



**NOTICE FOR EMPLOYERS, UNIVERSITIES AND OTHER INSTITUTIONS
MANDATING COVID-19 TESTS**

April 26, 2021

This serves as notice that the mandate for any individual to be tested against COVID-19 for employment or participation at a university or other institution violates federal law. All COVID-19 tests, whether polymerase chain reaction (PCR), antigen tests or others, are authorized, not approved or licensed, by the federal government; they are [Emergency Use Authorization](#) (EUA) only. They merely “may be effective.” Federal law states:

Title [21 U.S.C. § 360bbb-3\(e\)\(1\)\(A\)\(ii\)\(I-III\)](#) of the Federal Food, Drug, and Cosmetic Act states:

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.

EUA products are by definition experimental and thus require the right to refuse. Under the Nuremberg Code, the foundation of ethical medicine, no one may be coerced to participate in a medical experiment. Consent of the individual is “absolutely essential.” A federal court held that even the U.S. military could not mandate EUA vaccines to soldiers. *Doe #1 v. Rumsfeld*, 297 F.Supp.2d 119 (2003).

The Food and Drug Administration (FDA) has issued Emergency Use Authorizations for [over 200 different test kits](#) manufactured by various organizations. Each of FDA’s EUA letters relies on 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(I- III), stating: “This test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of SARS-CoV-2....”

Liability for coercing participation in a medical experiment, and any injury from it, may be incalculable. Children’s Health Defense urges U.S. employers, universities and other institutions to respect and uphold the rights of individuals to refuse EUA tests.