



June 25, 2018

**The National Vaccine Information Center
OPPOSES HB 559: Restricting Vaccine Exemptions**

The National Vaccine Information Center (NVIC) is a 501(c)3 non-profit charity founded in 1982 to prevent vaccine injuries and deaths through public education. NVIC is the oldest and largest consumer led organization in America monitoring vaccine science, policy and law and advocating for the inclusion of vaccine safety and informed consent protections in U.S. vaccine policies and laws. As an independent clearinghouse for information on vaccines, diseases and protection of civil liberties, NVIC does not make vaccine use recommendations and supports fully informed, voluntary vaccine decision-making. NVIC has thousands of donors and supporters in Ohio.

VOTE NO on HB 559 and any substitute bill brought forward from the bill author that:

- 1) **Requires parents exempting children from vaccine mandates to use a state vaccine form and go to any health professional like a doctor or nurse to get it signed and have a discussion about their decision - there is no other part of being a parent that requires patronizing written approval from a doctor or a nurse; or**
- 2) **Gives to the health department or publishes any information about families submitting vaccine exemptions to schools and daycare.**
There is no problem!

HB 559 is the bill being [pushed by the Ohio Chapter of the American Academy of Pediatrics](#) to restrict a parent's ability to use a vaccine exemption and to require per school vaccine exemption reporting. The [AAP's ultimate goal is the removal of religious and conscientious vaccine exemptions](#).

REASONS TO OPPOSE HB 559

HB 559 is Discriminatory

HB 559 would force anyone who wants to delay or decline one or more of the vaccines required for school for reasons of conscience, including religious convictions, to have the extra requirement that they must endure indoctrination by medical professionals who oppose vaccine exemptions and then to obtain their signature on a state mandated form. Nothing in the bill requires the provider to sign the form upon request from a parent.

These restrictions are unequally applied as no education and signature on a state form is required by the state of those who choose to vaccinate. Vaccines can cause injury and death. There have been more than 19,000 petitions filed

and close to four billion dollars in damages/awards paid by the National Vaccine Injury Compensation Program.

<https://www.hrsa.gov/sites/default/files/hrsa/vaccine-compensation/data/monthly-stats-may-2018.pdf>)

HB 559 also requires schools and the state to report vaccination and exemption rates for individual schools. These will be made public in multiple venues setting up schools to be designated “winners” and “losers” in the myopic quest for universal vaccination. HB 559 adds more layers of pressure and coercion towards vaccination with every single dose of every single vaccine by creating an environment conducive to pitting parent against parent, child against child, school against school, and district against district.

HB 559 should be opposed because it is attempting to codify a documented political strategy to instigate a HOSTILE community environment against those using exemptions.

From Milbank Quarterly “Power and persuasion in the vaccine debates: an analysis of political efforts and outcomes in the United States, 1998-2012”, September 9, 2014. (<http://www.ncbi.nlm.nih.gov/pubmed/25199897>)

“Immunization supporters thus could do more to highlight the sympathetic figures on their side, such as immune-compromised children who rely on herd immunity, or unvaccinated people who contracted vaccine-preventable diseases and regret not being vaccinated...”

For example, a bill could require that schools and day care centers publicly post or distribute to parents the percentage of students with vaccine exemptions or the percentage of staff who have received a flu shot or whooping cough booster, as news coverage of disease outbreaks has raised public awareness about the unvaccinated. Although these numbers already have been collected, their public release would generate the news coverage and scrutiny that have proved helpful in the West Coast’s legislative changes.”

HB 559 Targets and Threatens Identity Exposure and Harassment of Students Using Religious and Conscientious Exemptions against Federal Law

Publishing such small numbers of students with vaccine exemptions even without their identity can lead to identification by the process of deduction. This is considered a FERPA (Family Educational Rights and Privacy Act) violation.

From the US Department of Education’s Privacy Technical Assistance Center’s FAQ on Disclosure Avoidance

(<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>):

“Some risk of disclosure does remain, however, in circumstances where one or more students possess a unique or uncommon characteristic (or a combination of characteristics) that would allow them to be identified in the

data table (this commonly occurs with small ethnic subgroup populations), or where some easily observable characteristic corresponds to an unrelated category in the data table...

...Under FERPA, educational agencies and institutions reporting or releasing data derived from education records are responsible for protecting PII (personally identifiable information) in the reports from disclosure. The U.S. Department of Education also states, in reporting achievement results under section 1111(h) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), to “not use disaggregated data for one or more subgroups... to report achievement results... if the results would reveal personally identifiable information about an individual student”

Vaccination and exemption status is part of a child's CONFIDENTIAL medical record and PRIVATE school information. HB 559, as shown in the actions taken by California, directs the focus of parents on exemptions and instigates witch hunts into the identity of the small number of students with exemptions. (<https://www.nytimes.com/interactive/2015/02/06/us/california-measles-vaccines-map.html>)

HB 559 is Unconstitutional

This bill is in violation of section 1.07 of the Ohio Constitution (<https://www.legislature.ohio.gov/laws/ohio-constitution/section?const=1.07>) which states that “All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience...” and “...**nor shall any interference with the rights of conscience be permitted...**”. HB 559 interferes by making a conscientious and religious exemption dependent on pharma based medical indoctrination and a signature by health care professionals whose associations oppose vaccine exemptions. Parents are already well educated on this topic and this bill is meant to intimidate, harass, and put barriers in front of parents.

Parents should not be forced to use a state mandated form created by the health department to articulate their religious or conscientious beliefs. No form is required now, and there is no compelling public health emergency to justify this restriction. State health departments in other states have created forms that contained compelled speech that were legally challenged and had to be removed and rewritten. This has caused unnecessary confusion for schools.

HB 559 is Unnecessary

The health department is already collecting all vaccine and exemption statistics from schools and has this information, and this bill doesn't change that. (see forms currently used at <http://schoolreporting.odh.ohio.gov/>) Instead, HB 559 erects expensive unnecessary obstacles propped up by pharmaceutically driven medicine to obtaining an education in Ohio. It supports creating a culture of shame against schools and districts who educate students whose families

choose not to follow the one-size-fits all federal vaccine schedule because of their conscientious or religious beliefs

There is no need to put barriers in front of or publically shine a spotlight on religious and conscientious exemptions. In the entire state of Ohio, the Centers for Disease Control (CDC) reports that in the 2016-2017 school year, only 2836 children entering school in kindergarten have a religious or conscientious exemptions to vaccination out of 137,542 kindergarteners statewide. (<https://www.cdc.gov/mmwr/volumes/66/wr/mm6640a3.htm>)

Additionally, vaccination rates for children entering school in Ohio are quite high for the vaccines surveyed by the CDC. The vaccination rates for Ohio are listed as 92.6% for two doses of MMR, 92.4% for 5 doses of DTaP, and 91.9% for 2 doses of Varicella. (<https://www.cdc.gov/mmwr/volumes/66/wr/mm6640a3.htm>)

According to the CDC, far more students, 6320, were provisionally enrolled without vaccines or exemptions by schools in Ohio in the same time period but those who profit from vaccines continue to focus their attack on those who choose religious and conscientious vaccine exemptions.

HB 559 Endangers the Immune Compromised by Misleading on School Safety

HB 559 deceptively promotes a false sense of security surrounding lower vaccine exemption rates and has nothing to do with public health and protecting immune compromised students. The following facts are not shared with parents when the health department and schools discuss vaccination and exemption rates.

Some people are non-responders to some vaccines and effectiveness for some vaccines, especially for pertussis containing vaccines, wanes rapidly. Far more students in Ohio were provisionally enrolled in school without vaccines or exemptions than those who filed exemptions. Federal law, the McKinney-Vento Act, requires that homeless students be allowed to enroll in school without proof of immunizations.

There are no requirements (and there shouldn't be) that teachers, staff, volunteers, and administration be vaccinated with the same childhood vaccine schedule. These all are people who are no different immunologically than a healthy student with a vaccine exemption and yet they represent a much larger percentage of the school population than the 2% of students on average with a vaccine exemption targeted by this bill.

On the other hand, students with active HIV infections are not only allowed to attend school, the confidentiality of their infection status is protected by law. Students infected with Hepatitis B and Hepatitis C also attend school without parents of other students being told. Students who are vaccinated with live viral vaccines experience viral shedding and can infect susceptible individuals for a period of several weeks post vaccination and yet no notices are published in schools and classrooms warning of viral shedding of recently vaccinated students. Some people who are vaccinated still get the illness (vaccine failures)

while some have subclinical infections and can still transmit vaccine preventable diseases without showing symptoms because the vaccine suppresses them.

HB 559 needs to be opposed because it discriminates against and marginalizes healthy children whose parents utilize a vaccine exemption by requiring

- 1) the use of a state mandated exemption form;**
- 2) an appointment with and signature from a provider on the state mandated form; and**
- 3) the public posting of vaccine exemption rates by school.**