

## INFORMED CONSENT RIGHTS ARE THREATENED FOR THE MEDICAL PROCEDURE OF VACCINATION

AB 2109, a new bill in the California Legislature, would make vaccination exemptions much harder, or nearly impossible, for some to obtain in California. Introduced on April 23, 2012 by Assembly Member Richard Pan, AB 2109 would require parents who wish to opt out of the legal requirement to vaccinate their children to obtain a signature from a "health care practitioner" stating that they have been informed of the benefits and risks of immunizations as well as the potential risks of communicable disease. Additionally, parents would have to provide a written statement attesting that they have received this information from the practitioner. The requirement would apply to anyone enrolling in any public and most private children's programs including daycare, homeschooling, charter, private and public school.

These new forms and process would be required for every individual vaccine that a parent does not want administered to their newborn infant continuing through their child's 19<sup>th</sup> birthday.

One of the author's publicly-stated reasons for the bill is that parents who do not agree with the California Department of Public Health's (CDPH's) list of required vaccines, or timing of vaccine administration require "counseling". The type of "counseling", as coined by Assembly Member Pan, is not specified in the law leaving it open to the personal opinion of the health practitioner.

Health practitioners are not required to sign the philosophical exemption forms. It is predicted that the vast majority of health practitioners will refuse to sign these forms.

Parents who are perfectly comfortable with the current list of vaccines that are required today may not be comfortable with a new vaccine mandate that will be required tomorrow.

If allowed to become law, parents who decide against vaccination would be required to locate and pay a health practitioner who would provide the "counseling" and hopefully then sign the philosophical exemption for each and every vaccine and dose.

This would mean that only those exclusive few who can afford "counseling" and afford a health care practitioner's authorization would be able to access their right to religious, belief and personal thought exemption. This would also place an unneeded burden upon public health plans such as MediCal, and public employee plans at PERS, and STRS that would be ultimately required to pay for this expensive process of additional health practitioner appointments and personal time with the health practitioner.

Schools would have another mandate to police the arduous exemption process removing their focus upon the education of students. Schools would be provided more money from a budget that is in deficit.

All medical procedures require informed consent and are to be chosen and directed by the patient. Informed consent necessarily requires that a person can refuse any treatment with uncomplicated ease. Unlike all other medical procedures, informed consent for vaccination is especially important as doctors and pharmaceutical companies have been indemnified of any responsibility or liability when side effects occur. Vaccines are not harmless drugs as the ingredients are toxic and side effects can include adverse reactions including permanent disability, chronic illness, and death.

If this legislation is allowed to become law, citizens would be required to receive dozens of medical procedures without informed consent free of coercion, obstacle, and infringement, and without easily accessed exemption or due process.

**IF YOU ARE CONCERNED ABOUT MAKING YOUR OWN MEDICAL DECISIONS, AND THOSE FOR YOUR CHILDREN, YOUR ACTION IS NEEDED IMMEDIATELY**

1. Contact your health practitioner to determine if he or she will honor and support you in making private, individual health care decisions. If your doctor does not fully support you in informed decision-making, this would be an opportunity to locate a new practitioner before urgent advice or direct care is needed.
2. Write letters to the Chair and Vice Chair of the Assembly Health Committee and to your Assembly Member. Letters can be sent until the hearing for consideration, however, to be included in the official count of persons who are either in support or opposition, your letter or call must be received by noon, Wednesday, April 11<sup>th</sup>.
3. Letters can be sent by individual spouses in one family.
4. Letters can be brief and uncomplicated. Simply stating your opposition to the bill is most important.
5. In addition to written correspondence, please call the Chairs and your Assembly Member.
6. Inform friends and family of this important issue and ask them to write a letter and make a call to their representatives.
7. Attend the committee hearing on Tuesday, April 17, 1:30 in Room 4202 in the State Capitol. In addition to being an audience member, you can also choose to make a brief statement during the public comment period.

DEADLINE FOR INCLUSION IN COMMITTEE MINUTES IS NOON ON WEDNESDAY, APRIL 11<sup>th</sup>

Continue to send letters to the Committee Members and your personal Assembly Member until the hearing. Call Assembly Members in addition to your letters. As always, a show of courtesy and respect when interacting with public officials is appreciated.

Assembly Member Bill Monning  
Chair, Assembly Health Committee  
State Capitol  
P.O. Box 942849, Room 6005  
Sacramento, CA 94249-0027  
916-319-2027 voice  
916-319-2127 fax  
[rosielyn.pulmano@asm.ca.gov](mailto:rosielyn.pulmano@asm.ca.gov)

Assembly Member Dan Logue  
Vice Chair, Assembly Health Committee  
P.O. Box 942849, Room 4158  
Sacramento, CA 94249-0003  
916-319-2003 voice  
916-319-2103 fax  
[rosielyn.pulmano@asm.ca.gov](mailto:rosielyn.pulmano@asm.ca.gov)

More information including the full text and updates about AB 2109 can be found at [www.feat.org](http://www.feat.org).

Information provided by FEAT is informational and not a substitute for legal or medical advice. FEAT recommends that citizens read the text of laws and proposed legislation to offer individualized comment.