

File No. 150195

Committee Item No. \_\_\_\_\_

Board Item No. 21

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date March 3, 2015

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

- |                          |                                     |                        |
|--------------------------|-------------------------------------|------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Senate Bill 277</u> |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____                  |

Completed by: Joy Lamug

Date February 26, 2015

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Supporting California Senate Bill 277 (Pan) - Repealing the Personal Belief Exemption for  
2 Vaccines]

3 **Resolution supporting California Senate Bill 277, introduced by Senator Pan, repealing**  
4 **the personal belief exemption for vaccines.**

5  
6 WHEREAS, Proper vaccinations have led to the elimination or near elimination of  
7 diseases, including smallpox, measles and chicken pox; and

8 WHEREAS, Ensuring proper vaccinations leads to herd immunity, which means that if  
9 a majority of people in a community are vaccinated, then someone who can't be vaccinated is  
10 less likely to get sick; and

11 WHEREAS, Scientific consensus is widely supportive of the importance and safety of  
12 vaccines and studies stating otherwise have been scientifically discredited; and

13 WHEREAS, In 1978, the Centers for Disease Control and Prevention set a goal to  
14 eliminate measles by 1982 and though this goal was not met, the use of the measles vaccine  
15 reduced the number of measles cases by 80% in that time period; and

16 WHEREAS, Due to a sustained vaccination program, Measles was declared eliminated  
17 from the United States in 2000, which means it is no longer native to the United States,  
18 though it can be brought in and spread by international travelers; and

19 WHEREAS, Under current California law, all children must be vaccinated for many  
20 diseases, including measles, with exemptions granted for medical reasons, religious beliefs,  
21 and personal beliefs; and

22 WHEREAS, California is one of only 19 states to grant exemptions based on personal  
23 belief; and

1           WHEREAS, From 2000 to 2014, the rate of California parents requesting personal  
2 belief exemptions from vaccinations tripled to one in every 40 kids; and

3           WHEREAS, In December 2014, according to the Center for Disease Control, California  
4 began experiencing a large outbreak of measles when at least 40 people who visited or  
5 worked at Disneyland contracted measles; and

6           WHEREAS, Measles infections have risen to infect at least 123 Californians in 12  
7 counties; and

8           WHEREAS, State Senator Richard Pan, along with co-authors Senator Ben Allen and  
9 Assemblymember Lorena Gonzalez, introduced SB 277, which will require that only children  
10 who have been immunized for specific diseases, including measles, be admitted to school in  
11 California; now, therefore, be it

12           RESOLVED, That the City and County of San Francisco strongly supports Senate Bill  
13 277 repealing the personal belief exemption for vaccines; and, be it

14           FURTHER RESOLVED, That the City and County of San Francisco is in support of  
15 achieving and maintaining high vaccination levels for all children, unless they have medical  
16 reasons not to be vaccinated.

**SENATE BILL****No. 277****Introduced by Senators Pan and Allen**

(Principal coauthor: Assembly Member Gonzalez)

**(Coauthors: Senators Beall, Block, De León, Hall, Hertzberg, Hill, Jackson, Leno, McGuire, Mitchell, Stone, Wieckowski, and Wolk)**

(Coauthors: Assembly Members Baker, Chiu, Cooper, Low, McCarty, Nazarian, Rendon, Mark Stone, and Wood)

February 19, 2015

An act to add Section 48980.5 to the Education Code, and to amend Section 120325 of, and to repeal and add Section 120365 of, the Health and Safety Code, relating to public health.

## LEGISLATIVE COUNSEL'S DIGEST

SB 277, as introduced, Pan. Public health: vaccinations.

(1) Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any public or private elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her admission to that institution he or she has been fully immunized against various diseases, including measles, mumps, and pertussis, subject to any specific age criteria. Existing law authorizes an exemption from those provisions for medical reasons or because of personal beliefs, if specified forms are submitted to the governing authority.

This bill would eliminate the exemption from immunization based upon personal beliefs. The bill would make conforming changes to related provisions.

(2) Existing law requires the governing board of a school district, at the beginning of the first semester or quarter of the regular school term, to make certain notifications to parents or guardians of minor pupils including, among others, specified rights and responsibilities of a parent or guardian and specified school district policies and procedures.

This bill would require the governing board of a school district to also include in the notifications provided to parents or guardians of minor pupils at the beginning of the regular school term the immunization rates for the school in which a pupil is enrolled for each required immunization. By requiring school districts to notify parents or guardians of school immunization rates, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

P2 1 SECTION 1.  
Section 48980.5 is added to the Education Code,

2 to read:

3 48980.5.

4 The notification required pursuant to Section 48980  
5 shall also include the immunization rates for the school in which  
6 a pupil is enrolled for each of the immunizations required pursuant  
7 to Section 120335 of the Health and Safety Code.

8 SEC. 2.

9 Section 120325 of the Health and Safety Code is  
10 amended to read:

11 120325.

12 In enacting this chapter, but excluding Section 120380,  
13 and in enacting Sections 120400, 120405, 120410, and 120415, it  
14 is the intent of the Legislature to provide:

15 (a) A means for the eventual achievement of total immunization  
16 of appropriate age groups against the following childhood diseases:

17 (1) Diphtheria.

18 (2) Hepatitis B.

19 (3) Haemophilus influenzae type b.

20 (4) Measles.

21 (5) Mumps.

22 (6) Pertussis (whooping cough).

P3 23 (7) Poliomyelitis.

24 (8) Rubella.

25 (9) Tetanus.

26 (10) Varicella (chickenpox).

27 (11) Any other disease deemed appropriate by the department,  
28 taking into consideration the recommendations of the Advisory  
29 Committee on Immunization Practices of the United States  
30 Department of Health and Human Services, the American Academy  
31 of Pediatrics, and the American Academy of Family Physicians.

(b) That the persons required to be immunized be allowed to  
obtain immunizations from whatever medical source they so desire,  
subject only to the condition that the immunization be performed  
in accordance with the regulations of the department and that a  
record of the immunization is made in accordance with the  
regulations.

(c) Exemptions from immunization for medical reasons ~~or~~  
~~because of personal beliefs.~~

(d) For the keeping of adequate records of immunization so that  
health departments, schools, and other institutions, parents or  
guardians, and the persons immunized will be able to ascertain  
that a child is fully or only partially immunized, and so that  
appropriate public agencies will be able to ascertain the  
immunization needs of groups of children in schools or other  
institutions.

(e) Incentives to public health authorities to design innovative  
and creative programs that will promote and achieve full and timely  
immunization of children.

28 SEC. 3.

29 Section 120365 of the Health and Safety Code is  
30 repealed.

31 ~~120365.~~

~~(a) Immunization of a person shall not be required  
for admission to a school or other institution listed in Section~~

~~120335 if the parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of a minor, or the person seeking admission if an emancipated minor, files with the governing authority a letter or affidavit that documents which immunizations required by Section 120355 have been given and which immunizations have not been given on the basis that they are contrary to his or her beliefs.~~

P4 1 ~~(b) On and after January 1, 2014, a form prescribed by the State Department of Public Health shall accompany the letter or affidavit filed pursuant to subdivision (a). The form shall include both of the following:~~

2 ~~(1) A signed attestation from the health care practitioner that indicates that the health care practitioner provided the parent or guardian of the person who is subject to the immunization requirements of this chapter, the adult who has assumed responsibility for the care and custody of the person, or the person if an emancipated minor, with information regarding the benefits and risks of the immunization and the health risks of the communicable diseases listed in Section 120335 to the person and to the community. This attestation shall be signed not more than six months before the date when the person first becomes subject to the immunization requirement for which exemption is being sought.~~

15 ~~(2) A written statement signed by the parent or guardian of the person who is subject to the immunization requirements of this chapter, the adult who has assumed responsibility for the care and custody of the person, or the person if an emancipated minor, that indicates that the signer has received the information provided by the health care practitioner pursuant to paragraph (1). This statement shall be signed not more than six months before the date when the person first becomes subject to the immunization requirements as a condition of admittance to a school or institution pursuant to Section 120335.~~

25 ~~(c) The following shall be accepted in lieu of the original form:~~

26 ~~(1) A photocopy of the signed form.~~

27 ~~(2) A letter signed by a health care practitioner that includes all information and attestations included on the form.~~

29 ~~(d) Issuance and revision of the form shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).~~

33 ~~(e) When there is good cause to believe that the person has been exposed to one of the communicable diseases listed in subdivision (a) of Section 120325, that person may be temporarily excluded from the school or institution until the local health officer is satisfied that the person is no longer at risk of developing the disease.~~

39 ~~(f) For purposes of this section, "health care practitioner" means any of the following:~~

P5 1 ~~(1) A physician and surgeon, licensed pursuant to Section 2050 of the Business and Professions Code.~~

2 ~~(2) A nurse practitioner who is authorized to furnish drugs pursuant to Section 2836.1 of the Business and Professions Code.~~

3 ~~(3) A physician assistant who is authorized to administer or~~

6 ~~provide medication pursuant to Section 3502.1 of the Business~~  
7 ~~and Professions Code.~~  
8 ~~(4) An osteopathic physician and surgeon, as defined in the~~  
9 ~~Osteopathic Initiative Act.~~  
10 ~~(5) A naturopathic doctor who is authorized to furnish or order~~  
11 ~~drugs under a physician and surgeon’s supervision pursuant to~~  
12 ~~Section 3640.5 of the Business and Professions Code.~~  
13 ~~(6) A credentialed school nurse, as described in Section 49426~~  
14 ~~of the Education Code.~~

15 SEC. 4.

16 Section 120365 is added to the Health and Safety Code,  
17 to read:  
18 120365.

19 (a) Immunization of a person shall not be required  
20 for admission to a school or other institution listed in Section  
21 120335 if the parent or guardian or adult who has assumed  
22 responsibility for his or her care and custody in the case of a minor,  
23 or the person seeking admission if an emancipated minor, files  
24 with the governing authority a letter or affidavit that documents  
25 which immunizations required by Section 120355 have been given  
26 and which immunizations have not been given pursuant to an  
27 exemption from immunization for medical reasons.

28 (b) When there is good cause to believe that the person has been  
29 exposed to one of the communicable diseases listed in subdivision  
30 (a) of Section 120325, that person may be temporarily excluded  
31 from the school or institution until the local health officer is  
32 satisfied that the person is no longer at risk of developing the  
33 disease.

34 SEC. 5.

35 If the Commission on State Mandates determines that  
36 this act contains costs mandated by the state, reimbursement to  
37 local agencies and school districts for those costs shall be made  
38 pursuant to Part 7 (commencing with Section 17500) of Division  
39 4 of Title 2 of the Government Code.

**CORRECTIONS:**  
**Heading--Line 4.**

*Resolution SB 277 Repeal of Personal Belief Exemptions*

Proper vaccinations has led to the elimination or near eliminations of diseases, including smallpox, measles and chicken pox

Ensuring proper vaccinations leads to herd immunity, which means that if a majority of people in a community are vaccinated, then someone who can't be vaccinated for medical reasons is less likely to get sick

1978 -- Center for Disease Control set a goal to eliminate measles by 1982  
Though that goal was not met, the use of the measles vaccine reduced the number of cases by 80% in that time period

By 2000, Measles was declared eliminated -- means no longer native to the United States, though it can be brought in and spread by international travelers

However, in December 2014, according to the Center for Disease Control, California began experiencing a large outbreak of measles when at least 40 people who visited or worked at Disneyland contracted measles.

- Counts are rising – over 120 infected Californians.

Under current California law, children must be vaccinated for many diseases, including measles, with exemptions granted for medical reasons, religious beliefs, and personal beliefs



California - one of only 19 states to grant exemptions based on personal belief

From 2000 to 2014, the rate of California parents requesting personal belief exemptions from vaccinations tripled to one in every 40 kids

State Senator Richard Pan has introduced Senate Bill 277, which will strike the personal belief exemption

Resolution in support of SB 277

Need to move forward, not backward, in our fight against the spread of disease

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Wiener

**Subject:**

Resolution in Support of California Senate Bill 277 Repealing the Personal Belief Exemption for Vaccines

**The text is listed below or attached:**

Resolution supporting California Senate Bill 277 repealing the Personal Belief Exemption for Vaccines.

Signature of Sponsoring Supervisor:

For Clerk's Use Only: