

TPublic Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-5044

Title: AN ACT CONCERNING IMMUNIZATIONS.

Vote Date: 2/24/2020

Vote Action: Joint Favorable Substitute

PH Date: 2/19/2020

File No.:

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SPONSORS OF BILL:

The Public Health Committee

REASONS FOR BILL:

This bill eliminates the religious exemption for individuals attending public or private school, Pre-K through grade12, individuals in higher education and children in day care settings. Substitute language amends the bill to allow for individuals who currently have a religious exemption obtained before the effective date of the bill to be grandfathered. The bill also retains the documented medical exemption as allowed in current law.

The bill establishes an 11-member Department of Public Health (DPH) Advisory Committee on Medically Contraindicated Vaccinations. The committee is charged with advising the Commissioner of DPH on issues related to the medical exemptions from state or federal immunization requirements and must meet at least biannually to report its findings starting by January 1, 2021.

The bill also requires DPH to release annual immunization rates for all public and private K-12 schools in the state. This data cannot include individually identifiable information.

This bill requires DPH, by October 1, 2020, to develop and post on its website, a medical exemption certificate form for use by physicians, PAs and APRNs.

A verbal amendment was adopted to include children who have a family history of any autoimmune disorder. In addition, the amended language requires DPH, in collaboration with the State Department of Education (SDE) and the Office of Early Childhood (OEC), to evaluate all data collected regarding exemptions from required immunizations. The Commissioners of DPH, SDE and OEC are required to jointly report their analysis and

evaluation of this data to the Public Health Committee beginning January 1, 2021 and annually thereafter.

RESPONSE FROM ADMINISTRATION/AGENCY:

Senator Martin M. Looney, President Pro Tempore, Connecticut General Assembly:

Sen Looney testified that our state should not exempt children from vaccination requirements solely due to the religious beliefs of their parents. While the senator respects the right of all adults to practice religion freely, he does not believe this right extends to decisions that damage the welfare of their children and most definitely should not impact the welfare of other children. These unwise choices have led to outbreaks of previously well controlled diseases as immunization rates began to decline as the fear of vaccines began to spread. States that have eliminated non-medical exemptions have seen great improvement in their vaccination rate. The Senator also referred to an opinion from the Attorney General that clearly states the broad authority given to the state to protect the public health. By eliminating the non-medical exemption, our state is taking a stand to protect all our citizens.

Renee Coleman- Mitchell, Commissioner, Department of Public Health DPH: In her testimony, the Commissioner explained that the religious exemption currently allowed in our state took effect in 1959 and, at that time, all that was required was a statement from a parent or guardian that such vaccinations would be against the religious beliefs of a child. Legislators 60 years ago did not foresee the rise in vaccine hesitancy that began in the late 1990's and continues to this day. As a state we must focus on the public health of every child, not one child or one community. The Commissioner provided a brief history of the consequences before the development of the measles vaccine. Up to 500 Americans would die of measles every year and this was only 60 years ago. We must not ignore history and the consequences of not being proactive when dealing with a potentially dangerous situation. As a department charged with protecting the public health, the DPH cannot ignore the dramatic increase in the number of religious exemptions in our state fueled by an unfounded fear of the safety of vaccines. This increase has a direct correlation to the overall declining rate of immunization for measles. After examining this trend, the Commissioner believes that as a state we can no longer afford to put our school children at risk of infectious diseases by allowing non-medical exemptions to vaccinations. The Commissioner supports repealing the religious exemption to allow mandatory vaccination for school attendance. The Commissioner also indicated that the bill presents an aggressive timeline for compliance to all vaccination requirements. She suggested that the language of the bill provide more time to families to prepare for the new reality and become compliant. She offered to work with the committee to accomplish this goal.

Senator Robert Duff, Majority Leader, Connecticut General Assembly: Senator Duff is in support of this legislation. He is very concerned that immunization rates across our state are falling resulting in over one hundred schools having vaccination rates below those recommended by the Center for Disease Control and Prevention (CDC). The fall in vaccination rates has been closely tied to a 25% increase in the use of the non-medical exemption. Since non-medical exemptions endanger those who cannot be safely vaccinated, we must act to prevent the possibility of wider outbreaks. Too often, as a legislature we react

after an emergency occurs. In this case, we must act proactively to repeal the non-medical exemption before we are faced with a dangerous outbreak. The Senator will work to move this bill forward.

Representative Craig Fishbein, Ninetieth Assembly District, CGA: Representative Fishbein is in opposition to this bill. The bill removes the right of the parent to make decisions regarding the health and safety of their children. By prohibiting the parent or guardian from making these decisions, parental rights are being violated unjustly and the standard in our state to protect these rights is being infringed upon.

Representative Gale Mastrofrancesco, Eightieth Assembly District, CGA: Although personally supporting the use of vaccinations, Rep. Mastrofrancesco is opposed to this bill because it would strip parents of their religious and parental rights resulting in the threat that their children would not be allowed to enroll in public or non-public schools.

Beth Bye, Commissioner, Office of Early Childhood, OEC: The OEC is the agency responsible for the licensing of child care centers, group child care homes, family care homes and youth camps. The OEC licenses more than 4,000 child care programs. Ms. Bye, on behalf of the OEC, supports this bill and the repeal of the religious exemption. Since their immune systems are not fully developed, our youngest children, particularly infants, are most vulnerable to disease outbreaks. A high vaccination rate protects not only vaccinated children, but also those who cannot, or have not been vaccinated. Vaccinations are critical to protecting the health and well-being of our children and preventing infectious diseases from gaining ground. Ms. Bye also respectfully requested that the bill include a member of the OEC to be appointed to the Advisory Committee on Medically Contraindicated Vaccinations.

NATURE AND SOURCES OF SUPPORT:

Central Pediatrics & Adolescent Medicine LLC: The members of this group of doctors are unequivocally in support of religious freedom. However, they have observed over the years many parents misusing the religious exemption as a reason not to vaccinate their children. The doctors in this group care for a diverse group of families of many different faith backgrounds, including Catholic, other Christian religions such as Jehovah's Witnesses, Muslims and those who practice the Jewish faith. Many of these families are devout in their religious practices and all of them vaccinate their children. Most religious doctrines support the vaccination of children. It is important to note that most parents who choose not to vaccinate their children are protected in communities where the majority vaccinate their children. Once a critical number of community members are not vaccinated, then the concept of "herd immunity" breaks down which leads to potentially life-threatening illnesses. With the apparent increase of religious exemptions to vaccinations, we fear this potential danger will become more prevalent. For these reasons, our group of doctors supports repealing the religious exemption.

Charles Brown, District Director of Health, Central Connecticut Health District, CCHD: The CCHD organization serves nearly 100,000 people in the four member towns of Berlin, Newington, Rocky Hill and Wethersfield. The CCHD believes that vaccines and immunization are the backbone of public health and contribute to reducing disease and death associated with infectious diseases. In public health, our responsibility is to take care of all people.

Vaccines provide immunity if used universally, properly and uniformly. Those who oppose the repeal of the religious exemption claim constitutionality, personal and parental rights are being infringed. However, as noted in an opinion by our Attorney General, the legal basis for vaccination has been well reviewed and argued. With the recent re-emergence of measles, our schools have taken a closer look at the rates of vaccination and religious exemptions. The increase is alarming and potentially dangerous. For this reason, the CCDH supports the bill to remove the religious exemption.

Roberta R. Friedman, Chair , Advocacy Committee, Connecticut Public Health

Association, (CPHA): The mission of CPHA is to provide the public and policymakers with information on health promotion and disease prevention through communication, advocacy, education, research and professional workforce development. Vaccinations are essential to protect the health of our population, especially our most medically vulnerable children. The rapid rate of the religious exemption is most concerning. For this reason, it is necessary to limit the state's exemptions to the school vaccine mandate. CPHA supports this bill.

Hartford HealthCare: Supports this legislation because it is vitally important to protect all children from potential disease outbreaks especially medically fragile children who cannot be safely vaccinated. The Connecticut Department of Public Health (DPH) reported that 134 Connecticut schools had vaccination rates for measles, mumps and rubella well below the CDC recommended rate of 95% and of these, 41 schools had rates below 90%. The DPH attributed this decline in vaccination rates to the sharp rise in the number of religious exemptions. Our position on this issue is to protect the health and safety of all our children and reduce the risk of outbreaks. Therefore, we support the removal of the religious exemption.

Day Kimball Healthcare, A community partner of Yale New Haven Health: Day Kimball Healthcare supports this bill. The science behind the development of vaccines and the practice of immunization have been proven to save and improve the lives of countless people around the world. Hospitals are committed to providing care that is based upon the best clinical practices thus, resulting in the best outcomes. Removing the religious exemption will contribute to that goal.

American Academy of Pediatrics, Hezekiah Beardsley Connecticut Chapter:

Encourages all efforts to improve and strengthen immunization rates in Connecticut to protect all children including our most vulnerable citizens. Therefore, the organization supports removing the non-medical exemption.

Ashley Balestrierie, MSN,RN,RNC,-NIC: Testified in support of the bill citing that, while she agrees with protecting parental rights, current legislation has made it far too easy for anybody to claim that they are opposed to vaccines for religious reasons. Rather than being reserved for those very, very, few individuals with a true religious opposition to vaccines, it is being used "to circumvent the system".

Becky Cacciato, RN, BSN: Testified that as a pediatric nurse since 1985 working in hospitals, community- based nursing, family practice and currently as a nurse consultant for 6 preschools and childcare centers, she has found that most parents were following the established guidelines for immunizing their children. However, in recent years, with the MMR/autism misinformation, clear information is not being presented by pediatricians to

understand how vaccines work. We need a national voice to fully understand how many childhood illnesses have been irradiated since the creation of vaccines. Unfortunately, religious exemptions have provided a legal path that, not only impacts the families not vaccinating, but children and adults who need the protection afforded through "herd Immunity". Please vote to remove the religious exemption.

Pamela Albertson, RN: As a registered nurse who has spent 15 years in the public schools, Ms. Albertson has seen firsthand the ease with which disease can spread. To advance the growing movement of ignorance and selfishness expressed by those against vaccination, is to give voice to this folly and endanger the bedrock of public health. Eliminate the religious exemption.

Patrick McCann, Chair, Secular Coalition for CT: He is one of the 26% of Americans who identify as atheists and the 42% who are non-religious. Allowing a religious exemption to public health law is the same as allowing a religious exemption to our traffic laws. He urges passage of HB 5044.

Jeanne Marconi, MD, Pediatrician and Child Advocate, The Center for Advanced Pediatrics: Testified that there is no validated medical evidence to support a religious exemption and that it is unethical to purposefully expose CT residents to such an exemption regarding vaccinations. An outbreak of disease, such as the one we are witnessing with the Coronavirus, can and will occur with unvaccinated populations. We must protect all residents of Connecticut. Please remove the religious exemption.

Peter Barwick: Peter testified that if this group of parents cannot be made to understand the risk they pose to the greater population and will not yield, then, he would ask these parents to accept their social responsibility to home school their children.

Megan Massey, resident of Bristol and a DCF Social Worker: Testified that as the mother of two boys who have received most but not all vaccinations, she falls in the middle of this debate. She believes that not all the CDC recommended vaccines are necessary. Parents should be able to have a conversation with their pediatrician to review which vaccines are appropriate for their children. Why should children be forced to receive vaccinations based upon a "one size fits all" model from the CDC that is not created with the best interests of all children in mind. Ms. Massey believes in vaccination, but also in the right of a parent not to administer ALL vaccines. The government should allow parents, in consultation with their doctors, to choose what is best for their children while, at the same time, understanding that all children need to be protected.

The Public Health Committee received via email over 1000 pieces of testimony expressing similar views in support of HB 5044 removing the religious exemption regarding vaccinations. They cited reasons similar to those listed in the testimonies above. All copies of this testimony is available on line.

The following organizations submitted testimony in support of removing the religious exemption to mandatory vaccination:

**AFT Connecticut, AFL-CIO
Connecticut Infectious Disease Society (CIDS)**

Connecticut Pharmacists Association (CPA)
American College of Physicians (ACP)
Ear Nose and Throat (ENT) Society
CT Dermatology and Dermatologic Surgery Society
CT Society of Eye Physicians
CT Urology Society
Connecticut Camping Association
Connecticut Boards of Education (CABE)
National Association of Hispanic Nurses
Yale New Haven Health
March of Dimes
Saint Mary's Hospital
Connecticut Bioscience Growth Council
Humanists and Freethinkers of Fairfield County
Stamford Health
Joan Cagginello, Milford Board of Health
Amy Dowell, CT Director of Education Reform Now CT (ERN)
Raymond Sullivan, M.D., Director of Health, Town of Brookfield, CT
Deepa D. Joseph, MPH, Director of Health, City of Milford
American Atheists, Representing 600 constituents in Connecticut
CT Chapter, American Academy of Pediatrics, Jody Terranova, Immunization Rep.

NATURE AND SOURCES OF OPPOSITION:

Rabbi Michael Green: As an orthodox rabbi, lecturer and published author in New England, he testified to represent Judaism. According to Rabbi Green, Judaism strictly forbids current vaccine policy, specifically, the use of aborted fetal DNA. Experts who claim that Judaism supports vaccination are unlearned and unfamiliar with the actual sources. Regarding "herd immunity", this is not a Biblical value and has no basis in Judaic law. There is mutual responsibility for community but not at the risk of one's child.

Rabbi Meir, Jerusalem: The Rabbi testified that according to Jewish law, one is not allowed to sacrifice someone else's life to save many. The "greater good" does not allow Jewish people to sacrifice any lives for the health of even one other individual. Additionally, according to Jewish law, one is not allowed to risk his own life or health to prevent a disease from which he is not currently suffering. Rabbi Meir believes mandatory vaccination is a severe infringement on freedom of religion.

Society of the Apostles of Jesus and Mary dba/ Church of the Miraculous Medal, A Traditional Roman Catholic: As practicing Catholics we must recognize the inherent value of human life in all stages and conditions. We question the use of fetal cell lines in the testing of man-manufactured vaccines. We must explain our position against vaccines to avoid creating an incentive to develop similar cell lines in the future. We reject the argument that "the end justifies the means". It cannot be overstressed that using a vaccine produced in cell lines derived from an aborted baby poses a troubling dilemma for Christians.

The Reverend Donna Cassity: Reverend Cassity, a member of the clergy in the United Church of Christ, testified that there are already measures in place to protect Connecticut citizens in the event of an outbreak that do not include removing parental rights and removing healthy children from school. In addition, if this bill were to be enacted, it would present a tremendous disruption in the lives of many families both logistically and financially. The reverend shared that in her family, homeschooling would affect the family's financial support as one parent would have to quit their job. The disruption to the lives of our children already in school would negatively impact their development. She urges the committee to protect religious freedom, protect the rights of parents and protect the fundamental right to a free and equal education for all of Connecticut's children.

Dyami Souza, Minister for the Christian Church: Testified her eyes were open to the dangers of vaccines when her youngest son developed seizures the morning after his first MMR vaccine. She did extensive research and will not make this mistake again. However, she acknowledged the difficult choice the members of the committee face and can imagine the pressure they are experiencing. She urges the members to stand for protecting our religious freedoms as did our founding fathers.

Steven and Susan Bucho: Testified that mandating vaccines, especially those made unethically with aborted human fetal DNA goes against their families' deeply held religious rights. Parents are tasked by God with the responsibility of making thoughtful decisions for the health and well-being of their children. Do not remove this God-given freedom.

Anne Evans, Director/ Owner, Child's World Preschool & Care: As a child care provider, Ms. Evans testified that she has witnessed first hand how vaccines can and do interfere with a child's health. Ms. Evans spoke of cases where perfectly healthy children in her care have had adverse reactions to vaccines, some very severe. Ms. Evans believes that vaccines can be delivered safely over time but, not within hours of a child being born when their fragile immune systems cannot handle a foreign substance. Although she believes immunization can be given safely if they were not given in multiple doses all at once and she believes parents should have the right to be a part of this decision.

Ashley N.: Believes this bill is unconstitutional and takes away the very values upon which this country was founded. She also believes that no unvaccinated child can pass a disease to a vaccinated child. Ashley is concerned that due to the extensive number of vaccines being mandated that big money is behind this.

Bobbi Stashenko: Submitted testimony asking why she must sacrifice her child's health for others. She understands the concern regarding immune-compromised children but shared that her own father is an example of someone who is immune-compromised. To deal with this situation, he boosts his immune system instead of loading it with all sorts of pharmaceuticals that have numerous side effects. Support healthy bodies instead of creating sick ones. Connecticut is where Ms. Stashenko wants to raise her children, but if this bill passes, she will sell her house and move.

Akeem Bey, Grand Sheik/Minister, Moorish Temple of Science of the World, New Haven, A Place of Worship: Akeem Bey presented testimony in support of the religious exemption citing the adverse and disproportionate impact of vaccines and immunization on

the African American communities when compared with other demographics. He referred to a recent study by the CDC that resulted in a significant increase in autism cases specifically among African American males who received the first MMR vaccine prior to 36 months of age.

Margaret C. Barili, RN, LAc, Ms. Barili testified that the constitution guarantees freedom of religion and a free education for all children. She pointed out that to mandate an invasive procedure that has well documented risks and side effects, many of which are included in the vaccine inserts, is a violation of protected rights. To require people to wear seat belts for protection is vastly different from requiring an invasive procedure that potentially threatens basic educational rights.

Michael Baranov: Testified that he is exercising his right under the Constitution to receive a religious exemption. He cited that the use of cells, cellular debris, protein and DNA from willfully aborted human children violates the very basic commands found in the Bible. In his testimony, Mr. Baranov refers to a number of passages in the Bible to support his position.

Robyn Anderson, Elementary Teacher, West Haven: Testified from personal experience that after receiving the MMR booster on her 5th birthday, she developed Type -1 Diabetes. Most concerning was that she had a first cousin who also developed Type-1 Diabetes at the same age after receiving his booster shot. When Ms. Anderson went to have her own child vaccinated, she noticed that at the bottom of a pamphlet provided by the CDC, Type – Diabetes was listed as a possible side-effect. This experience caused her to have grave reservations concerning the safety and integrity of these vaccines. As a teacher, Ms. Anderson shared that even though all students entering public school this year were required to have a flu vaccine, many came down with the flu. The toxic elements in these shots, as well as a questionable success rate, make a strong case to consider alternative methods of helping parents rather than take away their basic rights.

Dr. Suzanne Chester, Family Health Chiropractic Care: Dr. Chester believes this bill is discriminatory in that it threatens a basic human right to choose what to do with our bodies as well as access to a free education. The state may believe that removing this exemption does not mandate vaccination, many parents who rely on the public-school system would be forced to quit their jobs to have their children home schooled. It takes two full-time jobs to make ends meet in this state. She urges rejection of this bill.

Dr. Kendra Becker, Waterford, CT: Dr. Becker testified that her practice lose approximately 3 families a week leaving the state because they cannot use the religious freedom provided to them by the constitution and cannot find supportive providers. In addition, Dr. Becker expressed concerns that this bill gives too much power to the Commissioner of DPH regarding access to health records. It also gives the Commissioner without any oversight to add vaccines, medical procedures or treatments at her whim.

Richard Souza: Testified that he cannot support a mandate that the government is unwilling to assume any responsibility for future medical issues a child may incur either immediately or later in life as a result of a mandated vaccine. He is also concerned that this is totalitarianism when a government thinks that our children are their property and that parents have no say in the matter.

The following organizations submitted testimony in opposition to HB 5044:

**LAWFUL AMERICA
CONSERVATIVE CAUCUS; CGA**

The Public Health Committee received via email over 2000 pieces of testimony expressing similar view in opposition to HB 5044. All copies are available on line.

Reported by: Kathleen Panazza

Date: February 28, 2020