



July 1, 2015

The Honorable Jerry Brown
Governor of California
c/o State Capitol, Suite 1173
Sacramento, CA 95814
Phone: (916) 445-2841
Fax: (916) 558-3160

SB 277 Vaccine Bill Violating Human and Civil Rights is a Grave Mistake and is Inconsistent With Your Previous Positions

Dear Governor Brown,

The National Vaccine Information Center (NVIC) is a nonprofit charity founded in 1982 to prevent vaccine injuries and deaths through public education. With more than 100,000 supporters living in California and other states, NVIC advocates for protection of the human right to informed consent to medical risk taking and inclusion of flexible medical, religious and conscientious belief vaccine exemptions in U.S. public health policies and laws.

The National Vaccine Information Center is opposed to the enactment of SB 277, a bill you signed into law on June 29, 2015 that eliminates the personal belief vaccine exemption for children to attend daycare and school in California. We urge you to reconsider and work with the legislature in the next term to reinstate the personal belief exemption, which includes religious and conscientious beliefs, to ensure in statute that parents are not forced to give up the human right to exercise informed consent to medical risk taking on behalf of their minor children so their children can exercise the civil right to a school education.

SB 277 was introduced after [measles cases](#) were reported at Disneyland in January 2015. Although 30 percent of 134 California measles cases with vaccine records had been vaccinated and only [18 percent](#) occurred in school aged children, the law will bar healthy children from attending California schools if they cannot show proof they have gotten every dose of every state mandated vaccine or a medical doctor has granted a medical vaccine exemption.

California families should not be segregated and discriminated against based on vaccination and health care choices that parents have made in the best interest of their children. There is no public health emergency in California that justifies the passage of this bill. The right to a public education in California is a fundamental right fully guaranteed and protected by the California Constitution. The [State of California Department of Justice Office of the Attorney General](#) references multiple state and federal laws to promote equity in education opportunities and to safeguard students against discriminatory practices in public schools providing educational services. Many of these were ignored in the rushing of this bill through the legislature without public hearings in the Assembly Education and Judiciary committees or Senate and Assembly Appropriations committees.

Prohibiting children with personal belief vaccine exemptions from attending school won't prevent vaccine targeted communicable diseases. There was a recent outbreak of pertussis at [Monterrey Park School in Salinas, California](#). All 4 cases were in vaccinated students even though 99.5% of children attending the school were vaccinated. The previous year in that same school district, only [9% of the cases of pertussis were in students never vaccinated](#). Claiming SB 277 will create a safe environment for immune compromised students is not only dishonest, it puts those students at risk of attending school with a false sense of security under the illusion that vaccinated students cannot get and transmit infectious diseases.

SB 277 also places a higher value on the lives of children who could potentially be adversely affected by infectious disease than on the lives of those children who could potentially be injured by vaccines. This is ethically wrong. Vaccines are not safe for everyone because we are not all the same genetically and biologically and we respond differently to pharmaceutical products like vaccines, a fact that has been acknowledged by the [Institute of Medicine](#) in many published reports.

In 2011, the [U.S. Supreme Court](#) declared vaccines to be "unavoidably unsafe" and [shielded pharmaceutical companies](#) from all product liability lawsuits for vaccine injuries and deaths. Medical doctors giving vaccines have been shielded from vaccine injury lawsuits since 1986 under the National Childhood Vaccine Injury Act and [more than \\$3 billion](#) has been paid to children and adults harmed by federally recommended vaccines, but two out of three vaccine injured plaintiffs are denied federal compensation. SB 277 eliminated the only protection that families have to protect their children from vaccine injury and death and still provide a school education for their children.

SB 277 will not achieve its stated goal to force parents to vaccinate their children. The new law simply kicks children without every state mandated vaccine out of school, but those children still live here and are part of the community and future of this state. It uses school education as blackmail to isolate, discriminate against, marginalize and punish healthy California children whose parents have made informed vaccine decisions for their children that do not conform with one-size-fits-all government vaccine policies. Denying partially or unvaccinated children an education does not produce an overall desirable outcome for the state of California.

Your support of SB 277 is both disappointing and curious given your statements when signing and vetoing previous legislation that protects or would have restricted exercise of religious beliefs, parental rights and school education.

In your [signing statement for AB2109 dated September 30, 2012](#), a bill promoted as "vaccine education" legislation, you affirmed the importance of protecting religious belief vaccine exemptions and directed the department to allow for a separate religious exemption not encumbered by state mandated vaccine education. SB277, on the other hand, has just closed the door on religious belief vaccine exemptions and simultaneously eliminated state vaccine education that you previously endorsed.

Your signing of SB 277 diverges from your historical support for parental rights. [When you vetoed AB 1444 on September 28, 2014](#), which would have made kindergarten mandatory for all students, you said that "most children already attend kindergarten, and those that don't may be enrolled in other educational or developmental programs that are deemed more appropriate for them by their families." You should have vetoed SB 277 on the same premise that mandating vaccines for all children is not necessary since most children are vaccinated and those without every state mandated vaccine may be

cared for using alternative health care that their parents have determined to be more appropriate for them. Many families in California use health care providers that do not promote or follow the federally recommended vaccine schedule and utilize natural alternatives to pharmaceutical product use to support a healthy lifestyle.

You have contradicted yourself in your veto statement of SB 1444 by signing SB 277 when you previously said that you “would prefer to let parents determine what is best from their children, rather than mandate an entirely new grade level.” SB 277 forces an entire generation of California children to receive multiple doses of federally recommended vaccines in order to get a school education. The numbers of vaccinations recommended by federal health officials have [tripled since 1983](#) to [69 doses of 16 vaccines](#) and SB 277 allows state health officials to add more vaccines to the required list without the vote of the legislature.

Your [veto of SB 105 from September 6, 2011](#) recognized a problem that similarly exists in SB 277: an overreach of government that unreasonably penalizes families. SB 105 imposed criminal penalties on a child and their parents if the child skis or snowboards without a helmet. While SB 277 doesn’t implicitly impose a criminal penalty on non-complying parents, if parents with personal belief objections to one or more of the mandated vaccines are unable to homeschool their children for financial or other reasons, they will be violating school attendance requirements and subject to truancy charges ending in [financial \(EC 48293\)](#) and [criminal penalties resulting in prison time \(Penal Code Section 270.1\)](#). This persecution of parents with religious or conscientious beliefs opposing vaccination could result in loss of custody of their children, who are placed in foster homes.

Since you maintained in your veto statement for SB 105 that you are “concerned about the continuing and seemingly inexorable transfer of authority from parents to the state” and that you “believe parents have the ability and responsibility to make good choices for their children,” many California families believed that you would again defend parents’ ability to make good choices for their children and veto SB 277. Instead, [in your signing statement for SB 277](#), you have failed to respect a parents’ legal right to exercise informed consent to medical risk taking on behalf of their minor children and handed that power over to medical doctors with no personal responsibility or liability for what happens to children when the risks of vaccination turn out to be 100 percent. Now in California, it is the doctor – and only the doctor - who gets to call the shots and make the final decision about whether or not a child can attend school.

Doctors are not infallible. [Doctors cannot predict](#) who will be injured or die from the side effects of vaccines, yet they pretend they do and deny medical vaccine exemptions to [99.99 percent of children](#) under [narrow federal guidelines](#). The personal belief vaccine exemption was the only way California parents could follow their conscience and religious beliefs that compel them to protect their children.

Many California parents also do not understand why you made a sudden and unexplained departure from supporting the importance of education for all children and keeping kids in school to barring children from attending school. In your [veto messages for AB 1866 and AB 1672 dated September 30, 2014 which imposed new reporting requirements for truancy](#) you state, “Keeping children in school and learning is a priority...” Yet, SB 277 prevents healthy, responsible, successful students from getting a school education if they do not have every dose of every state mandated vaccine.

The [issues section of your webpage highlights the budget as one of your priority issues](#). Public hearings on SB 277 were never held in Appropriations committees in either the Senate or Assembly to solicit public testimony about the potential impact on costs to the state for taking legal action against parents, whose children are truant because they do not have every state mandated vaccine or for defending lawsuits by parents suing the state for denying their children a school education guaranteed under the California Constitution.

For children who have individualized education programs, [the state is still responsible for providing special education and related services, regardless of the child's vaccination status](#). These costs were never reported to the legislature for consideration. It was fiscally irresponsible to push this bill through without an accurate financial assessment of the bill's economic impact on the state.

What makes the enactment of this law even more disingenuous is that it fails to acknowledge there are far more adults who have not been vaccinated, and children who have been vaccinated for whom the vaccines fail or wane, and children who are permitted to attend school without vaccinations for multiple other reasons like being homeless or being in foster care. All of these children and adults live and interact in our society. Targeting a tiny percentage of the population of school children without every dose of every state mandated vaccine for isolation and punishment with denial of a school education because their parents followed their conscience or religious beliefs or exercised their informed consent rights, is not something we ever thought we would see in the state of California.

We urge you to carefully reconsider your position on this legislation and work with California families and legislators to reinstate the personal belief exemption for religious and conscientiously held beliefs to mandatory vaccination for children to attend daycare and school.

Sincerely,

/s/ Dawn Richardson

Dawn Richardson,
Director of Advocacy