

**SB 277 Testimony**  
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**California State Assembly Committee on Health**  
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Thank you for the opportunity to provide this referenced testimony on behalf of more than 100,000 supporters of the non-profit charity the National Vaccine Information Center ([NVIC.org](http://NVIC.org)) living in California and other states. 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.

In 2014, California ranked an enviable number four among all states with the lowest infant mortality rate, a major indicator of good child health. <sup>1</sup> Only 2.5 percent of children entered kindergarten in 2014 with a personal belief vaccine exemption <sup>2</sup> and many of those children are vaccinated but use a modified vaccine schedule.

[SB 277](#) eliminates the personal belief exemption. It bans children from attending daycare and school unless they receive dozens of doses of 10 federally recommended vaccines or file a medical exemption that federal health officials tell doctors to deny to 99.99 percent of children. <sup>3 4 5</sup>

The federal government shields the drug industry and doctors from vaccine injury lawsuits and directs doctors to give children triple the numbers of vaccinations given 30 years ago. <sup>6 7 8</sup> Several hundred new vaccines are being created <sup>9</sup> and this bill facilitates the mandating of new vaccines without your vote.

It fails to value the health and educational needs of vulnerable children, for whom the risks of vaccination have been - or will turn out to be - 100 percent. No doctor in California or public health official at the CDC in Atlanta can accurately predict whether or not a child will suffer brain inflammation, injury or death after vaccination. The \$3 billion dollars already paid to vaccine casualties under the National Childhood Vaccine Injury Act is confirmation of that fact. <sup>10</sup>

While we are all born equal under the law, we are not all born the same and we do not all respond the same way to pharmaceutical products. <sup>11</sup> As the Institute of Medicine has repeatedly stated in published reports, some of us are genetically, biologically and environmentally more vulnerable to being harmed by vaccines, but doctors cannot accurately identify who we are because of large gaps in vaccine safety science. <sup>12 13 14 15 16</sup>

The fact that science has not adequately defined who among us is at high risk for vaccine complications does not mean that our lives are less deserving of protection than those at high risk for disease complications.

The science is not settled. Health officials do not know how many vaccinated children and adults transmit infections to others without being diagnosed, including

to immune compromised people.<sup>17 18 19 20 21</sup> It is an illusion that severely immune compromised children will not get sick if all the other children in daycare and school are vaccinated.

California came face to face with this inconvenient truth last year when it became clear that 90 percent of child pertussis cases with vaccine records had been vaccinated.<sup>22</sup> This year, 30 percent of measles cases with vaccine records had been vaccinated.<sup>23 24</sup> The Disneyland measles outbreak, in which over half the cases were adults and only 18 percent were school children, ended quickly this year using successful disease control measures.

This bill is not about measles or pertussis. It is about taking power away from mothers and fathers to make medical risk decisions for their minor children and handing it over to doctors to implement a one-size-fits-all policy with no personal accountability for the children who become casualties of that policy. It punishes parents with good reason to conclude their children are already vaccine injured or vulnerable to vaccine harm but cannot find a doctor to acknowledge that and write a medical vaccine exemption. Most parents do not have the money or expertise to homeschool, and those at greatest risk for being denied an equal education guaranteed by the California constitution are handicapped children requiring special education under civil rights laws.<sup>25 26 27</sup>

SB 277 will be expensive for the state to enforce and defend in court. Many parents refuse to violate their deeply held religious, spiritual and conscientious beliefs that compel them to protect their children.<sup>28</sup> The prospect of non-complying parents being charged with truancy and fined or potentially sent to jail if they cannot homeschool will foster mistrust and fear of health officials and the medical profession.<sup>29</sup>

As mothers and fathers, we love our children more than we thought we could love anyone. We nurture them throughout childhood so they can grow up to be productive members of society. We are personally responsible for their health, and we are the ones who care for them when they become sick and unable to care for themselves for any reason.

The thousands of Californians who have come to Sacramento this year to participate in our democracy and testify against this bill are asking you to protect parental, civil and human rights. The right of the state to tell parents what to do to their children's bodies ends where the right of parents to protect their children's lives begins. Please do not pass this unnecessary bill, which violates the human right to informed consent to medical risk taking and denies equal protection and education to children in California.

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*Barbara Loe Fisher is co-founder and president of the National Vaccine Information Center (NVIC). She is co-author of the seminal 1985 book, DPT: A Shot in the Dark, which was the first documented critique calling for reform of America's vaccination system. She worked to secure vaccine safety and informed consent protections in the National Childhood Vaccine Injury Act of 1986 and has testified in Congress and state legislatures on vaccine science, policy, law and informed consent. She served as a consumer member of the National Vaccine Advisory Committee (1988-1991); Institute of Medicine Vaccine Safety Forum (1995-1998); FDA Vaccines and Related Biological Products Advisory Committee (1999-2002); Vaccine Policy Analysis Collaborative (2002-2005), and the NVAC Vaccine Policy Writing Group (2009-2010). The mother of three children, her oldest son was left with multiple learning disabilities and attention deficit disorder after a severe reaction to DPT vaccine in 1980.*