The meeting was called to order at 10:38 AM by Chairman, Rep. Steinberg J. 136.

The following committee members were present:

Senators: Anwar S. S03; Daugherty Abrams M. S13; Lesser M. S09; Somers H. S18

Representatives: Arnone T. 058; Betts W. 078; Borer D. 115; Candelora V. 086; Carpino C. 032; Comey R. 102; Cook M. 065; Demicco M. 021; Genga H. 010; Hennessy J. 127; Kennedy K. 119; Klarides-Ditria N. 105; McCarty K. 038; Michel D. 146; Petit W. 022; Ryan K. 139; Scanlon S. 098; Steinberg J. 136; Tercyak P. 026; Young P. 120; Zupkus L. 089

Absent were:

Senators:

Representatives:

Rep. Steinberg convened the meeting at 10:38 AM.

Rep. Steinberg announced that Hearing Rooms 2A, 2C, and 2E are available as overflow rooms for the public to hear and view the meeting.

Rep. Steinberg recessed the meeting.

Sen. Abrams reconvened and recessed the meeting at 11:40 AM.

Rep. Steinberg reconvened and recessed the meeting at 12:36 PM.
Rep. Young reconvened and recessed the meeting at 12:45 PM.

Rep. Steinberg reconvened the meeting at 2:24 PM.

Rep. Steinberg acknowledged that the committee is behind the schedule planned for the and thanked everyone for their patience.

Rep. Steinberg noted that the committee has two bills to be considered for Joint Favorable Action, **H.B. No. 5043** (Raised) An Act Requiring Health Insurance Coverage for Certain Immunization Consultations and **H.B. No. 5044** (Raised) An Act Concerning Immunizations.

Rep. Steinberg stated that House Bill 5043 requires certain individuals in group health insurance policies to cover at least a 20 minute consultation on immunizations between a patient and a provider authorized to prescribe them. The intent of this legislation is to create a less hurried circumstance for family practitioners and patients to have this conversation which may lead to a greater opportunity for the practitioner to learn of reasons why a medical exemption may be appropriate.

Rep. Steinberg asked for a motion to JF to the Floor **H.B. No. 5043** (Raised) An Act Requiring Health Insurance Coverage for Certain Immunization Consultations.

Rep. Tercyak offered the motion and it was seconded by Sen. Anwar.

Rep. Betts expressed that he is in favor of patients and doctors spending more time communicating, however, he asked if it is necessary that this passes into law.

Rep. Steinberg answered that the intent is to require reimbursement for such visits as he does not believe this is currently occurring. It is possible that practitioners carve out some time to have an immunization conversation, however, this may not be sufficient time.

Sen. Lesser, who co-chairs the Insurance and Real Estate Committee, stated that he is in support of the intent of this legislation. He stated that the Connecticut Insurance Statutes do not customarily specify appointment lengths and asked for clarification as to why this bill requires it. Sen. Lesser also noted that there are evolving issues with the Affordable Care Act requirements with regards to insurance mandates but is in full support of the language before him today.

Sen. Somers asked whether an immunization discussion should instead be covered under a wellness visit and questioned the bill's placement in the Public Health Committee instead of the Insurance and Real Estate Committee considering the bill will impact insurance rates. She noted that she supports the intent but does not believe it's in the right committee.

Rep. Steinberg concurred with Sen. Somers that the discussion should be part of a wellness visit but noted that the bill would assure that practitioners afford more time to their patients and are reimbursed for that time. He also stated that the bill is likely to go to the Insurance and Real Estate Committee once it leaves the Public Health Committee.

Sen. Lesser remarked that the Insurance and Real Estate Committee raised identical legislation and will want to weigh in on the bill, however, given the inordinate
overwhelming public interest in this issue, he believed it to be more convenient to have the Public Health Committee hear from the public.

Rep. McCarty asked for clarification on the language requiring 20 minute appointments.

Rep. Steinberg answered that the intent is to afford at least 20 minutes but imagines that some practitioners may afford an even longer appointment. He noted that an immunization discussion is not meant to be a perfunctory conversation and that the bill would be amended so that the language is clear and legal.

Rep. Steinberg asked for a roll call vote on HB 5043.

Total voting = 25, those voting yea = 25, those voting nay = 0, absent = 0.

The motion passed unanimously.

Rep. Steinberg asked for a motion to JFS to the Floor H.B. No. 5044 (Raised) An Act Concerning Immunizations.

Rep. Tercyak offered the motion and it was seconded by Sen. Abrams.

Rep. Steinberg noted that the language before the committee is contained in LCO 1953 and represents significant amended language offering grandfathering to all children, from pre-school through grade 12.

Rep. Scanlon spoke of the incredible weight brought on all legislators by this bill and stated that while it may be difficult to decide, there is an obligation to act. Rep. Scanlon offered an amendment which would add autoimmune disorders to contraindications and require the Department of Public Health (DPH), in collaboration with the State Department of Education and the Office of Early Childhood, to collect and evaluate their data concerning immunization exemptions. Please see committee staff for a copy of the amendment.

Rep. Scanlon offered the motion for the amendment, Amendment A, and it was seconded by Rep. Cook.

Rep. Scanlon added that some people feel their lives would be drastically impacted if their children aren’t grandfathered, and he considers this amendment as a solution so that Connecticut constituents do not have their lives uprooted and can continue bringing their children to school. He also noted that autoimmune disorders were specifically listed because he believes they are a critical part of the conversation when discussing exemptions.

Rep. Steinberg concurred with Rep. Scanlon regarding autoimmune disorders and noted that his amendment is consistent with the intent of the legislation.

Rep. Petit concurred with Rep. Scanlon about the weight of this legislation. He added that he understands the grandfathering of children from a socio-economic political point of view, however, the bill undermines the urgency of the arguments made in support of it because if a group of individuals from as far back as pre-kindergarten to grade 12 can remain in school unvaccinated, then it would mean that it is not urgent. Rep. Petit added that if we say that the unvaccinated children are an issue from a public health perspective, then we must also take into consideration the adults our children interact with daily, such as teachers, administrators, and cafeteria staff. While the
grandfathering dissolves the issue of displacement, it creates different issues and after 22 hours of public hearing testimony to review, it would be wise to slow down. Additionally, Rep. Petit remarked on the critical importance of having correct and specific data and stated that legislators should have those numbers before passing any broad public policy initiatives.

Rep. Steinberg acknowledged the number of good points made by Rep. Petit. He stated that he wouldn’t be surprised if there are further changes to the bill to incorporate the points made by Rep. Petit if it passes out of committee. Rep. Steinberg noted with certainty that committee passage of the bill does not indicate that work to be done on the language is over.

Rep. Betts noted that he voted in favor of the concept of immunizations so the committee may hold a public hearing. He added that he learned many things during the public hearing but due to the length of the hearing, he has not had time to identify and answer all the questions posed. He asked if there were any specific reasons for moving the bill out of committee after only a few days since the public hearing.

Rep. Steinberg answered that the committee is observing the process of bringing the bill forward. He added that this issue has been discussed before and promised that discussions on amending the bill would continue past committee action.

Rep. Betts added that he would prefer to find more common background so that if it were to pass, everyone would be aware of legislative intent. He noted that while grandfathering is good for the children who are currently in pre-kindergarten to grade 12, we have not had a chance to understand the ramifications of the bill applying to children not already in school. Rep. Betts stated that passing something so complex is ill advised and will only raise more questions and divide people. Rep. Betts asked why there must be an amendment that requires data instead of obtaining it administratively.

Rep. Steinberg stated that immunization data is available to legislators and the public, although acknowledged that there have been questions raised about the accuracy. He noted that the goal is to have absolute confidence in the data received.

Rep. Zupkus stated that she has not seen any data implying there is an immunization problem in Connecticut and asked to see any data that implies such a problem.

Rep. Steinberg stated that there are a number of schools in the range of 167-180 that fall below the threshold that DPH seeks, and therefore a statewide average may be misleading. He emphasized that another reason why the bill is so important is because the trend of decreased immunizations is escalating.

Rep. Zupkus asked the proponent of the amendment, Rep. Scanlon, whether a two year old child who is not currently enrolled in school would be covered under a religious exemption.

Rep. Scanlon answered that the child would not be covered under the grandfathering for a religious exemption. Rep. Scanlon added that his amendment is not an implication that these are the only changes needed, however, it’s a good faith effort to find a better balance between personal beliefs and the questions that have been raised.

Rep. Zupkus added that she wishes these conversations would take place before the bill is voted out of committee.
Rep. Michel stated that he has issues with the grandfathering of children from pre-kindergarten to grade 12 because it does not include newborn children. He stated that he has a fundamental issue with the bill because it's being launched on the premise of a need that has not been reasonably proven and will therefore not vote in favor of the bill.

Rep. Hennessy stated that the committee is voting on a bill too soon after a historic public hearing, and the amendment is a gratuitous effort to legitimize a bill that cannot be legitimized.

Rep. Candelora noted that he appreciates the amendment because it gets to the heart of the issue. He noted that while serving on the bipartisan working group on immunizations, he began to ask the degree to which students were vaccinated or not vaccinated. He added that if you take the roughly 7,800 children that are exercising religious exemptions and multiply it by the Connecticut population of 500 thousand, it brings the overall unvaccinated rate to 1.3% which keeps Connecticut at the benchmark. He added that putting aside the science, we are eroding on religious liberty, and that rushing this bill through the committee is disrespectful to the community that sat before us.

Rep. Steinberg appreciated Rep. Candelora’s comments regarding the need for more robust data and noted that Rep. Scanlon’s amendment seeks to accomplish that.

Sen. Somers stated that the committee does not have the precise data needed to make appropriate public policy. The data is aggregate and not deciphered in a way that distinguishes religious exemptions from other exemptions. She stated that she is not comfortable with a good faith promise going forward because the bill is a crossroads between religious freedom and constitutional freedom under the guise of urgency and a public health crisis. Sen. Somers added that if a crisis were imminent, then we would not be grandfathering pre-kindergarten to grade 12 children. Additionally, the bill creates two classes of people by mandating students to be vaccinated but not the adults that work with students. Other issues include requirements to be immunized for diseases that are not transmittable, such as tetanus shots, and the carving of autoimmune exemptions as a contraindication. Sen. Somers noted that while she is pro-vaccination, she and most legislators serving on the committee are not medical doctors and do not possess the credentials to make such a distinction.

Sen. Somers added that a fundamental right of Americans is to have religious and educational freedom. She stated that the bill gives the Commissioner of DPH the authority and ability to quarantine children and not allow them to go to school for 21 days. She added that Connecticut does not necessarily have to follow Centers for Disease Control and Prevention guidelines on required immunizations because many of them are not transmittable. Sen. Somers noted that she will not be supporting the amendment or the bill.

Rep. Steinberg remarked that it is not a better remedy to wait for an outbreak before addressing an issue. Regarding Sen. Somers' comments on religious and constitutional freedoms, Rep. Steinberg referenced the letter sent by Connecticut General Attorney, William Tong, to the Majority Leader of the House, Rep. Matthew Ritter, in which Mr. Tong explains that acting on immunizations is an appropriate legislative action. Rep. Steinberg added that while he agrees that there is more to be done and is hopeful that
more will be done, he urged caution regarding the reasons cited by legislators not in support of the bill.

Sen. Anwar thanked Rep. Steinberg and Sen. Abrams for their leadership in crafting the bill. Sen. Anwar remarked that while he agrees with the general concept of the amendment, there are components that still need to be addressed. He noted that health records provide extensive data when looking at one individual, however, the same is not true when looking at broader data. The levels of protection for broad data are not as secure because one must be obsessively conservative when the implications are much greater. As such, while we may want specific data, we must be careful that it is not so specific as to identify individuals and families in the community whom the data represents. He stated that he looks forward to having a conversation with DPH to have more detailed data separating religious and medical exemptions, and to understand the definitions of exemptions more accurately.

Sen. Anwar noted that despite the dissatisfaction with the details, data provided by DPH in the last few years has been collected in the exact same manner, therefore the decrease in the trajectory of immunizations represented remains a concern. This decrease is worrisome because it increases the risks of communicable diseases.

Rep. Tercyak remarked that historically, America has often banned concepts when done for the greater good of society, even if a certain religion claimed that it may be a good thing, such as bigamy. Rep. Tercyak noted that last August, the country of Samoa could have claimed that they did not have a crisis when by the end of the month only one case of measles was reported. However, by the beginning of September, hundreds were infected, schools were closed, and by Christmas dozens had died. That is how a public health crisis starts. The legislature’s job is to recognize the potential of a crisis before it occurs. Rep. Tercyak added that the grandfathering of children is bad science and bad medicine, but he will support the amendment if the leadership supports it. He knows that there are other opportunities that may provide for additional amendments to the bill.

Rep. Steinberg reiterated that there will be opportunities for additional amendments to the bill.

Rep. McCarty stated that she has researched and found that the issue of data collection was never a true conversation between DPH and the State Department of Education. As such, she would prefer to see specific data prior to voting on this bill. She remarked that being relatively new to the legislature, she is unaware of the exact process a bill goes through once it leaves a committee. Rep. McCarty added that if she votes no today, it is only because she doesn't feel she has all the answers, although noted that she believes in vaccinations.

Rep. Comey remarked that we all have a measure of conflict in trying to do the right thing.

Rep. Comey remarked that she has been working her whole career trying to keep education and childcare above ground. She added that education is the most important factor in producing successful youth and that public schools being the most inclusive institutions, we should encourage people to attend them. Rep. Comey expressed concerns with data and recommended an independent auditor to look at the Connecticut immunization data collection to ensure its accuracy.
Rep. Steinberg asked for a roll call vote on Amendment A.

Total voting = 25. Those voting yea = 16, those voting nay = 9, absent = 0.

The motion passed and the bill is amended.

Rep. Michel stated that he does not agree that unvaccinated children pose any greater risk than those that are vaccinated. He added that he believes vaccine injuries exist and has been unable to find any proof that vaccines are generally safe. He added that if under-immunization were an emergency, then Connecticut should instead have an emergency protocol.

Rep. Zupkus expressed concern with the continuing addition of required vaccines from the previous 25 to the current 75, with another 200 in the pipeline. In addition to religious and constitutional rights, this bill is also an infringement on parental rights.

Rep. Cook remarked that all her children are vaccinated despite one of her children being immunocompromised. She stated that we must figure out a way to work together to solve this problem. Connecticut has become a reactionary state instead of being proactive and we must be better than that. She added that the work on the bill will not stop and cannot stop if it passes out of committee.

Rep. Steinberg concurred and stated that he looks forward to having an ongoing dialogue.

Rep. Candelora expressed concern that the bill will only exasperate the filings of religious exemptions because that is the first action he will take for his children as part of his Catholicism.

Rep. Klarides-Ditria stated that she is uncomfortable with the bill and implored committee members to vote no on passage because they must have the answers to their questions before moving forward.

Rep. Petit stated that he believes an educational approach on immunizations will get us further than a mandate and therefore cannot in good conscience support the bill.

Sen. Somers asked whether the medical information received by the Advisory Committee created in the bill to review medical exemptions is subject to Freedom of Information (FOI) laws.

Rep. Steinberg recessed the meeting while the Legislative Commissioners' Office researched the answer to Sen. Somers' question.

Rep. Steinberg reconvened the meeting and answered that medical information obtained by the Advisory Committee from such registry shall be confidential. The interpretation implies that identifying medical data will remain confidential, however, reports, presentations, or analysis as a result of that data will be for public review.

Sen. Somers remarked further on the bill adding that in less than 48 hours after a 21 and a half hour public hearing, the committee received a committee meeting agenda which included HB 5044 and yet none of the ranking members were informed that it would be on this agenda. The committee has not had a conversation after the public hearing on what should be added to the bill and is now trying to improve it with amendments. She added that parental consent is being taken away with this bill and the
legislation is being rushed through the committee prior to discussing parental and other concerns.

Rep. Demicco asked for confirmation that a bipartisan effort had been made this past summer to craft the bill, with both sides of the aisle working diligently.

Rep. Steinberg answered that an immunization working group was convened and represented leadership from both sides of the aisle. The working group started last July and met regularly through Fall. The most important elements of this legislation reflect that dialogue, particularly with the creation of the Advisory Committee, the medical exemptions, and a path to ensure an opportunity for people to discuss immunizations with their practitioner.

Rep. Demicco acknowledged Rep. Steinberg's response and thanked all the people that came to testify at the lengthy public hearing. He added that he takes his legislative responsibilities very seriously and strives to ensure that the majority does not infringe on the needs of the minority, whether in the legislature or in the public. He added that the fact that the bill has been amended, however imperfectly, shows that we have heard the concerns of the public and are trying to improve and will continue to improve the bill.

Rep. Demicco referenced Attorney General William Tong's letter to the House Majority Leader Rep. Ritter in which he opines that there are no constitutional or statutory bars to Connecticut's religious exemption.

Sen. Lesser spoke of his grandmother, a survivor of the Holocaust. He remarked that when he speaks to his grandmother about her past experiences, she does not speak much of the Holocaust trauma, but of the tuberculosis outbreak which killed her mother at a very young age. The younger generations do not have an appreciation for vaccines because they have not had to live through such turmoil. Sen. Lesser thanked everyone that has been involved in the crafting process and encouraged them to remain involved.

Rep. Steinberg called for a roll call vote on HB 5044.

Total voting = 25. Those voting yea = 14, those voting nay = 11, absent = 0.

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 5:00 PM.