

Resolution to adopt a Board of Health Regulation to prevent the spread of COVID-19 in the County – Vaccination Requirements to Enter Bars, Restaurants, Recreation Centers, and Other Covered Establishments

Under what authority can the Montgomery City Council mandate vaccine passports? The Montgomery County City Council is NOT a public health authority and is not qualified to make and/or dictate health standards based on information that is not derived from data. Recently even CDC Director Walensky has admitted that the vaccines are no longer effective at preventing Covid transmission (<https://www.msn.com/en-us/health/medical/cdc-director-covid-vaccines-cant-prevent-transmission-anymore/ar-AASDndg>). So then what would be the purpose of instituting vaccination passports? Not only would a vaccine passport constitute an individual privacy violation it would disproportionately impact businesses who would have to adopt new business practices to comply and who would lose some percentage of their business due to the egregious county government overreach based on a purported rationale of ‘slowing the spread.’ Implementation of a vaccine passport would be discriminatory and create more problems than it could ever hope to solve. It is worth noting that we are entering into the period where the pandemic transitions into an endemic, further negating the rationale for implementing any sort of vaccine passport that limits people’s ability to travel freely throughout the county (<https://www.science.org/doi/10.1126/science.abe6522>). To implement a vaccine passport would unnecessarily restrict individual rights and liberties of the residents of this county. Moreover, it would encourage them to take their business to other counties within the state that are not punitively restricting commerce based on documentation of an experimental vaccine. It is only matter of time before a mandate such as this will be challenged in court due to its overreach and unconstitutionality as it would require an individual to provide private health information to people that have absolutely no legal right to have that knowledge. The most recent example of government overreach being reversed was on January 13, 2022, when the Supreme Court of the United States, in National Federation of Independent Business, et al., Applicants v Department of Labor, Occupational Safety and Health Administration, et al, ruled that OSHA exceeded its authority in attempting to issue a vaccination mandate to employers with over one hundred employees. The bottom line is that vaccine passports would severely preclude some subset of county residents from participating in normal society, because regardless of vaccination status many people would object to having to ‘show their papers’ to people that have no legal right to see them. Freedom of movement and health care privacy are basic rights in this country and the fact that Montgomery County is considering barring people from places of business in an attempt to further induce fear-mongering among residents is not only unconstitutional, it is morally wrong.