

On behalf of the interests of ALL adversely effected state of Nevada Employees, we are absolutely appalled at the blatant discrimination and constitutional violation this body is considering imposing on state employees and college student who have made the legal, personal, and ethical choice to **NOT** receive a COVID-19 vaccine that continues to remain under Emergency Use Authorization only. This is a disgusting display of a tyrannical power grab by those who have responsibility to legislate according to the **U.S. Constitution – the Supreme Law of the Land**.

The State of Nevada has created the very issue it is now attempting to “solve.” **A MANDATE IS NOT A LAW**. Forcing testing on only State employees (through coercion by threatening their jobs) who have chosen to legally decline COVID-19 vaccination also meets the above standard for arbitrary and capricious discrimination. It is through this tyrannical coercion, that the false positive testing has been produced to further harm the citizens of this State and of this Nation. This is nothing more than a political power grab and We The People will not forget that.

A recent CDC Funded Study shows there is no significant difference in COVID-19 transmission between the vaccinated and unvaccinated: [CDC Funded Study Shows No Significant Difference in COVID-19 Transmission Between Vaccinated and Unvaccinated \(thegatewaypundit.com\)](https://thegatewaypundit.com/2021/03/cdc-funded-study-shows-no-significant-difference-in-covid-19-transmission-between-vaccinated-and-unvaccinated/)

The CDC Director has even recently admitted that vaccination does not stop the transmission of COVID: [CDC Director: Vaccines No Longer Prevent You From Spreading COVID | Video | RealClearPolitics](https://www.youtube.com/watch?v=KdYUgKdYUgK)

Here is Fauci stating the vaccinated are as infectious as the unvaccinated: [Fauci says the vaccinated can be as infectious as the unvaccinated - The Advocate-Messenger | The Advocate-Messenger \(amnews.com\)](https://www.foxnews.com/health/fauci-says-vaccinated-can-be-as-infectious-unvaccinated)

The forced testing that is currently occurring on some state employees is illegal as the testing being “mandated” is also under Emergency Use Authorization only which requires informed consent with the option to refuse with no consequence to the individual:

“Federal law, [Title 21 U.S.C. § 360bbb-3\(e\)\(1\)\(A\)\(ii\)\(I-III\)](https://www.ecfr.gov/current/title-21--chapters--section-360bbb-3(e)(1)(A)(ii)(I-III)) of the Federal Food, Drug, and Cosmetic Act, states the following about products granted emergency authorization usage:

Individuals to whom the product is administered are informed—

(I) that the Secretary has authorized the emergency use of the product;

(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

(III) of the option to accept or refuse administration of the product, 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.

It has been proven worldwide that the PCR tests do not work and produce such a high level of false positives that the FDA removed its emergency use authorization, and the CDC is discontinuing its use of these tests as of December 31, 2021 as noted in the following sources:

The Centers for Disease Control and Prevention (CDC) announced this week that its PCR test has failed its full review and will have its Emergency Use Authorization revoked.

The Innova SARS-CoV-2 Antigen Rapid Qualitative Test, the CDC’s benchmark COVID diagnostic testing system, will be withdrawn for Emergency Use by the end of 2021 due to an inordinate frequency of false positive and negative results.

“The FDA has identified this as a Class I recall, the most serious type of recall. Use of these devices may cause serious injuries or death,” the FDA [stated](https://www.fda.gov/medical-devices/recalls/innova-medical-group-recalls-unauthorized-sars-cov-2-antigen-rapid-qualitative-test-with-risk-of-false-test-results) on its website. [Innova Medical Group Recalls Unauthorized SARS-CoV-2 Antigen Rapid Qualitative Test with Risk of False Test Results | FDA](https://www.fda.gov/medical-devices/recalls/innova-medical-group-recalls-unauthorized-sars-cov-2-antigen-rapid-qualitative-test-with-risk-of-false-test-results)

The CDC acknowledges this PCR test is under Emergency Use Authorization, and as of December 31, 2021 will withdraw its request to the FDA to continue its use ([Lab Alert: Changes to CDC RT-PCR for SARS-CoV-2 Testing](#)). Ironically, this corresponds well with the 120-day illegal testing program the State has implemented – which expires this month.

These tests are a fraud. There is ZERO need, and it is unlawful to test anyone. It has been proven that these tests cannot tell the difference between old regular flu particles, old cold particles, any virus or COVID-19 and any variants.

This week alone, multiple courts have blocked ALL of the Biden Administrations attempts to mandate vaccines across multiple arena's protecting all employees, both public and private, mandates in schools, and the Pentagon's own mandate. These blocks are in addition to the OSHA enforcement which was blocked in the Courts (OSHA has no authority to make laws – nor does the PEBP Board for that matter)

<https://www.osha.gov/coronavirus/ets2>

The consideration of this legislative body is an absolute violation of the personal liberties the US Constitution protects. The solution is simple... The State of Nevada MUST stop the illegal forced testing and vaccination coercion imposed on Nevada state employees and any other citizen as well.

There are multiple federal and constitutional laws being broken as noted above. It is with the upmost concern that we notify you as such and include the following:

The forced COVID-19 testing, the forced wearing of masks, and the forced vaccines are all in direct violation of the Federal Government's Emergency Use Authorization. This legislative body cannot and must not force masks, testing, or vaccines without providing informed consent and my right to refuse without the threat of retaliation and/or coercion.

The United States Government as well as all States and their Officers, who participate in this forced program of unlawfully mandating COVID-19 masks, tests, and vaccines are in direct violation of the Nuremberg Code, the United States Constitution, as well as the Federal Government EUA.

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EUA products are, by definition, experimental, and thus require the right to refuse. Any entity or organization that requires EUA COVID-19 vaccinations, COVID-19 tests or masks are in violation of federal law.

Under the Nuremberg Code, the foundation of ethical medicine, no one may be coerced to participate in a medical experiment. Consent of the individuals is “absolutely essential” [The Nuremberg Code](#)).

The Nuremberg Code

The text of the Nuremberg Code

The Preamble of the Nevada Constitution states, “We the people of the State of Nevada Grateful to Almighty God for our freedom in order to secure its blessings, ensure domestic tranquility, and form a more perfect Government, do establish this Constitution”

Section. 1. Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness[.]

Sec. 18. Unreasonable seizure and search; issuance of warrants.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by Oath or Affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized (DNA).

According to the State of Nevada Employee Handbook, it appears that the Agency/State is in violation of Improper Governmental Action.

As quoted in the handbook: “The law specifically encourages any State Officer or employee to disclose improper government action to the extent not expressly prohibited by law. It is the intent of the legislature to protect the rights of the State Officer or employee who makes such a disclosure.”

“Improper governmental action” means any action taken by a State officer or employee in the performance of his/her official duties, whether or not the action is within the scope of his/her employment, which is:

- (a) In violation of any State law or regulation;
- (b) An abuse of authority;

(c) Of substantial and specific danger to the public health or safety;

(d) A gross waste of public money.

State officers or employees are prohibited by State law from using their authority or influence to prevent disclosure of improper governmental action by other State officers or employees.

“Official authority or influence” includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration reemployment, evaluation, or other disciplinary action.

In the interest of the State of Nevada and its employees, we implore this Board to vote no to any such unlawful surcharge being discriminately charged to unvaccinated employees.

Regards,

Jennifer Hamilton