

July 2, 2019

Council of the District of Columbia  
Committee on Health  
Vincent Gray, Chair  
1350 Pennsylvania Ave., NW, Ste 406  
Washington DC 20004

Dear Chairman Gray,

The National Vaccine Information Center (NVIC) opposes B23-0171, the Minor Consent Vaccination Amendment Act, because it will eliminate parental rights by removing the requirement that vaccine administrators obtain the voluntary, informed consent of a minor child's parent in order for the child to be vaccinated.

B23-0171 blatantly ignores the existing intent of other laws and regulations putting parents in charge of vaccination decisions including section 5300.11 providing the legal right of the parent to claim a medical or religious exemption to vaccination.

B23-0171 places vaccines 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. Medical practitioners, schools, and others should never be permitted to coerce impressionable minor children into a medical procedure that is capable of causing injury or death behind their parents' backs. 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.

Vaccines are pharmaceutical products that carry a risk of injury or death. Minor children may not be aware of a family or their own personal history of vaccine reactions or personal contraindications to relay to the vaccine administrator. The U.S. federal Vaccine Injury Compensation Program has awarded more than \$4 billion to vaccine victims since 1988 but two out of three vaccine injured plaintiffs are turned away<sup>i</sup> without financial support.

Both The National Childhood Vaccine Injury Act of 1986<sup>ii</sup> and U.S. Supreme Court Decision *Russell Bruesewitz et al v. Wyeth et al*<sup>iii</sup> in 2011, guarantee that 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.

By consenting to a vaccine, a child alone is acknowledging that they have abdicated their constitutional right to a trial by jury should they become injured. It is highly questionable that

they understand the profound legal consequences including a 3-year statute of limitations on finding legal representation and filing a vaccine injury claim with the Vaccine Injury Compensation Program<sup>iv</sup>. It is also much less likely vaccine reactions will be recognized and connected to the vaccine by a child on their own and filed with the Vaccine Adverse Event Reporting System (VAERS)<sup>v</sup>.

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. Also, this one-sided proposal actually fails at implementing informed consent rights for the child because it does not equally permit a child to use their same application of their comprehension of risks and benefits to refuse a vaccine their parents have previously chosen for their child to receive.

The U.S. Supreme Court has an entrenched history of protecting the right of parents to direct the care and upbringing of their children. A governing body must prove that infringement on the parents' liberty is essential to fulfill a compelling interest and is the least restrictive means of fulfilling this state interest. Simply proving the regulation is reasonable is not sufficient<sup>vi</sup>. This proposed bill does not even come close to making this case.

The legal right of parents to give their informed consent for minor children to take medical risks, which can result in injury or death, trumps the goals of health agencies or vaccine corporations and medical organizations, whose employees, stockholders or members profit or professionally benefit from increased, widespread vaccine use.

The National Vaccine Information Center is a non-profit charity headquartered in Sterling, Virginia with members in the District of Columbia. NVIC was founded in 1982 to prevent vaccine injuries and deaths through public education and defend the informed consent ethic in health policy and law.

Sincerely,

Dawn Richardson  
Director State Advocacy

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<sup>i</sup> <https://www.hrsa.gov/vaccine-compensation/data/index.html>

<sup>ii</sup> <https://www.nvic.org/Vaccine-Laws/Federal-Law.aspx>

<sup>iii</sup> <http://www.supremecourt.gov/opinions/10pdf/09-152.pdf>

<sup>iv</sup> <https://www.hrsa.gov/vaccine-compensation/index.html>

<sup>v</sup> <https://vaers.hhs.gov/>

<sup>vi</sup> <https://hsllda.org/content/docs/nche/000000/00000075.asp>