^{6,7,8}

American students who do not wish to accept Covid-19 injections are thus in a difficult position. The genesis of this form was to provide a tool for students to use *within the context of emergency use authorization* with schools that are attempting to mandate still-investigational Covid-19 injections (Scenario 1). With the possibility of full FDA approval in fall 2021 (Scenario 2), the legal context for U.S. mandates will likely shift in significant ways. *In the event of licensure, we will provide an updated form that reflects the altered regulatory circumstances.*

Under both scenarios, we anticipate that a form of this type will remain a critically important tool for students determined to educate their college or university about the full set of physical and financial risks they are asking students to incur. Students should strongly consider reviewing the form with school officials and also sharing it with other students. This could result in a positive outcome for students and, if used widely, could be a game-changer.

Scenario 1: Emergency Use Authorization

The number of colleges and universities trying to deny students’ right to choose and their right to bodily integrity—by requiring EUA Covid-19 vaccines as a condition of enrollment or on-campus residence—is growing. Under EUA, however, such requirements are a violation of the law. That said, on July 26 (after the Department of Veterans Affairs mandated the injections for its health care personnel), the Department of Justice published an opinion stating that it is legal for “public and private entities” to mandate Covid vaccines despite the injections only being approved for emergency use.⁹ We anticipate that this should and will be challenged.

Mandating the EUA injections is also a violation of fundamental human and religious rights and medical ethics.¹⁰ As the Association of American Physicians and Surgeons has stated, “Students and their families may justifiably believe these policies discriminate against individuals who aren’t candidates for this vaccine, have pre-existing conditions, previous COVID-19 disease, cite religious objections, or are

otherwise exercising their freewill choosing not to participate in this optional vaccine experiment.”¹¹ Lawsuits against university mandates are already wending their way through federal courts.^{12,13}

The provisions of the 2005 Public Readiness and Emergency Preparedness (PREP) Act and a February 2020 declaration by the U.S. Department of Health and Human Services (HHS) Secretary mean that pharmaceutical companies cannot be held liable for injuries or deaths caused by EUA Covid-19 injections.¹⁴ However, other companies, institutions, and individuals *can* be held liable.

On the grounds that the injections are under EUA and are not formally licensed, many health care providers are refusing service to individuals injured by the Covid-19 injections, and health and life insurance companies are declining coverage for vaccine-related injuries and deaths.¹⁵ This denial of care and coverage poses a serious threat to the physical and financial well-being of students presented with a requirement to get a Covid injection—perhaps even more so than the possibility of losing their place at school for not being vaccinated. Medical bills for vaccinated individuals with serious injuries have already exceeded \$1 million in some cases.¹⁶ Under the PREP act, the vaccine-injured may submit a claim to the Countermeasures Injury Compensation Program (CICP), but the CICP historically has rejected 92% of claims and has not yet compensated a single Covid injection claim.¹⁷

Reviewing this form with colleges/universities may open educational institutions’ eyes to the regulations in place and the liability they may face (that they may otherwise not be aware of). If a student should decide to accept the required experimental Covid-19 injection, the form also provides a mechanism to insist on a signature from the school’s representative that holds the college or university liable. If the school’s representative refuses to sign the form, that may be an indicator of their concerns about potential liability and should prompt an immediate discussion about how the student can attend school without being injected.

Scenario 2: Full Approval

Mandating that college students get some *licensed* vaccines is not new, although all but five states allow religious and medical exemptions and some permit philosophical exemptions.¹⁸ Many states require incoming students to get licensed vaccines against hepatitis B and meningitis, as well as pushing other “catch-up” or recommended vaccines (such as influenza, HPV, Tdap and MMR).¹⁹

Under a scenario of full FDA approval for Covid-19 injections, an even broader cross-section of colleges and universities will likely feel emboldened or pressured to impose school mandates. Evoking the specter of “potentially severe” Covid illness, some commentators are suggesting that the process for granting medical or religious exemptions “may look a little different” (i.e., be more restrictive).²⁰

If Covid-19 injections lose their EUA status and receive full FDA approval, they would no longer enjoy the liability protection conferred by the PREP Act. However, if the FDA extends full approval to children under age 18—as is widely anticipated²¹—and the Centers for Disease Control and Prevention (CDC) recommends Covid-19 injections for “routine administration” to children (or pregnant women),²² manufacturers and health care providers will be protected from liability for Covid-vaccine-related injuries and deaths under the 1986 National Childhood Vaccine Injury Act (NCVIA).²³ From that point on, the only avenue available for compensation would be the notoriously stingy and difficult-to-navigate National Vaccine Injury Compensation Program (NVICP).²⁴

Notes

1. The Solari Report. Family Financial Disclosure Form for Covid-19 injections. Mar. 1, 2021; updated Jul. 31, 2021. <https://pandemic.solari.com/family-financial-disclosure-form-for-covid-19-injections/>.
2. The Solari Report. Notice and Declaration of Parental Authority Requirement of Disclosure and Safety of Medical Treatment/s. Jun. 24, 2021. <https://home.solari.com/notice-and-declaration-of-parental-authority-requirement-of-disclosure-and-safety-of-medical-treatment-s/>.
3. The Solari Report. Form for Employees Whose Employers Are Requiring Covid-19 Injections under Emergency Use Authorization. May 4, 2021; updated Jul. 22, 2021. <https://pandemic.solari.com/form-for-students-attending-colleges-or-universities-requiring-covid-19-injections/>.
4. Weiland N, Karni A. Biden predicts the F.D.A. will give final approval to a Covid vaccine by the fall. *The New York Times*, Jul. 21, 2021.

5. Pettypiece S. Vaccine mandates more likely once FDA grants full approvals, health experts say. NBC, Jul. 20, 2021.
6. Thomason A, O’Leary B. Here’s a list of colleges that require students or employees to be vaccinated against Covid-19. *Chronicle of Higher Education*, Jul. 26, 2021 (last updated Jul. 27, 2021).
7. Rosen AT. High price of admission for today’s college students? Loss of constitutional freedoms. *The Defender*, Jul. 22, 2021. <https://childrenshealthdefense.org/defender/todays-college-students-loss-constitutional-freedoms-covid-vaccine-mandates/>.
8. Children’s Health Defense. College students reject COVID vaccine mandates—by voting with their dollars. *The Defender*, Jul. 9, 2021. <https://childrenshealthdefense.org/defender/college-students-reject-covid-vaccine-mandates/>.
9. Johnsen D [Acting Assistant Attorney General]. “Whether Section 564 of the Food, Drug, and Cosmetic Act Prohibits Entities from Requiring the Use of a Vaccine Subject to an Emergency Use Authorization.” Department of Justice, Jul. 6, 2021. <https://www.justice.gov/olc/file/1415446/download>.
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12. Redshaw M. Indiana University students appeal federal judge’s refusal to block vaccine mandate. *The Defender*, Jul. 21, 2021. <https://childrenshealthdefense.org/defender/indiana-university-students-appeal-federal-judges-ruling-vaccine-mandate/>.
13. America’s Frontline Doctors. University of California vaccine mandate violates students’ civil rights, lawsuit says. *The Defender*, Jul. 28, 2021. <https://childrenshealthdefense.org/defender/university-california-covid-vaccine-mandate-violates-students-civil-rights-americas-frontline-doctors/>.
14. Congressional Research Service. The PREP Act and COVID-19: Limiting Liability for Medical Countermeasures. Updated Mar. 19, 2021. <https://crsreports.congress.gov/product/pdf/LSB/LSB10443>.
15. Del Bigtree interviews 3 medical professionals incapacitated by Covid injections. *The Highwire*, Apr. 29, 2021. <https://www.bitcute.com/video/A4d8FB2cIBTc/>.
16. Redshaw M. Woman who nearly died after J&J vaccine stuck with \$1 million medical bill, says government should pay. *The Defender*, Jun. 2, 2021. <https://childrenshealthdefense.org/defender/woman-nearly-died-johnson-johnson-vaccine-million-dollar-medical-bill/>.
17. Redshaw M. Woman with “life-altering” injuries after COVID vaccine teams up with U.S. senators to demand answers. *The Defender*, Jul. 14, 2021. <https://childrenshealthdefense.org/defender/brianne-dressen-injuries-astrazeneca-covid-vaccine-senators-demand-answer/>.
18. <https://www.nvic.org/Vaccine-Laws/state-vaccine-requirements.aspx>.
19. See, for example, <https://immunize.org/laws/hepbcollege.asp>; <https://immunize.org/laws/menin.asp>; and <https://www.consumerreports.org/vaccines/vaccines-you-need-for-college/>.
20. Schnalzer R. Newsletter: Can employers require workers to get flu shots? *Los Angeles Times*, Sep. 29, 2021.
21. Edwards E. Covid vaccines for kids under 12 expected midwinter, FDA official says. NBC, Jul. 15, 2021.
22. Health Resources & Services Administration. Covered vaccines. <https://www.hrsa.gov/vaccine-compensation/covered-vaccines/index.html>.
23. Children’s Health Defense. NCVIA: The legislation that changed everything—Conflicts of Interest Undermine Children’s Health: Part II. May 16, 2019. <https://childrenshealthdefense.org/news/ncvia-the-legislation-that-changed-everything-conflicts-of-interest-undermine-childrens-health-part-ii/>.
24. Children’s Health Defense. \$4 billion and growing: U.S. payouts for vaccine injuries and deaths keep climbing, Nov. 19, 2018. <https://childrenshealthdefense.org/news/4-billion-and-growing-u-s-payouts-for-vaccine-injuries-and-deaths-keep-climbing/>.

Legal Resources

If you find yourself in a predicament with a college or university that refuses to hear you out, does not provide you with required information, or threatens you with expulsion, here are a few potential resources for attorneys:

- **America’s Frontline Doctors (AFLDS):** AFLDS provides an intake form on their site that you can fill out and submit; they will search for an attorney in your area who is taking on this type of case. There is a small fee for the search, and of course, attorneys have their own fees. On July 19, 2021, AFLDS also filed a motion seeking immediate injunctive relief to halt administration of EUA Covid-19 injections to anyone age 18 and younger; anyone who has recovered from Covid; and all Americans who have not received informed consent as defined by federal law. <https://www.americasfrontlinedoctors.org/legal/vaccines-the-law>
https://americasfrontlinedoctors.org/press_releases/afls-files-lawsuit-seeking-immediate-injunctive-relief-revoking-the-emergency-use-of-covid-19-vaccines-based-on-disturbing-new-mortality-data/

- **Health Freedom Defense Fund:** This nonprofit is working to address unethical and unlawful mask, testing, and vaccine mandates through focused legal actions.
<https://healthfreedomdefense.org>
- **Informed Consent Action Network (ICAN):** ICAN's legal team is offering to assist students who are being required by a college or university to receive Covid-19 injections.
<https://childrenshealthdefense.org/defender/forced-to-get-covid-vaccine-ican-may-be-able-to-help/>.
- **State-level:** If you find yourself needing an attorney for a vaccine injury case, you can try looking through this state list: <https://uscfc.uscourts.gov/sites/default/files/Vaccine%20Attorneys.pdf>.

Medical/Scientific Resources

Comprehensive, high-integrity medical and scientific information, including briefs and reports summarizing what is known about the risks of Covid-19 injections and adverse events, is available (and routinely updated) at the following websites:

- **America's Frontline Doctors:** In addition to its legal resources (see above), AFLDS' website includes information about Covid-19 treatments, "issue briefs" on post-vaccination complications and other topics, and numerous other resources.
<https://americasfrontlinedoctors.org/about-us/mission-statement/>
- **Children's Health Defense (CHD):** In addition to reporting on vaccine safety topics via its flagship online news outlet *The Defender*, CHD offers a "Fighting COVID Mandates" toolkit and related resources, a series of eBooks (including eBooks on vaccine mandates and protection of individual rights), a research library, and a "Community Corner."
<https://childrenshealthdefense.org/>
- **Doctors for COVID Ethics (D4CE):** Among the excellent resources provided by this group of doctors and scientists from 30 countries are "Letter to physicians: Four new scientific discoveries regarding the safety and efficacy of COVID-19 vaccines," which warns that "all physicians must reconsider the ethical issues surrounding COVID-19 vaccination," and a 23-page Expert Statement outlining the serious risks of the Pfizer injection (European brand name Comirnaty) in children.
<https://doctors4covidethics.org/>

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NOTE TO COLLEGE OR UNIVERSITY: As a student at your institution, I am requesting that you review this document, provide the requisite information, and sign the form, in regards to your requirement that students get a Covid-19 emergency use authorization (EUA) experimental vaccine.

1) If I agree to receive an EUA Covid-19 injection, does my **student health insurance plan [if applicable]** provide complete coverage should I experience an adverse event, or even death?

2) As a student at your institution, will you provide **any other medical or financial support to me or my family** if I have an adverse event to an EUA Covid-19 injection and am unable to attend school for days, weeks, or months, or if I am disabled for life?

3) The Food and Drug Administration (FDA) requires that EUA vaccine recipients be provided with certain **vaccine-specific information** to help them make an informed decision about vaccination.¹ The EUA fact sheets that must be provided are specific to each authorized Covid-19 injection and are developed by the manufacturers of the injections (Pfizer/BioNTech, Moderna, Oxford/AstraZeneca, and the Johnson & Johnson subsidiary Janssen). The fact sheets must provide up-to-date information on the injections and their ingredients; vaccine recipients must also receive information about adverse events. Have you read, understood, and provided me (and all other students) with these fact sheets and current information on adverse events—and can you furnish a list of vaccine ingredients guaranteed to be complete—so that I/we can make an educated decision?

4) Have you reviewed the **material adverse events** experienced to date by people who have received EUA Covid-19 injections, reported to the Vaccine Adverse Event Reporting System (VAERS)?² Reported adverse events include death, anaphylaxis, blood clots and related complications, heart problems (myocarditis and pericarditis), neurological disorders, autoimmune disorders, other chronic and inflammatory conditions, blindness and deafness, infertility, fetal damage, miscarriage, and stillbirth.

1 Centers for Disease Control and Prevention. COVID-19 Vaccine Emergency Use Authorization (EUA) Fact Sheets for Recipients and Caregivers. <https://www.cdc.gov/vaccines/covid-19/eua/index.html>.

2 In the United States, see Vaccine Adverse Event Reporting System, <https://vaers.hhs.gov>; CDC WONDER, “About the Vaccine Adverse Event Reporting System (VAERS),” <https://wonder.cdc.gov/vaers.html>; National Vaccine Information Center, “Search the U.S. Government’s VAERS Data,” <https://www.medalerts.org/>.

5) The FDA’s guidance³ on emergency use authorization of medical products requires the FDA to “ensure that recipients are informed to the extent practicable given the applicable circumstances... [t]hat they have **the option to accept or refuse the EUA product...**” Are you aware of this statement? Have you informed all students that they have the option to refuse?

6) With respect to the emergency use of an unapproved product, the Federal Food, Drug and Cosmetic Act, Title 21 U.S.C. 360bbb-3(e)(1)(A)(ii)(I-III) reiterates that individuals be informed of “**the option to accept or refuse administration of the product**, [and] of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.”⁴ In the event that the FDA decided to grant full approval to Covid-19 vaccines, state legislation would be required to allow companies to mandate the Covid-19 injections. Are you aware of these facts?

7) EUA products are unapproved, unlicensed, and experimental. Under the Nuremberg Code—the foundation of ethical medicine—no one may be coerced to participate in a medical experiment. The individual’s consent is absolutely essential. No court has ever upheld a mandate for an EUA vaccine. In *Doe #1 v. Rumsfeld*, 297 F. Supp. 2d 119 (2003),⁵ a federal court held that the U.S. military **could not mandate EUA vaccines for soldiers**: “[T]he United States cannot demand that members of the armed forces also serve as guinea pigs for experimental drugs” (*Id.* at 135). Are you aware of this?

8) The United States Code of Federal Regulations⁶ and the FDA require the informed consent of human subjects for medical research. The EUA Covid-19 injections are unapproved, unlicensed, investigational vaccines that are still in their experimental stage. It is unlawful to conduct medical research on a human being, even in the event of an emergency, unless steps are taken to secure the **full informed consent** of all participants. Are you aware of this?

3 U.S. Department of Health and Human Services. Emergency Use Authorization of Medical Products and Related Authorities: Guidance for Industry and Other Stakeholders. January 2017. <https://www.fda.gov/media/97321/download>.

4 21 U.S. Code § 360bbb-3 - Authorization for medical products for use in emergencies. <https://www.law.cornell.edu/uscode/text/21/360bbb-3>.

5 *Doe #1 v. Rumsfeld*, 297 F. Supp. 2d 119 (2003). <https://www.courtlistener.com/opinion/2326816/doe-v-rumsfeld/>.

6 https://www.govregs.com/regulations/expand/title21_chapterI_part50_subpartB_section50.24#regulation_2.

9) According to Federal Trade Commission (FTC) Guidelines⁷ and the FTC’s “Truth In Advertising,”⁸ promotional materials—and especially materials involving health-related products—cannot mislead consumers, omit important information, or express claims. All of this falls under the rubric of “**deceptive advertising**” (whereby a company is providing or endorsing a product), whether presented in the form of an ad, on a website, through email, on a poster, or in the mail. For example, statements such as “all students are required to get the Covid-19 vaccine to make the campus safe” or “it’s safe and effective” leave out critical information. Critical information includes the facts that Covid-19 injections are unapproved EUA vaccines that “may” or “may not” prevent Covid, won’t necessarily make campuses safer, and could in fact cause harm. Not providing links or attachments of the manufacturers’ fact sheets and current information on adverse events is omitting safety information. Are you aware of this?

10) Since the Covid lockdowns began over one year ago, there have been over 178 reported breaches of unsecured protected health information (PHI), incidents investigated by the Office for Civil Rights (OCR). These breaches exposed millions of people’s personal health information. Although many of these incidents were attributed to hacking, some of the breaches to PHI fell directly under the 1996 Health Insurance Portability and Accountability Act (HIPAA), such as sharing a patient’s or person’s information with an unauthorized individual or incorrectly handling PHI.⁹ Can you please **explain your obligations to me, under HIPAA law**, with respect to your requirement that I receive this injection?

11) Whereas pharmaceutical companies that manufacture EUA vaccines have been protected from liability related to injuries or deaths caused by experimental agents since the Public Readiness and Emergency Preparedness (PREP) Act¹⁰ was enacted in 2005, **companies and all other institutions or individuals who mandate experimental vaccines on any human being are not protected from liability**. Are you aware that you do not enjoy such liability protection?

7 Federal Trade Commission. Advertising FAQs: A Guide for Small Business.

<https://www.ftc.gov/tips-advice/business-center/guidance/advertising-faqs-guide-small-business>.

8 Federal Trade Commission. Truth in Advertising. <https://www.ftc.gov/news-events/media-resources/truth-advertising>.

9 U.S. Department of Health and Human Services. Office for Civil Rights. Breach Portal: Notice to the Secretary of HHS Breach of Unsecured Protected Health Information.

https://ocrportal.hhs.gov/ocr/breach/breach_report.jsf?jsessionid=618E88DD94EE65D46D5785CB2A643553.

10 Congressional Research Service. The PREP Act and COVID-19: Limiting Liability for Medical Countermeasures. Updated Mar. 19, 2021. <https://crsreports.congress.gov/product/pdf/LSB/LSB10443>.

12) Are you aware that students or families could file a **civil suit** against you should the student suffer an adverse event, death, or expulsion from school for refusing an EUA Covid-19 injection?

As the legally authorized officer of the college or university, I have read all of the above information, have provided my students with all of the information that the FDA requires be provided to recipients of the Covid-19 injections, and do hereby agree to assume 100% financial responsibility for covering any and all expenses from adverse events, including death, through insurance coverage or directly. In addition, I affirm that the student shall not be denied access to school should they decline to receive a Covid-19 injection.

Authorized officer of college/university requiring injection	College/University	Date
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Student	College/University	Date
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Witness	College/University	Date
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