

# NO ON SB276

Dear California Senators, Assembly members and Staffers,

We ask you to **VOTE NO on SB 276** - Immunizations-Medical Exemptions (Pan).

## **SB 276 Breaks the Legislature's Promises**

SB 276 contradicts Senators Pan and Allen's own public promises made during the SB 277 hearings: "medical exemption that is at the professional judgement of the physician" (Pan) and a "strong and robust medical exemption so that anybody who has a legitimate medical concern...can get a medical exemption from a doctor" (Allen).

- Currently, the reasons for medical exemptions can include cancer treatment, familial history, genetics, and other criteria, left to the discretion of a child's doctor, as stated during the SB 277 testimony and highlighted in Governor Brown's signing statement ([https://www.gov.ca.gov/wp-content/uploads/2017/09/SB\\_277\\_Signing\\_Message.pdf](https://www.gov.ca.gov/wp-content/uploads/2017/09/SB_277_Signing_Message.pdf))
- SB 277 would not have passed with the SB 276 medical exemption wording. (<https://www.youtube.com/watch?v=2K1B4frigFM&feature=youtu.be>). Many legislators voted Aye on SB 277 because of the broad medical exemption at the discretion of the doctor and with the doctor-patient relationship being intact.
- SB 276 would allow medical exemption based on CDC contraindications only (<https://www.cdc.gov/vaccines/hcp/acip-recs/general-recs/contraindications.html#t-01>) – requiring a child to have had a severe anaphylactic reaction to each specific vaccine before the child could be exempt from that specific vaccine. No sibling or family history or genetic predisposition would be allowed.
  - Precautions or vaccine reactions listed in the package inserts (<http://www.immunize.org/fda/>), or vaccine reactions compensated for in the Vaccine Injury Table, used by the Vaccine Injury Compensation Program would not be allowed. (<https://www.hrsa.gov/sites/default/files/vaccinecompensation/vaccineinjurytable.pdf>)

## **SB 276 Is a Solution in Search of a Problem**

The theme of the bill is to target unscrupulous doctors—"selling" "fake" medical exemptions, but there is NO evidence of this happening. The bill also questions the validity of the California Medical Board, undermines due process and the California Medical Board licensing system set up by our state to monitor our physicians.

- All doctors charge for their time, just like any other professional. There are a variety of physicians writing medical exemptions, including those who are private pay, those who bill insurance and those who are in insurance networks, such as HMOs and Medi-Cal managed care.
- To the extent there is any wrongdoing, it can be handled by the California Medical Board and the insurance industry.

Medical exemption rates have increased, non-significantly, from 0.2% to 0.7% since SB 277.

## **SB 276 Threatens the Doctor-Patient Relationship**

Rank and file doctors and patients are concerned. It would be unprecedented to have a law that a doctor could not provide honest advice.

- SB 276 would require government permission for a doctor to opine that certain vaccines could harm a patient.
- SB 276 would be the government regulating a doctor's free will to diagnose as they see fit and resembles the regulation of free speech and free thought.
- SB 276 would get in the way of a doctor making an evaluation based on empirical, scientific evidence because of the limitations in qualifying exempt reasons.
- SB 276 would limit the number of doctors allowed to write medical exemptions to surgeons. Most children's primary care physicians are pediatricians, not surgeons.
- SB 276 creates a slippery slope. If CDPH is given oversight of vaccine medical exemptions, what else will they be required to oversee in the future? What procedures might other states try to regulate with this precedent?
- SB 276 is an unprecedented and dangerous intrusion into the doctor-patient relationship, which is a major concern of constituents who support Universal Health Care.

