



*from the office of*

**SENATOR  
KIM THATCHER**

**FOR IMMEDIATE RELEASE**

Wed., Apr. 24, 2019

Jonathan Lockwood

971-645-2099

**Capitol lawyers claim forcibly injecting lawmakers with same drug injections mandated for public “violates due process” and is “unconstitutional”**

SALEM, Ore.—Sen. Kim Thatcher introduced a batch of amendments to House Bill 3063—the Forcible Injections Act—designed to dismantle false narratives, to highlight the dangers of passing the bill and to advocate for vaccine safety. One of the amendments in particular, HB 3063—A 47, would extend the mandated drug injections to members of the Legislature who vote “yes” to the bill, and to the governor if signed into law. When Thatcher requested the amendment lawyers for members of the legislators pushed back on her. As a result, Thatcher’s office received a letter from Dexter Johnson, the head of legislative counsel. He wrote that her amendment raises constitutional concerns and that it violates due process for treating members of one class differently from members of a different class, despite the fact discriminatory HB 3063 is aimed at healthy school children. He also wrote that the amendment does not appear to have a rational basis. The letter also said that enforcing the requirements of the amendment against a legislator or governor would not ultimately be possible.

**Thatcher released the following statement:**

*“I would never vote to adopt this amendment, but I also would not vote for House Bill 3063. The amendment was to make a point that legislators in this building aren’t willing to subject themselves or their families to what they are trying to enforce on the public. That is wrong and it has no place in Oregon. Proponents of this bill are on the wrong side of history and the outrage against this bill will only continue to grow. Instead of fixating on a fake issue, let’s address the real emergencies facing our state like the education, mental health, homelessness, suicide, and foster system crises.”*

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**For follow-up commentary contact spokesman Jonathan Lockwood at 971-645-2099.**

Requested by Senator THATCHER (at the request of Oregonians for Medical Freedom)

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3063**

1 On page 6 of the printed corrected A-engrossed bill, after line 17, insert:

2 **“SECTION 13. (1) As used in this section, ‘relative’ means a spouse**  
3 **or a child.**

4 **“(2) On or before 30 days after the effective date of this 2019 Act,**  
5 **each member of the Legislative Assembly who votes in favor of this**  
6 **2019 Act and the relatives of the member shall begin receiving immu-**  
7 **nizations required by the Oregon Health Authority to be received by**  
8 **children to attend kindergarten through grade 12 school in this state.**

9 **“(3) On or before 30 days after the effective date of this 2019 Act,**  
10 **the Governor and the relatives of the Governor shall begin receiving**  
11 **immunizations required by the authority to be received by children to**  
12 **attend kindergarten through grade 12 school in this state.”.**

13 In line 18, delete “13” and insert “14”.

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STATE OF OREGON  
Legislative Counsel Committee

April 23, 2019

To: Senator Kim Thatcher  
From: Dexter A. Johnson, Legislative Counsel  
Subject: Constitutionality of HB 3063-A47 amendments

You requested amendments to House Bill 3063-A that would require members of the Legislative Assembly and their relatives to receive required immunizations beginning within 30 days of the effective date of the Act. The -A47 amendments so provide. The amendments also require the Governor and the Governor's relatives to receive required immunizations if the Governor signs the bill. The -A47 amendments raise the following constitutional concerns:

- The Due Process Clause of the United States Constitution requires a rational basis for laws that create classifications and treat members of one class differently from members of a different class. The -A47 amendments do not appear to have a rational basis for requiring members of the Legislative Assembly who vote in favor of the legislation, and their relatives, to receive immunizations, but not requiring members who vote in opposition of the legislation and their relatives to receive immunizations.
- Article IV, section 15, of the Oregon Constitution, vests the authority to discipline a member of the Legislative Assembly exclusively in the chamber of the Legislative Assembly in which the member serves. The Oregon Constitution limits discipline of the Governor to the recall process described in Article II, section 18. An individual seeking to enforce the requirements of the -A47 amendments against a legislator or Governor unwilling to comply with the amendments would have a limited ability to do so.

Encl.