



# Medical Mandates & How to Fight Back

# OVERVIEW

- Hit Record
- I'll try to keep this at an hour and then Q/A after
- Slides will be linked up at the end for you to have
- Go to [HealthFreedomforHumanity.org](https://HealthFreedomforHumanity.org) and can donate if you feel so inclined!
- Replay will be on HffH website and socials.
- Give everyone link to slides at the end of presentation in chat.

# DISCLAIMER

- I'm not a lawyer - this is NOT legal advice.
- It's also NOT medical advice.
- This is presented as an aid and encouragement to those exercising their rights protected by law. This is protected under 42 U.S. Code § 12203.
- You have the right to educate yourself on all matters relating to YOU.
- This is based on my personal research on these “mandates” and personally consulting legal experts on such matters.

# Democracy to Dictatorship

- They want you to get use to dictates from the executive branch, bypassing any legislative needs.
- They want you to accept unilateral policy making and have a distant memory of individual rights.
- They want you to believe that these “leaders” have the authority to dictate and control every aspect of your life.
- It's my opinion that the entire government has been hijacked and is merely operating on a superficial level with a facade, but is directly controlled by corporate interest.

# Executive Orders & Authority

**Executive Orders are a kind of rules-and-regulations put forth by the President or governor and binding only on employees of the US federal executive or state employees. These orders cannot violate the Constitution nor statute law. It can only compliment or clarify.**

- An executive order is an order given by the chief executive, the President or governor, to the many agencies under his control, telling them how to carry out their duties, it only applies to agencies under control of the President - federal agencies.
- It does not apply to non-federal agencies, nor to companies or private citizens.
- Every executive order can only tell federal employees to do things within the range of powers given by Congress to the Executive.



# Informed Consent & Patient Bill of Rights

# Informed Consent

## Patient Bill of Rights

- Right to informed consent and to accept/decline any medical intervention

**Masks, distancing, testing, biological agents are all medical interventions.**

- Yes, any mask is a medical device according to FDA.

<https://www.fda.gov/media/137121/download>

### What Is Informed Consent?

- Doctors will give you information about a particular treatment or test in order for you to decide whether or not you wish to undergo a treatment or test. This process of understanding the risks and benefits of treatment is known as informed consent.
- Informed consent is based on the moral and legal premise of patient autonomy: You as the patient have the right to make decisions about your own health and medical conditions.
- You must give your voluntary, informed consent for treatment and for most medical tests and procedures. The legal term for failing to obtain informed consent before performing a test or procedure on a patient is called battery (a form of assault).
- For many types of interactions (for example, a physical exam with your doctor), implied consent is assumed.



There are 4 components of informed consent including decision capacity, documentation of consent, disclosure, and competency.

# Moderna EUA PDF - Clearly State you have CHOICE

## **FACT SHEET FOR RECIPIENTS AND CAREGIVERS EMERGENCY USE AUTHORIZATION (EUA) OF THE MODERNA COVID-19 VACCINE TO PREVENT CORONAVIRUS DISEASE 2019 (COVID-19) IN INDIVIDUALS 18 YEARS OF AGE AND OLDER**

You are being offered the Moderna COVID-19 Vaccine to prevent Coronavirus Disease 2019 (COVID-19) caused by SARS-CoV-2. This Fact Sheet contains information to help you understand the risks and benefits of the Moderna COVID-19 Vaccine, which you may receive because there is currently a pandemic of COVID-19.

The Moderna COVID-19 Vaccine is a vaccine and may prevent you from getting COVID-19. There is no U.S. Food and Drug Administration (FDA) approved vaccine to prevent COVID-19.

→ <https://www.fda.gov/media/144638/download>





# Federal Laws

# Federal Civil Rights Act - Public Accommodations



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DEPARTMENT OF JUSTICE

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## TITLE II OF THE CIVIL RIGHTS ACT (PUBLIC ACCOMMODATIONS)

**42 U.S.C. §2000a** (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination on the ground of race, color, religion, or national origin.

**42 U.S.C. §2000a(b)** Each of the following establishments is a place of public accommodation within this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action: (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence. (2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;



THE UNITED STATES  
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## CIVIL RIGHTS AND COVID-19

The Civil Rights Division, along with U.S. Attorney partners across the country, leads the Department of Justice's effort to investigate and address civil rights issues related to COVID-19.

The COVID-19 pandemic has stressed our Nation's commitment to an open, equal, and inclusive society. We have seen hateful and xenophobic rhetoric and violence aimed at Asian American and Pacific Islander (AAPI) communities and businesses. We have also seen Black, Indigenous, Latino, and Pacific Islander communities, as well as people with disabilities, suffer disproportionately high rates of death and greater risk of infection and hospitalization. COVID-19 has magnified social, economic, and environmental inequalities that we cannot ignore. As a Nation, we cannot adequately respond to, and recover from, COVID-19 if we do not protect all of our neighbors. That requires us to pursue justice on behalf of those targeted because of their race, color, religion, national origin, sex (including sexual orientation and gender identity), disability, or citizenship. The Department of Justice will vigorously enforce Federal civil rights as we continue the process of national reckoning, recovery, and healing. Civil rights protections and responsibilities still apply, even during emergencies. They cannot be waived. Federal

[https://www.justice.gov/crt/Civil\\_Rights\\_and\\_COVID-19](https://www.justice.gov/crt/Civil_Rights_and_COVID-19)

“State of  
Emergency”

# Federal Civil Rights Act - Employer

## UNLAWFUL EMPLOYMENT PRACTICES

SEC. 2000e-2. [Section 703]

(a) Employer practices

It shall be an unlawful employment practice for an employer -

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

<https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>

# US Equal Employment Opportunity Commission

**K.5. If an employer requires vaccinations when they are available, how should it respond to an employee who indicates that he or she is unable to receive a COVID-19 vaccination because of a disability?** (12/16/20)

The ADA allows an employer to have a [qualification standard](#) that includes “a requirement that an individual shall not pose a direct threat to the health or safety of individuals in the workplace.” However, if a safety-based qualification standard, such as a vaccination requirement, screens out or tends to screen out an individual with a disability, the employer must show that an unvaccinated employee would pose a direct threat due to a “significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.” [29 C.F.R. 1630.2\(r\)](#). Employers should conduct an individualized assessment of four factors in determining whether a direct threat exists: the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm. A conclusion that there is a direct threat would include a



# US Equal Employment Opportunity Commission

If there is a direct threat that cannot be reduced to an acceptable level, the employer can exclude the employee from physically entering the workplace, but this does not mean the employer may automatically terminate the worker. Employers will need to determine if any other rights apply under the EEO laws or other federal, state, and local authorities. For example, if an employer excludes an employee based on an inability to accommodate a request to be exempt from a vaccination requirement, the employee may be entitled to accommodations such as performing the current position remotely. This is the same step that employers take when physically excluding employees from a worksite due to a current COVID-19 diagnosis or symptoms; some workers may be entitled to telework or, if not, may be eligible to take leave under the FMLA or under the employer's policies. See also [Section J, EEO rights relating to pregnancy](#).

**“Most importantly, the determination that a disabled employee poses a direct threat **must be objectively reasonable and supported by medical evidence**. Thus, your honest, good faith belief that an employee poses a safety threat is generally **not enough** to avoid liability for terminating that worker.”**

# US Equal Employment Opportunity Commission

**K.6. If an employer requires vaccinations when they are available, how should it respond to an employee who indicates that he or she is unable to receive a COVID-19 vaccination because of a sincerely held religious practice or belief? (12/16/20)**

Once an employer is on notice that an employee's sincerely held religious belief, practice, or observance prevents the employee from receiving the vaccination, the employer must provide a reasonable accommodation for the religious belief, practice, or observance unless it would pose an undue hardship under Title VII of the Civil Rights Act. Courts have defined "undue hardship" under [Title VII](#) as having more than a *de minimis* cost or burden on the employer. EEOC guidance explains that because the definition of religion is broad and protects beliefs, practices, and observances with which the employer may be unfamiliar, the employer should ordinarily assume that an employee's request for religious accommodation is based on a sincerely held religious belief. If, however, an employee requests a religious accommodation, and an employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, practice, or observance, the employer would be justified in requesting additional supporting information.

# Americans with Disabilities Act

## § 35.101 Purpose and broad coverage.

(a) *Purpose.* The purpose of this part is to **implement** subtitle A of the Americans with Disabilities Act of 1990 (42 U.S. C. 12131–12134), **as amended by the ADA Amendments Act of 2008 (ADA Amendments Act) (Public Law 110–325, 122 Stat. 3553 (2008))**, which prohibits discrimination on the basis of disability by public entities.

(b) *Broad coverage.* The purpose of the ADA Amendments Act is to make it easier for people with disabilities to obtain protection under the ADA. Consistent with the ADA Amendments Act's purpose of reinstating a broad scope of protection under the ADA, the definition of "disability" in this part shall be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA. The primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations and whether discrimination has occurred, **not whether the individual meets the definition of disability.** The question of whether an individual meets the definition of disability under this part should not demand extensive analysis.





# State Laws

# State Civil Rights Act



**COLORADO**  
Department of  
Regulatory Agencies  
Colorado Civil Rights Division

## Colorado Law Prohibits Discrimination in places of: **PUBLIC ACCOMMODATION** C.R.S. § 24-34-601 *et seq.*

### **PLACE OF PUBLIC ACCOMMODATION MEANS:**

ANY PLACE OF BUSINESS engaged in any SALES to the PUBLIC and ANY PLACE OFFERING SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, or ACCOMMODATIONS to the PUBLIC.

### **IT IS A DISCRIMINATORY PRACTICE AND UNLAWFUL FOR A PERSON DIRECTLY OR INDIRECTLY TO:**

REFUSE, WITHHOLD FROM, or DENY to an individual or a group FULL and EQUAL ENJOYMENT of the GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, or ACCOMMODATIONS of a place of public accommodation

**BECAUSE OF:** DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION (including TRANSGENDER STATUS), MARITAL STATUS, NATIONAL ORIGIN or ANCESTRY.

<https://ccrd.colorado.gov/anti-discrimination-notice>

# State Civil Rights Act

**“They are private business and can do anything they want!”**



## **Public Accommodation**

You have the right to be served in places of public accommodation, which include restaurants, hospitals, hotels, retail stores and public transportation, among others. [Protected classes](#) cannot be denied service, receive unequal treatment, or denied appropriate accommodations, among others. Find out more about [public accommodations discrimination](#) and [filing a claim](#) with CCRD.

## **NOT ACCURATE!**

**Can they force you to take Tylenol to shop?**

**Can they force you to slap yourself to shop?**

**Can they force you to drink a gallon of water to shop?**

**Can they ask you if you did 1 hour of exercise that day and if not refuse service?**

**Can they ask you to prove your exercise history as a condition of shopping?**

# Definition of Public Accommodation

(1) As used in this part 6, "place of public accommodation" means any place of business engaged in any sales to the public and any place offering services, facilities, privileges, advantages, or accommodations to the public, including but not limited to any business offering wholesale or retail sales to the public; any place to eat, drink, sleep, or rest, or any combination thereof; any sporting or recreational area and facility; any public transportation facility; a barber shop, bathhouse, swimming pool, bath, steam or massage parlor, gymnasium, or other establishment conducted to serve the health, appearance, or physical condition of a person; a campsite or trailer camp; a dispensary, clinic, hospital, convalescent home, or other institution for the sick, ailing, aged, or infirm; a mortuary, undertaking parlor, or cemetery; an educational institution; or any public building, park, arena, theater, hall, auditorium, museum, library, exhibit, or public facility of any kind whether indoor or outdoor. "Place of public accommodation" shall not include a church, synagogue, mosque, or other place that is principally used for religious purposes.

(2) (a) It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or, directly or indirectly, to publish, circulate, issue, display, post, or mail any written, electronic, or printed communication, notice, or advertisement that indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry.

# State Civil Rights Act



UNLAWFUL

(2) (a) It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or, directly or indirectly, to publish, circulate, issue, display, post, or mail any written, electronic, or printed communication, notice, or advertisement that indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry.

# State Civil Rights Act - Employer



## Colorado Law Prohibits Discrimination in: **EMPLOYMENT** C.R.S. § 24-34-401 *et seq.*

### **IT SHALL BE A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE:**

to REFUSE TO HIRE, to DISCHARGE, to PROMOTE or DEMOTE, to HARASS during the course of employment, or to discriminate IN MATTERS of COMPENSATION, TERMS, CONDITIONS, or PRIVILEGES of employment.

### **BECAUSE OF:**

DISABILITY; RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION (including TRANSGENDER STATUS), RELIGION, AGE, NATIONAL ORIGIN or ANCESTRY, or, in certain circumstances, MARRIAGE TO A COWORKER.

<https://ccrd.colorado.gov/anti-discrimination-notice>



# State Civil Rights Act - Employer

## Prohibited Employment Practices - C.R.S.

### § 24-34-402

It is a discriminatory or unfair employment practice for an employer to:

- refuse to hire
- to discharge
- to refuse to promote
- to demote
- to harass during the course of employment
- to discriminate in matters of compensation
- to discriminate in the terms, conditions, or privileges of employment

based on or because of a person's protected class or in retaliation for engaging in a protected activity - i.e., retaliate against a person for opposing discrimination.

Additionally, employers have a duty to provide reasonable accommodations that may be necessary because of an employee's or applicant's disability and/or because of an employee's or applicant's of pregnancy, childbirth, or a condition related to pregnancy or childbirth.

# State Civil Rights Act - Employer

## Protected Classes in Employment

- Disability (a mental or physical impairment which substantially limits a major life activity)
- Race (includes hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps).
- Creed
- Color
- Sex
- Sexual Orientation (which is statutorily defined as "including transgender status" - i.e. Gender Identity)
- Religion
- Age (40+)
- National Origin
- Ancestry
- Marriage to a Co-Worker (applies in limited circumstances)
- Pregnancy, childbirth, and related conditions



# Civil Rights Laws by State

- I've shown you Colorado here, but you will need to look up your state laws. All states have civil rights protections, but with some small differences.
- You can also pay \$20 to get them compiled for you via Peggy Hall here:
- <https://www.thehealthyamerican.org/products/state-laws>

## State Laws

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ALABAMA State and Federal Laws



ALASKA State and Federal Laws



ARIZONA State and Federal Laws

# Is a Business violating HIPAA if they ask your medical history?

- Really has nothing to do with HIPAA, so technically sure they can ask. How they proceed to question you or limit your access is the issue and illegal.
- They can't deny you services. They can't discriminate against you. They can't ask you to "prove" your medical records as a condition of shopping in a public accommodation.
- Businesses that are not HIPAA covered entities (retail stores, grocery stores, restaurants, schools, etc) have no usual and customary reason to ask for medical information. When they do, it is because they suspect you may have a contagious disease, thus you are now operating in the confines of the ADA.
- So can they ask, sure. Do you have to respond or give them your private information NO. What you divulge is your decision.
- You have the right to privacy, protected by federal and state law - you do not have to share a single thing about your medical status to a public accommodation.

## Is a Business violating HIPAA if they ask your medical history?

- When they are asking you to prove your medical status they are doing it because they are regarding you as a threat or contagious. You are now “regarded as” disabled according to the ADA.
- They are insisting you to take their recommended mitigation measures (mask or injection) because they are “regarding you” as having a contagious disease which is defined as a disability in title III of the ADA.
- The ADA also outlines that you have the right to refuse/accept their mitigation measures/accommodations for this disability they believe you have.
- They are denying you access to a public accommodation on the basis of a disability they believe you have - unlawful.
- Businesses that are HIPAA covered entities (ie doctors/dentists/hospitals) have different duties under HIPAA and thus can't share that information unless you consent to that. This is not what we are dealing with in a public accommodation.
- Jay's Video (ADA Advocate):  
[https://www.youtube.com/watch?v=EKqIKCLvZL0&ab\\_channel=ADAVETADVOCACYADAVETADVOCACY](https://www.youtube.com/watch?v=EKqIKCLvZL0&ab_channel=ADAVETADVOCACYADAVETADVOCACY)



# Americans with Disabilities Act (ADA)

## Do I Need a Doctor's Note to Prove a Disability?

- No where in the ADA does it state that you need to have a medical provider prove your disability status. You do NOT need an official diagnosis.

You simply need a “record” of such a disability if you are maintaining that you have a documented disability. This documentation can come from affidavits from you, your family members, your friends who have witnessed or can confirm such a disability.

(ie - I witnessed she would get very lightheaded when she wore a mask, she nearly passed out. She has found it difficult to wear a mask for over 6 months now and has expressed this concern repeatedly).

- Also every person is covered by the ADA under the prong “regarded as” having a disability. With this circumstance in particular, every store, doctors office, school etc is regarding you as having a disability (a communicable disease).
- Thus, you are now operating in the ADA and you can exercise your protected rights because of it.

# Americans with Disabilities Act - Definitions

## § 35.108 Definition of disability



(a)

(1) *Disability* means, with respect to an individual:

(i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(ii) A record of such an impairment; or

(iii) Being regarded as having such an impairment as described in paragraph (f) of this section.

[https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35104](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35104)

# Americans with Disabilities Act - Definitions

(1) *Physical or mental impairment* means:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

(ii) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

(2) *Physical or mental impairment* includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(3) *Physical or mental impairment* does not include homosexuality or bisexuality.

# Americans with Disabilities Act - Definitions

## § 35.101 Purpose and broad coverage.

(a) *Purpose.* The purpose of this part is to **implement** subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S. C. 12131–12134), **as amended by the ADA Amendments Act of 2008 (ADA Amendments Act) (Public Law 110–325, 122 Stat. 3553 (2008))**, which prohibits discrimination on the basis of disability by public entities.

(b) *Broad coverage.* The primary purpose of the ADA Amendments Act is to make it easier for people with disabilities to obtain protection under the ADA. Consistent with the ADA Amendments Act's purpose of reinstating a broad scope of protection under the ADA, the definition of “disability” in this part shall be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA. The primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations and whether discrimination has occurred, **not whether the individual meets the definition of disability.** The question of whether an individual meets the definition of disability under this part should not demand extensive analysis.



# Americans with Disabilities Act - Definitions

(1) *Major life activities* include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working; and

(ii) The operation of a *major bodily function*, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

# Americans with Disabilities Act - Definitions

 (4) *Mitigating measures* include, but are not limited to:

(i) Medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, and oxygen therapy equipment and supplies;

(ii) Use of assistive technology;

(iii) Reasonable modifications or auxiliary aids or services as defined in this regulation;

(iv) Learned behavioral or adaptive neurological modifications; or

(v) Psychotherapy, behavioral therapy, or physical therapy.

# Americans with Disabilities Act - Definitions

(e)

(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part which such individual chooses not to accept.

# Proving Direct Threat

## § 35.139 Direct threat.

- (a) This part does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.
- (b) In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

[https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35139](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35139)

# What about federal employees or military?

This likely would fall more into the Rehabilitation Act, Section 504.

<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>

 U.S. DEPARTMENT OF LABOR

Office of the Assistant Secretary for Administration & Management FAQ

CENTERS AND OFFICES ▼ ABOUT US ▼ RESOURCES FOR NEW DOL EMPLOYEES

OASAM > Centers and Offices > CRC > Statutes, Executive Orders and Federal Regulations and Policies > Section 504, Rehabilitation Act of 1973

## Section 504, Rehabilitation Act of 1973

### Section 794. Nondiscrimination under Federal grants and programs; promulgation of rules and regulations

#### (a) Promulgation of rules and regulations

No otherwise qualified individual with a disability in the United States, as defined in section [705 \(20\)](#) of this title, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Development



# Exercising Your Rights

# Public Accommodations - Example Step by Step

## Step 1.

### Denied Access/Service

Ask specific questions to the manager of store, president of school, head of dept, at the time to ensure you are being denied services or access, can be in person or on the phone.

#### Example questions:

Ask to speak with the person solely responsible for the premises at that time.

“Am I being refused services?” “Why?”

“Instacart, curbside pickup, online shopping, virtual visit is not full and equal access.”

“I am not sick, do you have an affidavit or court order saying I’m infectious?”

“Are you denying me full access to this school?”

“What proof do you have that I’m a direct threat?”

# Public Accommodations - Example Step by Step

## **Step 1 Continued.**

Document the violation with a Statement of Facts - meaning simply document for your own records what exactly happened. If in public setting can use video recording to document.

It doesn't need to be lengthy, doesn't need to cite any law, shouldn't be exaggerated or emotional.

Include details of the names of people you spoke to at the store, their titles, time, date, store location.

Include the questions you asked them and their responses. Include if they stopped you from entering the store or told you that you had to do something in order to enter.

If you don't have names that's okay, but helpful.

Use this "statement of facts" in the letters you will write in the next step.



# Public Accommodations - Example Step by Step

## Step 2.

### **Submit Complaints via ADA/Civil Rights Divisions**

Probably most effective to start at state level first to seek resolve.

Can simultaneously file complaints federally, but it seems state departments handle these things more quickly.

Can file an online Federal Complaint: ADA Complaint on Dept of Justice Civil Rights Complaint.

Can file an online State Complaint: Civil Rights Complaint on your State's Civil Rights Division website. Your state will have its own.

Search for "File a Civil Rights Complaint in <your state name>"

They will work with you administratively (not in court) to reach some resolution with the employer. You DO NOT need an attorney, but you always have the right to one.

# Federal Civil Rights Complaints - Where to file

**There are several avenues for a federal civil rights complaint.**

Federal complaint with the Office of Civil Rights for any discrimination from an entity that receives funding from the Dept of Justice. Can file [complaint here](#).

Remember, Federal laws prohibit discrimination on the basis of race, color, national origin, religion, sex, age or disability.

Health & Human Services has a complaint process for those entities that receive federal funds from HHS. Can file [complaint here](#).

Department of Homeland Security, The Office for Civil Rights and Civil Liberties (CRCL)  
Can file a [complaint here](#).

Then there are other divisions that handle federal complaints for housing, employment, education - the process of each can be [found here](#).

# Public Accommodations - Example Step by Step

## Step 3.

### Can Send Notice of Intent to Sue

Pre Suit Example Template [HERE](#)

Pre Suit Example Template [HERE](#) (this is ADA based)

Print original copy - sign in blue ink - save for records.

Make copies of signed original

Mail signed copies first class to: General Counsel of Company, CEO of Company, Atty General of State

Can also use email, just also send a mailed letter as well.

Keep a record of any correspondence and dates with the business, screenshots of emails, mailed letters, etc

# Public Accommodations - Example Step by Step

## Step 4.

### Can Start Lawsuit Filing

May want to wait to do this until you see how the state will help you resolve your case via mediation. If you also want to go ahead and start the suit you can or if you do not reach an appropriate outcome in mediation.

Write the Complaint for Injunction

Can use Injunction template [HERE](#)

Or can use Injection template [HERE](#) (this one focuses on ADA)

Make 3 copies of Complaint for Injunction form. Original, blue ink signed for the Clerk, 1 copy for the Business, 1 copy for your records.

Prepare Exhibits - ie screenshots of all the correspondence back and forth, OSHA letter, anything else that the Judge needs to read.

# Public Accommodations - Example Step by Step

## **Step 4.**

### **Can start Lawsuit Filing Continued**

Create a Civil Cover Sheet from Circuit Court, print it, sign it. (can find it on internet for your state)

Create Summons Form - official form (can get off internet for your court) that will be sent to the Registered Agent of the business. Names on Summons must match names on Complaint.

Request for Fee Waiver - optional but recommended to avoid filing fees. There will be a form outlined for making this request. May need to contact the County Clerk to get advice.

File all papers, (including copies) with Court Clerk

File the case through the mail with the clerk - Include a self addressed envelope with return postage for the clerk to send you back your copy of the forms.

# What I've Done...

Filed Complaint with my state's Civil Rights Commission. Online Submission.

They work with you to mediate with the business/public accommodation every step of the way.

My original complaint was on the grounds of religious and disability discrimination.

We had a mediation call where both parties state their "side" of events. They will have a team of lawyers and they will try to intimidate you.

They claimed if I don't settle, I will need to "prove" my disability is related to a breathing condition. FALSE. I do need to "prove" my disability as per the ADA. That burden of proof doesn't fall on me. The business would need to prove why they believed I was direct threat (and explain how they determined that without going through the outlined steps required of them).

If that mediation doesn't stop their discriminatory behavior I will use John Jay's help using this Lawsuit template and file in federal court.

Show the document [HERE](#).

# Public Accommodations - Additional Example Letters

**Example Letter for Putting a Public Accommodation on Notice [HERE](#)**

**Example Letter for When a Medical Professional Denies You Service/Treatment [HERE](#)**

**Example Letter for a School/University [HERE](#)**

**Example Letter for School Board [HERE](#)**

**Example Letter for School Superintendent [HERE](#)**

# Public Accommodations - Airlines

## **Step 1. Denied Access/Service**

Try to utilize services until impeded - meaning go to gate and wait for them to stop you due to not wearing a mask. OR can go up to the service desk at gate and tell them you can't wear a mask ahead of time. They will tell you that you can't get on board.

Request a CRO (chief resolution officer)

They are required by law to provide you one and bring one to you to try to sort out the issue and file a complaint.

Go through the process with the CRO, file the complaint. You probably won't be able to fly, but the point is to document the violation against you and leave if they won't let you fly and then file your additional paperwork later.

## **Step 2. Complaint**

Write letter - use help of ADA advocates or free legal experts.

Send to Airlines CRO

If no remedy, appeal with the secretary of the DOT (bring them the exact complaint)

If no remedy, petition the US District Court of Appeals



# Employers - Example Step-by-Step

1. Go to the HR department or to the highest manager level. Verbally request about their exemption form/process as this “suggested” or “required” treatment (injections/masks/or any intervention) conflicts with your sincerely held religious beliefs, if that’s true for you.
2. If they don’t have a form/process, be sure to write a letter putting them on notice of your statement of religious exemption. Can also use medical/disability exemption.
3. Can include a statement of faith to be even more thorough, not necessary though. Get one here for \$25: <https://www.thehealthyamerican.org/religious-exemption-letter>
4. If they attempt to exclude you from the workplace, single you out, isolate you in a corner in a way that is discriminatory to you, they are not lawfully able to do that without first proving you are a direct threat - see the slides about Direct Threat and what they need to do to prove you are one.

# Employers - Example Step by Step

5. If they continue to discriminate against you, not allow you to do your job, insist you take other medical interventions (masks/testing), harass you, isolate you from other workers or customers - then you have no choice but to seek a lawful remedy.
6. Can file an online ADA Complaint on Dept of Justice [Website here.](#)
7. Can file an online Civil Rights Complaint on your State's Civil Rights Division website. Here's [Colorado's Division here](#), your state will have its own.

Search for "File a Civil Rights Complain in <your state name>"

They will work with you administratively (not in court) to reach some resolution with the employer. You DO NOT need an attorney, but you always have the right to one.

8. If no desirable resolve or can simultaneously file a lawsuit in district court. Also do not need an attorney, but have the right to one. I've found most won't take on such cases.

**Note:** Keep everything in writing as much as possible. Any email correspondence between you and employer should be saved, any letters you wrote, any response from them. Document any incidents in which they discriminated against you at the time they occur, noting the time/day/individuals involved/ and a straightforward description of the "statement of facts."

# Employers - Additional Example Letters

**Example Letter for Notice to Employer [HERE](#)**

**Example Letter for Wrongful Termination [HERE](#)**



# Additional Help

# FURTHER ASSISTANCE

## ICAN

If your employer is requiring the CV shot,

Email: [freedom@ICANDecide.org](mailto:freedom@ICANDecide.org)

## Jay Shore as ADA Advocate

Youtube: ADAVet Advocacy

Telegram @ADARights

Email: [adarights@protonmail.com](mailto:adarights@protonmail.com)

## John Jay Singleton & Volunteers

Helps file court cases on your own without an attorney for free

Please communicate directly with John's consultants:

Marissa: [NY-THA@pm.me](mailto:NY-THA@pm.me)

Marie: [thehealthyamericannh@gmail.com](mailto:thehealthyamericannh@gmail.com)

John's Bitchute Channel:

<https://www.bitchute.com/channel/eoA0oQG1s7ef/>

State of California – Health and Human Services Agency

California Department of Social Services

### COMPLAINT OF DISCRIMINATION

Name	Program Type
Street Address	Case Number
City, State, Zip Code	Phone Number

I believe I have been discriminated against on the basis of:

<input type="checkbox"/> National Origin	<input type="checkbox"/> Sex	<input type="checkbox"/> Medical Condition
<input type="checkbox"/> Color	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Genetic Information
<input type="checkbox"/> Race	<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Religion
<input type="checkbox"/> Ancestry	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Political Affiliation
<input type="checkbox"/> Ethnic Group	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Disability
<input type="checkbox"/> Age	<input type="checkbox"/> Domestic Partnership	<input type="checkbox"/> Any Other Applicable Basis

Name Of Person Who Discriminated	Title	Date Of Occurrence	Place Of Occurrence Agency

Describe in your own words what action(s) have happened to lead you to believe you have been discriminated against.

Indicate what resolution you are seeking.

I understand the above information is true and complete to the best of my knowledge and belief.

- ☐ I do not give my consent for the release of my name or other personally identifying information. I understand that this complaint may not be investigated as a result of my refusal to give my consent for the release of information.
- ☐ By signing this complaint, I am authorizing the CDSS Civil Rights Bureau (CRB) to reveal my identity and other personal information to persons at the organization or institution under investigation and to other Federal and State agencies in accordance with applicable federal and state laws and regulations. I hereby authorize CRB to receive material and information including, but not limited to applications, case files, personal records, and medical records. The material and information shall be used for authorized civil rights compliance and enforcement activities. I understand that I am not required to authorize this release and I do so voluntarily.

Complainant's Signature	Date
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# FURTHER ASSISTANCE

## Truth Ark

If your employer is requiring the CV shot,  
[www.TruthArk.org](http://www.TruthArk.org)

## America's Frontline Doctors

Legal resources for the unlawful mandates  
[www.AmericasFrontlineDoctors.org/legal](http://www.AmericasFrontlineDoctors.org/legal)

## Physicians for Informed Consent

Facts on the Gene Therapy  
[www.PhysiciansForInformedConsent.org/wp-content/uploads/2021/04/pfizer-covid-19-vaccine-risk-statement.pdf](http://www.PhysiciansForInformedConsent.org/wp-content/uploads/2021/04/pfizer-covid-19-vaccine-risk-statement.pdf)

## No Jab for Me

Facts on the Gene Therapy  
[www.nojabforme.info/#startenglish](http://www.nojabforme.info/#startenglish)

## Dr. Steph's Mask Review of Literature

Masks are not effective

<https://stephdocuments.s3-ap-southeast-2.amazonaws.com/MASKS+-+Review+of+Literature.pdf>

State of California – Health and Human Services Agency      California Department of Social Services

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# FURTHER ASSISTANCE

- **Peggy Hall**

[www.TheHealthyAmerician.org](http://www.TheHealthyAmerician.org)

Peggy's Bitchute Channel:

<https://www.bitchute.com/channel/bWZSESyGIP2E/>

- **Consumers Against Masks**

How to get time off/workers comp

<http://consumersagainstmasks.org/how-to-end-masks-at-work/>

State of California – Health and Human Services Agency      California Department of Social Services

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# FURTHER ASSISTANCE

- The Freedom Network for UK

<https://www.thefreedomnetwork.co.uk/>

- New York Stands Up

[www.nystandsup.org](http://www.nystandsup.org)

- Medical Mandates

<https://medicalmandates.org/declaration>

- Group - Stop Health Passports, Stop  
Excelsior Pass

<https://www.facebook.com/groups/1174789519394123/>

State of California – Health and Human Services Agency      California Department of Social Services

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# FURTHER ASSISTANCE

- **Canada Liberty Coalition**

<https://www.libertycoalitioncanada.com/>

- **Canadian Liberty**

<https://canadianliberty.com/sign-the-petition-against-the-new-lockdowns/>

- **Chris Sky for Canadians**

Telegram: <https://t.me/realchriscky>

State of California – Health and Human Services Agency      California Department of Social Services

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