



A VOICE FOR CHOICE
ADVOCACY

**AVFCA Oppose Unless Amended
SB 866 Minors: vaccine consent (Wiener/Pan)**

January 21, 2022

Dear Senators Wiener and Pan:

On behalf of A Voice for Choice Advocacy, I regret to inform you that we oppose your SB 866, unless it is amended. A Voice for Choice Advocacy advocates for people's rights to be fully informed about the composition, quality, and short- and long-term health effects of all products that go into people's bodies, such as food, water, air, pharmaceuticals, and cosmetics.

Our concerns with SB 866 are as follows:

- The bill subverts the right and duty of parents to make informed decisions about whether or not their children should receive medical treatment, without any finding that the parent is unfit.
- The bill creates a structure of distrust between the parent and the child and health care provider.
- While some 12+ year old minors may be able to make rational, informed decisions, minors of the same age have varying levels of maturity. Furthermore, the significant changes in adolescent brains mean 12+ year old minors are, more than at any other age, disproportionately swayed by peer pressure, lack of self-regulation and rewards (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5422908/>). Over the past year, food and beverages, lottery tickets, peer pressure and much more have been used as incentives to push the COVID-19 vaccine. For an adolescent this preys on their immature cognition and prevents them from making unbiased, informed decisions.
- Minors may not know their full medical history and the potential risks of vaccination, and will not have knowledge what to look for if they do have an adverse reaction. If their parents are not aware of their 12+ year old minor's vaccination, treatment of a serious adverse reaction may be delayed because the parents could not convey the child's medical history accurately.
- The vaccine providers are taking on the adult role in the vaccine decision making process for a minor. Currently, per the federal Public Readiness and Emergency Preparedness Act and the National Childhood Vaccine Injury Act, vaccine providers have no liability if the child dies or suffers serious injuries directly caused by the administration of a vaccine. This would leave parents, who did not consent to the vaccination, fully responsible for the treatment of their child's injuries.
- If 12+ year old minors have the right to consent to vaccines without their parent's input, then 12+ year old minors should also have the right to decline vaccines without their parent's input.
- The bill "would not authorize the vaccine provider to provide any service that is otherwise outside the vaccine provider's scope of practice." The bill therefore allows for broad medical treatment for 12+ year old minors, during a visit where a vaccination is also administered, given most pediatric vaccine providers are physicians or pharmacists.



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While we strongly oppose this bill, we would remove our opposition if the bill is amended to add language:

- To change the age to authorize consent to vaccines to a minor 16 years of age or older.
- To ensure that all efforts are made to contact the parents prior to vaccination, similar to the San Francisco order (<https://www.sfdph.org/dph/alerts/files/Order-C19-19-Vaccination-Minors.pdf>)
- To require the vaccine provider obtain complete medical history from the minor's primary care provider, if they are not such, and conduct a physical examination and evaluation of the child consistent with the relevant standard of care prior to vaccinating.
- To require the non-parental consenting minor to fully read the appropriate CDC Vaccine Information Statement, and for them to be offered the manufacturer's vaccine package insert, prior to being vaccinated.
- To require non-parental consenting minors be vaccinated in a physician's office, and not at a school clinic, mass vaccination site, pharmacy, reproductive care clinic or other location.
- To ensure non-parental consenting minors cannot be bribed, bullied or coerced to get a vaccination.
- To require the non-parental consenting minor's parent(s) be notified immediately after the vaccination is administered.
- To allow non-parental consenting minors not only to consent to vaccination without parental input, but also to decline vaccination without parental input.
- To amend (c) so that it "would not authorize the vaccine provider to provide any service ~~that is otherwise outside the vaccine provider's scope of practice~~ other than vaccination or treating any adverse reaction following the vaccination."

On behalf of A Voice for Choice Advocacy, I ask you to amend the bill as detailed here to ensure the safety and health of all children in California.

Thank you for your time and consideration. Please feel free to contact me if you have any questions.

Sincerely,

Christina Hildebrand

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President,

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