

## Legislative Action Alert

### AB 2109 (Senator Richard Pan): *Vaccination Waiver Threatened*

**Position: Strongly OPPOSE**

**Status: Passed Assembly:** Health Committee, Appropriations Committee, and the Floor – Now in Senate.

**Hearing - Wednesday, June 27, 1:30 PM,** in the **California State Senate Health Committee** (Room 4203).

**Please come to the hearing** if you are able, **as a concerned parent** and **not as a homeschooler**.

AB 2109 is more than just a bill about opting out of vaccination requirements. Take the word vaccine out of the equation and ask, “Should anyone have to get permission to opt out of any medical procedure, especially those that allegedly help prevent rather than cure a disease?”

This bill would set a dangerous precedent for further **government takeover of what has historically been a parent’s responsibility – to make voluntary informed decisions concerning the medical care of their children**. We must be vigilant to hold our ground against AB 2109 so that we are not forced to hand over our medical, life-changing decisions to a government-mandated program or agency. Your help is key to the defense of our freedoms. Please read this alert and take the suggested action ASAP. Quickly pass this alert on to others who might respond.

**Summary of Concern:**

AB 2109 creates a new additional requirement for parents who choose to exercise the current right to a personal beliefs waiver to exempt their child from one or more of the vaccinations required for school enrollment. AB 2109 would require a parent to obtain the signature of a doctor, stating that he has provided the parent with information about the benefits and risks of vaccinations and about specified communicable diseases, before their child would be exempted. This would apply to all children regardless of what type of school they are in, including a private homeschool. The personal beliefs waiver, by itself, would no longer be enough. In short, AB 2109 would effectively take away the parent’s right to independently make an informed voluntary decision regarding the health care of their children – the choice of which vaccines, if any, their children will receive. AB 2109 would set dangerous precedent, leading to further erosion of the right of parents to make voluntary decisions in the best interest of their children in all health care decisions.

**Action Items:**

1) **CALL IMMEDIATELY** – No later than 3:00 pm on Tuesday, June 26th, call the member of the Senate Health Committee according to the first letter of your Last Name as indicated in the **alphabetized list below**. It is best to call between 9:00am and 5:00pm, Monday-Friday.

TELL THEM:

*"Please vote no on AB 2109 (by Pan). I oppose requiring parents to arrange an office visit to obtain a doctor’s signature as a new condition for exempting their child from vaccinations, based upon personal beliefs."*

**A-B**

Tom Harman  
Phone: 916-651-4035

**H-K**

Ed Hernandez  
Phone: 916-651-4024

**S-T**

Michael Rubio  
Phone: 916-651-4016

**C-D**

Mark DeSaulnier  
Phone: 916-651-4007

**L-M**

Sam Blakeslee  
Phone: 916-651-4015

**U-W**

Joel Anderson  
Phone: 916-651-4036

**E-G**

Elaine Alquist  
Phone: 916-651-4013

**N-R**

Kevin de Leon  
Phone: 916-651-4022

**X-Z**

Lois Wolk  
Phone: 916-651-4005

2) **In addition** to Action Item #1, please call some of the other members of the Senate Health Committee that are on the fence regarding this bill in the following priority:

- |   |   |   |
|---|---|---|
| 1. Ed Hernandez<br>Phone: 916-651-4024    | 3. Michael Rubio<br>Phone: 916-651-4016 | 5. Tom Harman<br>Phone: 916-651-4035    |
| 2. Mark DeSaulnier<br>Phone: 916-651-4007 | 4. Kevin de Leon<br>Phone: 916-651-4022 | 6. Sam Blakeslee<br>Phone: 916-651-4015 |

3) If you have not sent in a letter of opposition yet, please fax a brief letter with the following statement to the Senate Health Committee at (916) 324-0384 and to the Republican Caucus Consultants at (916) 651-1501.

*"I oppose AB 2109 (by Pan) because it requires parents to arrange an office visit to obtain a doctor's signature as a new condition for exempting their child from vaccinations, based upon personal beliefs." (Although not necessary, you may also refer to the "Opposition Points to Share with Legislators" for additional ideas that you could include in your letter.)*

**Notes:**

- \* Always contact legislators as a parent and citizen. This bill directly affects all families with children.
- \* Do not disclose the source of this Alert. All bills are available on the internet.
- \* KEEP this Alert as a reference for future Legislative Action Alerts.
- \* Reprint or forward this to your friends, church, school, and group.
- \* Pray for a proper outcome.

**Opposition Points to Share with Legislators:**

AB 2109 is an attack upon parental rights and an attack on religious and personal conscience liberties. It imposes a requirement that, in effect, will take away the current guaranteed right of a parent to exempt their child from any or all vaccinations required for school enrollment. Current law already allows for non-vaccinated students to be restricted from attending a school while there is an outbreak of particular communicable diseases.

**Parental rights attacked**

AB 2109 violates basic parental rights by forcing parents into a paid contractual relationship with a health care provider they might not otherwise utilize for their children's health care.

AB 2109 forces health care practitioners into a gate-keeping role that creates a hurdle for parents desiring to freely exercise their parental rights to direct the health care of their children.

AB 2109 forces parents to attempt to arrange office visits with healthcare providers, with only a hope that they will obtain the required signature of the doctor. There is no requirement that the specified health care providers schedule the appointment, or charge an affordable rate, or give the parent their signed statement required to receive the immunization exemption.

**Personal conscience & religious freedom attacked**

While a visit with and signature from a physician is appropriate for the allowed "medical exemption," it is not appropriate for the "personal beliefs exemption." It is a violation of basic rights for the state to put physicians in a role where they can and will attempt to influence the personal beliefs or the religious beliefs of the parent.

**Impractical & unworkable for many parents and therefore selectively discriminatory by its very nature**

It may be difficult to find a health care provider in California who will be willing to provide information on required immunizations and a subsequent signature, based on their busy and already overwhelming schedules.

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AB 2109 ignores the fact that some parents, who have a personal belief that any required vaccination is not appropriate for their child, may not have a regular doctor for their child and family, and from whom they could readily get the required documentation. Many doctor's offices are not taking new patients. This has already been convincingly illustrated in Washington State, where they passed essentially the same law last year.

Health care practitioners cannot fully educate a parent regarding the risks and benefits of each required vaccination and the health risks of the related diseases in 20 minutes or less. A study in *Pediatrics Magazine* showed 80% of parents reported that "well" visits lasted less than 20 minutes. One third of parents reported visits of less than 10 minutes. <http://pediatrics.aappublications.org/content/128/4/657.abstract>

There is no guarantee that, just because you pay money to a provider, you will get a signature. In fact, you probably won't get one without repeated appointments with different doctors. Doctors will not want to sign these either for fear of liability or simply because they believe that all children should be vaccinated.

### **Creates financial hardship for many families**

AB 2109 would impose a burden on families both financially and time wise. It requires parents, who believe that a particular vaccination or all vaccinations are not in the best interest of their child, to make and pay for an appointment with a specified health care practitioner to obtain their signature on a document. This document declares that the practitioner provided the required information to the parent. However, more information is available for free on websites (such as the CDC website) than one will likely receive in a doctor's appointment.

AB 2109 will negatively impact many poor or disabled parents by forcing many to make difficult trips to doctors' offices to find one who would sign the proposed new required form. Many have jobs that do not have the flexibility to take time off merely for an information appointment. Insurance will likely not cover such appointments and therefore must be paid for by the parent.

This requirement is clearly an obstructive roadblock to prevent parents from being able to get a personal beliefs exemption for their child.

### **Physicians – financial conflict of interest**

A parent is forced to pay for information from a health care provider and then hope they can get their required signature. Reports from the state of Washington, which implemented this requirement last year, are that doctors are pressuring parents to join their practice. This is a coercive way of throwing more business toward the health care providers specified in the bill while excluding other sources of the same information, many of which are free.

### **Physicians – philosophical beliefs conflict of interest**

Health care practitioners should not have anything to do with a parent's personal beliefs exemption.

AB 2109 gives the physician the power to refuse to give an appointment. Even if he sees the parent, he is not required to sign the statement that is required for the "personal beliefs exemption." **A parent could spend the money and time to get a dozen appointments and still not receive the required signature!**

This bill requires parents who are exercising their rights under the law to pay money to be harassed by someone who disagrees with their views.

### **Physician-Patient relationship negatively affected**

AB 2109 will likely have a very negative impact on some doctor-patient relationships. This bill requires a health care practitioner to sign a form that acknowledges a child will be exempt from a vaccination. This will be repugnant to some health care practitioners who will not sign the required statement and will result in the development of an unfortunate adversarial relationship between some patients and their doctors. Many families will likely even lose their doctor over this, as has happened under Washington State's similar law implemented last year.

**Background Information:**

- AB 2109 would add a new requirement for parents who choose to use the current right to a personal beliefs waiver (HSC Section 120365) to exempt their child from one or more of the vaccinations required for school enrollment. This bill would require a new additional new Public Health Dept. form, documenting that a specified health care practitioner has provided information to the parent about the benefits and risks of all required vaccinations and the health risks of specific communicable diseases. This new form must have the health care provider's signature, indicating that the parent has received that information and is to be given by the parent to the school.
- Significantly, the author of AB 2109 has refused to amend his bill to require that the health care provider sign this form once the health care provider has provided the parent with the required information. This is a critical omission. After all, the parent has made and kept the appointment and paid for this office visit specifically for this purpose! Having paid to listen to the health care practitioner's information and having thus fulfilled the parent's part of the condition for obtaining the personal beliefs waiver, it is unreasonable for the parents not to be able to know for sure that the health care practitioner will sign the needed form. And this is the whole reason for the appointment. Without the provider's signature on the form, their child will not receive the personal beliefs exemption from required vaccinations if this bill passes. This is unacceptably wrong.
- This proposed requirement in AB 2109 would apply to **all** pupils enrolled in a public or private school (including home schools). **Under current law**, a parent may exempt their child from any or all of the required immunizations by one of two ways: (1) a medical waiver (HSC Sec. 120370) by a statement from a physician or (2) a personal beliefs waiver (HSC Sec. 120365) by a parent signing a statement on the immunization form (blue card) that reads:  
*PERSONAL BELIEFS AFFIDAVIT TO BE SIGNED BY PARENT OR GUARDIAN—IMMUNIZATION*  
*I hereby request exemption of the child, named on the front, from the immunization requirements for school/child care entry because all or some immunizations are contrary to my beliefs. I understand that in case of an outbreak of any one of these diseases, the child may be temporarily excluded from attending for his/her protection.*
- Most people are not aware of the severe reactions and deaths attributed to certain vaccines. The National Vaccine Injury Compensation Program was enacted in 1988. This federal program reimburses families whose children have been injured or have died due to vaccines. So far over \$2 billion has been paid out by this program.

For more information and resources on benefits and dangers of vaccinations please visit:

<http://childandfamilyprotection.org/immunizations.html>. Parents who decide to "waive" one, or more, or all vaccinations for their children must make sure their school's immunization records for each of their children reflect their desires. Waivers for vaccinations are documented by signing the back of the immunization form, which you can link to at <http://www.pheofca.org/ImmunizationRequirements.html>. This form must be kept in the school's permanent file for each school-age child enrolled in your child's school.

The purpose of this communication is to present information and express our positions on the issues addressed. We encourage you to research this for yourself and come to your own conclusions. Regardless of your position, we strongly urge you to exercise your constitutional right to express your position to your elected representatives.

– We evaluate bills and proposals from a Biblical/Christian World View –  
KEEP this Alert as a reference for future Alerts