

March 28, 2017

Senate Committee on Health Care
Written Testimony in Opposition to SB 914

My name is Janet Patin, MD, and I have been a board-certified family physician in Oregon for 20 years, the first 18 years in rural Oregon in Reedsport on the coast, and more recently with Providence Medical Group in Gresham. I am a member of the Oregon Health Authority's Immunization Practice Advisory Team to help with vaccine policy. Thank you for the opportunity to add my voice to this important conversation about vaccination and personal rights versus public health.

SB 914 would establish that decisions related to immunizations are personal health care decisions and that immunizations may not be mandated as condition of employment unless required by federal law.

Immunization decisions are not solely personal health care decisions, but also carry public health consequences. This bill speaks to the tension between personal choice and public health, and weighs in favor of the individual at the cost of the community. I believe this to be the wrong direction.

Easy examples of comparable public goods for which we sacrifice some individual liberty include seatbelts, helmets, & obeying traffic laws. There is case law that states under certain circumstances, the government may restrict personal liberty to protect the public's health. Since the 1905 U.S. Supreme Court decision about smallpox vaccination in *Jacobson v Massachusetts*¹, courts have ruled that states have the authority to exercise their 10th Amendment "police powers" to require immunizations² and that public health considerations related to the threats posed by transmissible disease trump individual autonomy to refuse health care.

There is good science behind vaccine recommendations. Vaccines work and are well-studied. While nothing is perfect, the preponderance of >23,600 articles point to widespread moderate benefit of the influenza vaccine. Scientific evidence is not a personal decision. "The good thing about science is that it's true whether or not you believe in it." Neil deGrasse Tyson

Vaccination in certain places of employment is a matter of life and death. While influenza has a 0.1% mortality overall, hospitalized patients who acquired influenza had a 20-27% mortality, and their unvaccinated treatment team members are the way they get exposed. Sixteen states legally require influenza vaccination for healthcare workers, and Oregon should join them for the sake of our patients. This bill takes us in the wrong direction to protect our fellow Oregonians when they are most vulnerable. I stand in opposition to SB 914.

¹ *Jacobson v Commonwealth of Massachusetts*, 197 U.S. 11 (1905)

² *Zucht v King*, 260 U.S.174 (1922)