



## Five Facts About Why SB 277 Should NOT Become Law in California

[SB 277](#) will eliminate all non-medical vaccine exemptions and

- is not based on scientific evidence or compelling state interest,
- is a violation of parental and human rights,
- requires children to risk vaccine injury, while vaccine manufacturers and doctors administering vaccines are shielded from vaccine injury liability,
- discriminates against children to deny them a school-based education guaranteed by the California Constitution, and
- will be excessively expensive to administer and enforce.

**FACT #1: Unvaccinated school-aged children with religious and conscientious belief exemptions are not causing measles and whooping cough outbreaks in California.** In 2015, California reported 136 cases of measles. Of the cases with vaccination records, 30 percent had been vaccinated. Only 18 percent of the measles cases were in school-aged children, while 55 percent were in adults.<sup>1 2</sup> In 2014, out of 8,200 pediatric cases of pertussis with vaccination records reported in California, 90 percent of the children had been vaccinated.<sup>3</sup>

**BOTTOM LINE:** Despite originating in one of the most densely populated places in the country, the 2015 Disneyland measles outbreak was successfully contained and only affected 0.00035% of the state's population. There is no public health emergency and no need to eliminate informed consent protections in California public health laws.

**FACT #2: Vaccines are pharmaceutical products that carry a risk of injury or death, which can be greater for some than others.** According to the Institute of Medicine, (1) doctors cannot accurately predict who will be harmed by vaccines because of unknown biological, genetic and environmental high risk factors;<sup>4</sup> and (2) the safety of the federally recommended childhood vaccine schedule has not been adequately studied.<sup>5</sup> Even so, 99.99 percent of children do not qualify for medical vaccine exemptions under federal guidelines.<sup>6</sup>

**BOTTOM LINE:** Parents are legally and morally responsible for the health and well being of their children. When a medical intervention like vaccination carries an unpredictable risk of injury or death, parents of minor children must have the legal right to make informed, voluntary medical decisions for them without being coerced or punished by doctors or the state.

**FACT #3: The federal government maintains that vaccines are “unavoidably unsafe” products and shields vaccine manufacturers and those administering vaccines from product liability and personal injury lawsuits even if the vaccine(s) could have been safer or were given negligently.** Under the National Childhood Vaccine Injury Act, since 1988 over \$3 billion has been paid for vaccine injuries and deaths suffered by children and adults but vaccine manufacturers have paid none of it.<sup>7</sup>

**BOTTOM LINE:** SB277 compels children to take vaccine risks or be denied an education while drug companies and vaccine administrators remain risk-free. It gives preferential treatment to drug corporations and the medical trade while denying equal protection to children and their parents.

**FACT #4: Children living in California have a constitutional right to an education and children with special needs have rights under the Individuals with Disabilities Education Act (IDEA) and Free Appropriate Public Education Act (FAPE).** SB 277 deprives children of their civil right to an education and sanctions parents making informed medical decisions for their children.

**BOTTOM LINE:** The California Constitution guarantees to all children a public education whether or not they have received every dose of every vaccine recommended by the government.

**FACT #5: SB 277 will incur excessive administrative and litigation costs to the state.** Children requiring special education will be denied an equal education unless the state provides costly home-based tutorial support services. The state will incur costs to charge non-complying parents with truancy and criminally prosecute and imprison them. When California families penalized by SB 277 bring civil actions, the state will incur the costs to defend those lawsuits.

**BOTTOM LINE:** SB 277 is an expensive and unnecessary bill that will add to the state’s debt while violating children’s constitutionally guaranteed right to receive an equal education regardless of vaccination status.

**National Vaccine Information Center ([NVIC.org](http://NVIC.org)) & [NVICAdvocacy.org](http://NVICAdvocacy.org)**

## References:

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- <sup>1</sup> CA Dept. of Public Health. [California Measles Surveillance Update](#). Apr.10, 2015.
  - <sup>2</sup> CA Dept. of Public Health. [Measles Outbreak That Began In December Now Over](#). Apr. 17, 2015.
  - <sup>3</sup> CA Dept. of Public Health. [Pertussis Report](#) Apr. 20, 2015.
  - <sup>4</sup> Institute of Medicine. Adverse Effects of Vaccines: Evidence and Causality: [Evaluating Biological Mechanisms of Adverse Events: Increased Susceptibility](#). 2012.
  - <sup>5</sup> Institute of Medicine. The Childhood Immunization Schedule and Safety: Stakeholder Concerns, Scientific Evidence and Future Studies: [Summary: Health Outcomes](#) and [Conclusions About Scientific Findings](#) and [Review of Scientific Findings](#) 2013.
  - <sup>6</sup> NVIC. [U.S. Government Recommended Vaccines for Children with Medical Conditions](#). CDC 2014.
  - <sup>7</sup> Health Resources Services Administration (HRSA). [National Vaccine Injury Compensation Program Monthly Statistics Report](#).