

FWA HB699

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Delegate Joseline A. Pena-Melnyk
Chair - House Health and Government Operations Committee

HB0699 State and Local Government - Proof of Vaccination for Employees and Applicants for Employment - Prohibition (Vaccination by Choice Act)

Position: FAVORABLE WITH AMENDMENT

Dear Chair Pena-Melnyk and members of the Committee:

Thank you for the opportunity to voice my strong support, with the amendments, for HB0699 State and Local Government - Proof of Vaccination for Employees and Applicants for Employment - Prohibition (Vaccination by Choice Act).

I am the mom of student within the University System of Maryland. For the past two years, I have seen the negative impacts of COVID-19 mandates on many employees, students, and their families. These harms are financial, academic, physical and psychological. To date, there has been no publicly available information about USM or school leadership taking steps to evaluate and address these unintended collateral impacts. Employees, parent and students need the state to take action to end COVID-19 Mandates.

There are plentiful examples of sound science and studies you'll hear about today to support this important legislative action, including the inability of the COVID-19 vaccine to prevent infection or transmission, the low risk the virus poses to the college age population, the strength of natural immunity and that there have been numerous examples since 2021 that show that strict mandates do not prevent outbreaks. Many campuses had waves of infection despite high vaccination rates during the period of the system-wide mandate.

Further, there are serious risks that come with the vaccines, especially for the college age population. These include Myocarditis/Pericarditis, Menstrual and Reproductive Issues, Clotting, Strokes, disability and death. There is currently a FDA citizen's petition for adequately labeling COVID vaccines that outlines ten points covering safety and efficacy concerns. Each point is clearly linked and backed by robust evidence [link](https://www.regulations.gov/document/FDA-2023-P-0360-0001): <https://www.regulations.gov/document/FDA-2023-P-0360-0001>.

I want to focus my testimony on the impact of Covid-19 vaccine mandate(s) and the associated policies on employees, and especially students. To justify COVID-19 mandates, USM and institution leadership refer to non-specific counsel from unnamed advisory committees and deference to CDC guidance. But that's all it is: Guidance. On what current epidemiological and other scientific evidence does USM / School leadership have for the mandates?

I'd like to draw your attention to the primary effect of the COVID-19 vaccine mandates. Put simply, the implication is: "No COVID-19 vaccine and no approved exemption, then no job and no education at Maryland's public IHE's." There is no mistaking that this vaccine mandate blocks equal access to employment and education at all of Maryland's tax-payer funded IHE's. It is very concerning to think of the disparate impact, especially on underrepresented populations.

In addition to inequitable access to jobs and education, we must address the impact of the various mandate policies across USM schools.

This is an important evaluation. In order to stop the harms from the mandates and ensure they don't happen again, we must bring them to light. Under these mandate policies:

- Unvaccinated students have been blocked from participating in sports and clubs (SU policy).
- Unvaccinated individuals are the only ones mandated to wear masks (TU policy).
- Unvaccinated students must bear the expense of living alone on campus (SU).
- Exempted students must be ostracized 6 ft away from others (UMD sign).
- Exempted students were kicked out of class and harassed by professors
- Penalties for non-compliance include:
 - Campus access turned off (losing access to their pre-paid campus meal plans and dorm for days, lost access to personal belongings, clothing and medications) for missing or being late to more than one of the mandatory testing times, conducted twice per week.
 - Student conduct charges
 - Probation
 - Suspension
 - Unenrollment

The above are just a few examples. The adverse impacts - physically, psychologically, financially, and academically - is a profound consideration.

It begs these questions: Given all of the effort and resources expended on vaccination rates and positivity rates and on gathering and publishing those statistics, are USM schools or the BOR also tracking adverse reactions to the vaccines in students and employees? Is anyone in USM tracking adverse impacts

with regard to physical, psychological, financial and academic harm? Are these being tracked and addressed with the same veracity? Shouldn't these adverse impacts receive equal resources and consideration?

Under the mandated policies, unvaccinated employees and students were treated as though they are perpetually, inherently ill and a danger to others - no matter how healthy they actually were. Meanwhile, fully vaccinated individuals, who could still transmit the virus; were not required to test regularly. They could continue their jobs and education while at any point being COVID positive, untested and transmitting to others, unencumbered and without restriction, penalty or prejudice.

In the year following the mandate implementation, there had been no known assessment of the effects of the USM Covid-19 mandated policies on USM employees, students, and other affiliates. Since USM leadership had not initiated any publicly available assessment, a group of parents, alum and staff conducted an unsponsored survey in Spring 2022 to capture and assess collateral impacts of the mandates. The survey was administered for informational purposes only and was not intended to be scientific. The purpose was to inform and affect positive change. An executive summary and a full USM Mandate Impact Report is [here](#).

There were notable results showing a majority of respondents (80%) indicated physical and psychological harm resulting from the mandates.

The majority of respondents also stated that Covid-19 no longer posed a serious health threat on campus and that the Covid-19 mandate/policies were not necessary for safety.

There are also important considerations for student retention as a notable number of Survey respondents shared that they considered leaving USM / transferring to a school without similar COVID restrictions.

The results provide insight into collateral impacts and clearly necessitate further attention from USM and individual institutional COVID-19 response leadership to make necessary changes to eliminate adverse physical, psychological, financial and academic impacts of the mandates. Again, the intent in all of this is to inform and affect positive change.

From USM's own data, enrollment is down across the System. We know that students and employees have left Maryland's public IHE's due to mandates. Others will not apply until mandates are rescinded. The impact of mandates on enrollment must be a consideration. All Marylanders benefit from successful IHE's. Equitable access is a necessary component of that success.

The adverse impact of the mandates is profound. There is robust scientific justification to end these mandates, yet they remain in place in some of Maryland's public IHE's.

I trust we all want great success for the University System of Maryland and all of Maryland's public IHEs, along with the respect that comes from that success. That success must come with equitable access and inclusion for every individual. The mandated policies that are adversely impacting the exempted and the unvaccinated must end.

I urge you to take state action on HB699 to end Proof of Vaccination for Employees and Applicants for Employment - Prohibition (Vaccination by Choice Act), with the amendments to include students.

Thank you,
Denee Daly