



Written by [Raven Clabough](#) on March 25, 2019

Unvaccinated Student Sues Local Health Department Over New Policy

An unvaccinated Kentucky teen is suing his local health department because he has been barred from basketball practice at his Catholic high school for refusing to get the chickenpox (varicella) vaccine under a new health department policy. This unfolding story has been picked up by a number of major news outlets and could mark a significant moment in the fight for medical freedom.



Jerome Kunkel, 18, is the captain of his basketball team at Our Lady of the Sacred Heart/Assumption Academy, where there has been an “outbreak” of the chickenpox affecting 32 people, WHAS11 reports.

The Northern Kentucky Health Department has announced that unvaccinated students are not permitted to attend school until 21 days after the onset of rash for the last ill student or staff member.

Kunkel has refused to get the chickenpox vaccine on religious grounds because they contain aborted fetal cells, and for that, is unable to attend school under the new policy. Kunkel was particularly upset to learn that he is also barred from attending basketball practice under the same policy.

Is the Kentucky health department’s new policy proactive or overreactive?

The average child who has been infected with the chickenpox misses approximately seven to 10 days of school. The virus is contagious one to two days before the first rash breaks out and for another five to seven days after. The child is typically contagious until a full day after the last blister develops and should not return to school until the last rash has crusted over.

So which is worse? Getting the chickenpox and missing two weeks of school, or not getting the chicken pox but still potentially missing months of school until other infected students are fully healed?

“I think it’s kind of ridiculous and this is over chicken pox,” he said. “Three weeks of not being with my teachers is devastating academically for me.”

And beyond the misguided “wisdom” of the policy, Kunkel contends that the policy is unfair as it forces him to confront his own moral conscience and contend with the reality that he will miss out on a valuable high-school experience.

“The fact that I can’t finish my senior year of basketball, like our last couple games is pretty devastating,” he told CNN. “I mean, you go through four years of high school, playing basketball, but you look forward to your senior year.”

For Kunkel, who views abortion as “immoral, illegal, and sinful,” vaccines derived from aborted fetal cells are simply not an option.

In 2005, however, the Pontifical Academy for Life released a [statement](#) encouraging families to seek alternatives to vaccines with connections to abortions. The 2005 Vatican policy states,



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As regards the diseases against which there are no alternative vaccines which are available and ethically acceptable, it is right to abstain from using these vaccines if it can be done without causing children, and indirectly the population as a whole, to undergo significant risks to their health. However, if the latter are exposed to considerable dangers to their health, vaccines with moral problems pertaining to them may also be used on a temporary basis. The moral reason is that the duty to avoid passive material cooperation is not obligatory if there is grave inconvenience. Moreover, we find, in such a case, a proportional reason, in order to accept the use of these vaccines in the presence of the danger of favoring the spread of the pathological agent, due to the lack of vaccination of children.

Assumption Academy and Our Lady of the Assumption Church, which are part of the Society of Saint Pius X (SSPX), a Catholic priestly fraternity, uphold the principle that the development of vaccines from aborted fetal tissues is “morally illicit.” However, the school has always agreed to cooperate with local and state officials in response to the outbreaks of contagious diseases, according to a recent [statement](#).

Kentucky students are permitted to skip vaccines on religious grounds, but the exemption does not guarantee students the right to be on public grounds.

Kunkel’s lawyer, Chris Wiest, states he has been contacted by 18 other students in similar situations.

In response to the lawsuit, the Health Department states, “The recent actions taken by the Northern Kentucky Health Department regarding the chickenpox outbreak at Our Lady of the Sacred Heart/Assumption Academy was in direct response to a public health threat and was an appropriate and necessary response to prevent further spread of this contagious illness.”

But since when is chickenpox a “public health threat?” Most individuals who are infected with the chickenpox experience general feelings of being unwell, discomfort from itch, fever, and loss of appetite. The virus runs its course over a few days. Most adults today have experienced the chickenpox and live to tell their tale. Generally, complications from chickenpox result from treating them incorrectly, i.e., taking ibuprofen for treatment or scratching the itch. Otherwise, it is a relatively harmless rite of passage. The exceptions, of course, are those with weakened immune systems, but should that small minority set a policy for an entire general population? The easy answer is no.

The Northern Kentucky Health Department claims, “Chickenpox, also known as varicella, can be a very serious illness that is especially dangerous for infants and pregnant women or anyone who has a weakened immune system.”

But how many infants and pregnant women attend Kunkel’s high school? And any people who are unvaccinated, including pregnant women, have made a personal choice about what risks they are willing to take.

It’s also worth noting that individuals can contract chickenpox from the vaccine and can also spread it to others. So forcing Kunkel to receive the vaccine could have the potential to spread the virus as well.

The underlying issue behind Kunkel’s situation in Kentucky is the newfound hysteria around the so-called anti-vax movement. “Anti-vaxxers” are being treated like a public health threat, but why? If vaccines are as effective as the pro-vax community claims, then only those who voluntarily opt out of vaccines are at “risk.” Those families have accepted that risk, and those who obtain vaccines are equipped to face outbreaks, if the vaccines are indeed effective. Those who choose to opt out of vaccinations have weighed the risks of the diseases versus the risks of the vaccinations and decided that the vaccines are not worth it. Despite claims made by the pro-vax community, no vaccination is



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[without risk](#).

And even online platform Vaccines Today [observes](#) that the number of vaccinated individuals who get sick during an outbreak will often outnumber the unvaccinated individuals who get sick. That site argues that is simply because more people are vaccinated than unvaccinated, and so the numbers will always be skewed.

However, focusing specifically on chickenpox and its relevant vaccine, the figures do not justify the mass hysteria advocating for mandatory vaccines or quarantining of unvaccinated individuals.

According to a [study](#) published by the US. National Library of Medicine National Institutes of Health, the rate of severe complications and death related to varicella is extremely minimum in otherwise healthy children — less than one in 100,000. In contrast, another [study](#) revealed the rate of severe complications related to the varicella vaccine is 2.6 per 100,000 doses, which, while rare, is higher than the rate of severe complications from the disease itself.

Unfortunately, Big Pharma is adept at marketing and has managed to convince a significant portion of the population that the very diseases for which vaccines exists just so happen to be the very diseases that should be feared most, and look — there's an outbreak! Quick, get inoculated! Never mind that some of these diseases were once considered common childhood illnesses.

Kunkel's suit is about individual liberty and medical freedom. It could be an important step in the fight to maintain that freedom in the wake of an increasingly vocal movement to [mandate](#) vaccines.

"We're not harming anyone. We're not doing anything to endanger the public like they keep saying," Kunkel's father told WHAS11. "This is not just a fight for us. This is a fight for religious freedom."

Kunkel's hearing has been scheduled for April 1.

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