



## **VETO AB499 Governor Brown**

**Children should *not* be vaccinated for any reason *without* the voluntary, informed consent of their parents.**

The non-profit National Vaccine Information Center (NVIC), founded in 1982, is a pro-education, pro-informed consent consumer advocacy organization that secured vaccine safety and informed consent provisions in the National Childhood Vaccine Injury Act of 1986. <sup>i</sup> NVIC opposes state and federal legislation that allows medical or school personnel to vaccinate minor children for any reason without the voluntary, informed consent <sup>ii</sup> of their parents.

**This is a fundamental product safety and informed consent issue.** The legal right of parents to give their informed consent for minor children to take medical risks, <sup>iii</sup> which can result in injury or death, trumps the goals of state agencies or vaccine corporations <sup>iv</sup> and medical organizations, <sup>v vi</sup> whose employees, stockholders or members profit or professionally benefit from increased, widespread vaccine use.

**Unlike medical, school or other personnel administering vaccines, parents are legally accountable and financially responsible for the health care and education of a minor child when that child experiences a vaccine reaction and becomes chronically ill or disabled.** Existing and future vaccines for sexually transmitted diseases, such as HPV, hepatitis B, herpes, <sup>vii</sup> gonorrhea, <sup>viii</sup> chlamydia <sup>ix</sup> and HIV/AIDS, <sup>x</sup> should not be placed in a special category to allow legally unaccountable individuals to persuade a minor child to get vaccinated without the knowledge or consent of the parent.

### **Product Safety & Liability:**

- Vaccines are pharmaceutical products that carry a risk of injury or death, which can be greater for some than others; <sup>xi</sup>
- The Institute of Medicine (IOM) concluded in a 2011 report that ***scientific evidence is inadequate to determine whether HPV vaccine can or cannot cause different kinds of serious brain and immune system dysfunction***, including brain inflammation (ADEM); chronic inflammatory polyneuropathy, arthralgia, multiple sclerosis, Guillain Barre Syndrome (GBS); ALS (Lou Gehrig's disease); pancreatitis and blood disorders. <sup>xii xiii</sup> As of July 2011, there have been 21,000 reports to the government of health problems following HPV (Gardasil) vaccination, including 3,000 serious cases and 98 deaths. <sup>xiv</sup>
- The IOM also concluded that ***scientific evidence is inadequate to determine whether hepatitis B vaccine can or cannot cause serious brain and immune system dysfunction***, including brain inflammation (encephalitis, ADEM) and encephalopathy; multiple sclerosis; optic neuritis; GBS; chronic inflammatory polyneuropathy; vasculitis; lupus; psoriatic, reactive or rheumatoid arthritis; Type 1 diabetes or fibromyalgia. <sup>xv</sup> As of July 2011, there have been more than 50,000 reports to the government of health problems following receipt of hepatitis B containing vaccines, including more than 9,000 serious cases and 966 deaths. <sup>xvi</sup>



- **Vaccine manufacturers, doctors and other vaccine administrators have no legal accountability or financial liability in civil court when a government recommended or mandated vaccine(s) causes permanent injury or death;**  
xvii xviii xix
- The U.S. federal Vaccine Injury Compensation Program has awarded more than \$2 billion to vaccine victims since 1988 but two out of three vaccine injured plaintiff's are turned away without financial support. xx

### **Informed Consent & Parental Responsibility:**

- Informed consent to medical risk taking is a human right xxi and is the central ethical principle in the ethical and legal practice of modern medicine; xxii xxiii xxiv
- There is scientific evidence that the physical, mental and emotional development of children, including pre-adolescents, varies and is often not sufficient to enable children to make well reasoned decisions about risk taking involving their health and well being. xxv xxvi xxvii
- **A substantial body of U.S. law affirms the fundamental, legal right for parents to make medical, educational and other important welfare decisions for their minor children;** xxviii
- Parents are legally and financially responsible for the health care and education of their children and, therefore, parents must retain the legal right to give informed consent to vaccination of the child.

### **Increased Health Care and Legal Costs:**

In California, there is legislation awaiting Governor Jerry Brown's signature, AB499, that will allow minor children to receive vaccines for sexually transmitted diseases, such as HPV (Gardasil) and hepatitis B, without the informed consent of their parents. xxix If this legislation becomes law:

- California taxpayers will pay for state purchase of Gardasil vaccine from Merck at \$108 per dose xxx or **\$324 for every 12-year old child plus** vaccine delivery and administration costs.
- **Total costs will be in the multi-millions**, especially when money is spent for state funded special education and health services for vaccine injured children, who are without health insurance and do not receive federal vaccine injury compensation.
- The **state will face increased civil litigation costs when parents sue the state for violating a long held parental legal right and responsibility** xxxi to make decisions about medical care for their minor children.

### **References:**

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<sup>i</sup> [The National Childhood Vaccine Injury Act of 1986.](#)

<sup>ii</sup> Kleifgen B. [Informed Consent in Vaccination.](#) Vaccine Ethics.org. July 2010



- iii [Parental Right to Refuse Medical Treatment](#) in *Mother Doe & Father Doe vs. Anthony Conyers, Jr., Commissioner of VA Dept. of Social Services and Sarah C. Snead, Director of Chesterfield Dept. of Social Services and VA Governor Mark E. Warner*. Re: Liberty Interest. June 17, 2005.
- iv Zimm A, Preston D. [Merck Gets First U.S. Cancer Shot Mandate, From Texas](#). Feb. 2, 2007.
- v Rothman SM, Rothman DJ. [Marketing HPV Vaccine: Implications for Adolescent Health and Medical Professionalism](#). JAMA 2009; 302(7): 781-786.
- vi Attkisson S. [How Independent Are Vaccine Defenders?](#) CBS-TV News. July 25, 2008.
- vii Valigra L. Genocesa's [\\$35M VC round pushing herpes vaccine toward clinic](#). Masshightech.com. Jan. 5, 2011
- viii UroToday [Promising Target Identified for Gonorrhea Vaccine](#). July 20, 2005.
- ix Science Daily. [Chlamydia Vaccine A Step Closer to Reality](#). Feb. 2, 2007.
- x Bowdler N. [Monkey HIV vaccines 'effective,' say researchers](#). BBC News. May 11, 2011
- xi HRSA. [Vaccine Injury Compensation Program Statistics](#)
- xii Stratton K, Ford A, Rusch E, Clayton EW, editors. [Adverse Effects of Vaccines: Evidence and Causality](#). Committee to Review Adverse Effects of Vaccines. National Academies Press: 2011.
- xiii National Vaccine Information Center. [NVIC Statement on Adverse Effects of Vaccines: Evidence and Causality](#), IOM Committee to Review Adverse Effects of Vaccines. Aug. 25, 2011.
- xiv VAERS. [MedAlerts Database](#).
- xv See Reference #12.
- xvi See Reference #14.
- xvii See Reference #1.
- xviii Supreme Court of the United States. [Russell Bruesewitz et al v. Wyeth et al](#). No. 09-152. Argued October 12, 2010 – Decided February 22, 2011.
- xix NVIC. Press Release: [NVIC Cites "Betrayal" of Consumers by U.S. Supreme Court Giving Total Liability Shield to Big Pharma](#). Feb. 23, 2011.
- xx See Reference #11.
- xxi Fagan A. [Human Rights](#). Internet Encyclopedia of Philosophy. July 5, 2005.
- xxii University of Washington School of Medicine. [Ethics in Medicine: Informed Consent](#). Accessed Sept. 1, 2011.
- xxiii AMA. [Informed Consent](#). Accessed Sept. 1, 2011.
- xxiv [Supreme Court of California. Arato v. Avedon](#) (858 P2d 598) 1993.
- xxv McCabe MA. [Involving Children and Adolescents in Medical Decision Making: Developmental and Clinical Considerations](#). *Journal of Pediatric Psychology* 1996; 21(4): 505-516.
- xxvi Oswald A. [Jean Piaget's Theory of Cognitive Development. Child Development Theory: Adolescence](#). MentalHelp.net. Nov. 17, 2010.
- xxvii Dartmouth College. Press Release: [Brain changes significantly after age 18, says Dartmouth research](#). Feb. 6, 2006.
- xxviii Klicka CJ. [Parental Rights: Decisions of the U.S. Supreme Court Upholding Parental rights as "Fundamental."](#) 2003.
- xxix Cochran S. [CA AB499 Nixes Parental Consent for Gardasil Shots Given to Preteens](#). Yahoo News. Aug. 24, 2011.
- xxx CDC. [Vaccine Price List – 2011](#).
- xxxi Virginia Office of the Attorney General. [Family Relationships and the Law](#). Accessed Sept. 1, 2011.