

[Date]  
[School Board]  
[School District]  
[School District Address]

Dear [school board],

This serves as notice that the mandate for any individual to wear a mask against COVID-19 for employment or attendance at a school or other institution violates federal law and state law. All COVID-19 masks, whether surgical, N95 or other respirators, 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 (FD&C 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).

In a letter dated April 24, 2020, the Food and Drug Administration stated that authorized face masks must be labelled accurately and may not be labeled in a way that misrepresents the product’s intended use as “source control to help prevent the spread of SARS-CoV-2.” The letter specifies that the labeling “may not state or imply that the product is intended for antimicrobial or antiviral protection or related uses or is for use such as infection prevention or reduction.” Any EUA mandate requiring individuals to wear face masks conflicts with Section 360bbb-3(e)(1)(A)(ii)(I-III), which provides that the person must be informed of the option to refuse to wear the device.

**Have you given parents the right of refusal for placing masks on their children as a condition for attending in-person school? Have you provided potential risks of wearing**

**masks for prolonged periods of the day, including during physical exercise such as in gym class or at recess?**

In Pennsylvania, the Child Protective Services Code specifies that “Interfering with the breathing of a child” is considered Child Abuse and Mandated Reporters (which includes all school staff) are required to report such abuses. This law has not been suspended by the General Assembly and the mandate put forth by the Governor under the Disease Prevention and Control Law of 1955 does not supersede this code.

According to the provisions of 23 § 6303 (b.1)(8ii) and (8v) relating to child abuse, forced mask wearing of students constitutes interference with the breathing of a child. Additionally, the mask order, combined with the mandatory social distancing guidelines for children, constitutes unreasonable restraint or confinement of a child, and therefore inflicts on the children of this Commonwealth a clear instance of child abuse under the law. Further, the mask order encourages and ultimately forces adults who are mandated reporters to enable and participate in the very actions prescribed by the Commonwealth’s child abuse laws.

Liability for forced participation in a medical experiment, including possible injury, may be incalculable and puts immense liability on the school district whose policies are in violation of these laws. I urge you to immediately vote to make masks optional for students for the remainder of the 2020-2021 school year and to not consider them a requirement for the summer sessions and 2021-2022 school year.

Sincerely,

Name

Address