

House Health Care Committee Representatives,

My name is Jennifer Allen and I am providing written testimony asking you to oppose HB 3063 on behalf of my sister Janey who died from an allergic reaction to the MMR vaccine. I am writing to you in support of informed consent and bodily autonomy. I firmly believe in science and that vaccines can be a useful tool in disease prevention along with many other measures. I do not believe that vaccines cause autism because I have a non-vaccinated child with autism. I haven't read anything from Jenny McCarthy because I have been raised as a non-vaccinated person since birth. I have watched my parents grieve my sister's death and this has fortified my stance on informed consent. My parents had no idea that a routine vaccination would take their child's life. Like many of you, my parents thought they were protecting their child and they had no recourse against the company that produced a product that killed their child because vaccine manufacturers cannot be held liable.

The proposed House Bill 3063 would mandate vaccines or withhold a child's education while parents have no recourse when the vaccine injures or kills their child. 42 U.S. Code 300aa-22. Standards of Responsibility (b) Unavoidable Adverse Side Effects; Warnings states (n.d.) "(1) no vaccine manufacturer can be liable in a civil action from damages arising from a vaccine-related injury or death associated with the administration of a vaccine after October 1, 1988, if the injury or death resulted from side effects that were unavoidable even though the vaccine was properly prepared and was accompanied by proper directions and warnings." Vaccine injury and/or death is a risk that every vaccinated person faces. With an increase of vaccination rates an increase in vaccine injuries and deaths is an unavoidable inevitability. Even though the risk of vaccine death is low it increases when vaccine rates increase.

Children who receive special education services have a lawfully protected right to a Free Appropriate Public Education (FAPE) Section 34 CFR 300.101 – Free appropriate public education (FAPE) states (n.d.) "A free appropriate public education must be available to all children residing in the state between the ages of 3 and 21..." Since my child is unvaccinated wouldn't his attendance in school for his lawfully protected special education services render this proposed bill useless? Non-vaccinated children will continue to have a presence not only in the community, but in public schools as well to receive their FAPE special education services. These children will still be at the playground, sports leagues, museums, grocery stores, libraries, public transit, the airport, and many other communal establishments.

There are many parents that will resort to homeschooling to protect their children from a forced medical procedure such as vaccination. This will result in lower funding for our already underfunded public school system of over \$400 million if every child with an exemption to one of more vaccines is denied a public education. California is a prime example of how mandating vaccines resulted in decreased public school enrollment and accordingly decreased funding. The State of California's states (n.d.) "In the 2017-18 school year California saw a decrease of 9,800 students in public K-12 school enrollments. During the next ten years it is projected that there will be an additional drop in enrollment by 258,000 enrollments by the 2027-2028 school year." As we all know public schools are funded based on enrollment with special education students bringing in more money than typical students. Jonathan Butcher writing for the *Los Angeles Daily News* writes (2018) "The Los Angeles school district may become the first major school system to shut down over spending issues in the 2018-2019 school year." Butcher also writes (2018) "Many of its schools are under-enrolled." Cansler and Hammond of *The Oregonian* (2018) write "Oregon is widely known to have deplorable high school graduation rates...Oregon ranked third worst in the nation." Lauren Dake of Oregon Public Broadcasting (2019)

writes "Oregon has Chronically underfunded its public education system." With Oregon's abysmal graduation rates and chronic under funding for public schools this proposed bill would only exacerbate the problems that our schools already face. This disproportionately affects the health and education of poor and low-income children that have no option but to attend public schools. These children need more funding and resources, but they will become unintended victims of this proposed bill from decreased funding.

Why are children being punished by being removed from their friends and beloved teachers over a decision that their parents have made regarding their medical care? Neil Kokemuller of SeattlePi states (2016) that "school changes can have negative consequences such as social difficulties and academic challenges". Kokemuller also writes "Peer relationships are important for the confidence and academic success of students at various ages." as well as "Students face a variety of academic challenges from switching school." This proposed bill would emotionally and academically damage students whose parents decide to homeschool them rather than be forced into a potentially deadly medical procedure. Do we really want to put the children of Oregon at an even greater academic disadvantage than their peers in other states?

Wiedermann, Garner-Spitzer, and Wagner write in their paper *Primary vaccine failure to routine vaccines: Why and what to do?* (2016) write "2-10% of healthy people fail to create antibodies to routine vaccines" and that there is a "15% vaccine failure rate for the Hepatitis B vaccine." If a vaccine failure occurs and the child is not immune will they too be segregated as will those who are not vaccinated? Their immunity would be essentially the same as a non-vaccinated child, so if no immunity is such a public health crisis, then in following the logic of this proposed bill these children should be segregated as well. Children with active infections of HIV, HPV, Herpes, and other communicable diseases can currently enroll in school, but children that are free of communicable disease will be segregated by this proposed bill.

The Oregon Health Authority sent a letter to Governor Brown stating (2018) "The Vast Majority of Oregon Parents Choose to Fully Immunize Their Children." The letter also states "2015, the first-year post implementation of the new (vaccine module) law, Oregon's kindergarten non-medical exemption rate fell from 7.0% to 5.8%". Oregon's current non-medical exemption rate for all vaccines is 2.6% which is well within the desired range for community protection. This is exactly why there has been no outbreak of vaccine preventable diseases in Oregon resulting from Washington's recent outbreak. The current system works, and the proof comes from the Oregon Health Authority itself. In fact, local media has been reporting that pharmacies and doctors have seen a higher than expected demand for the MMR vaccine which shows that people can and will vaccinate their children and themselves on their own with no need for government mandates or intervention.

As a pro-choice Democrat I have recently pondered how can someone claim to be pro choice when it comes to euthanasia or abortion, but not when it comes to informed consent. How can someone be against the death sentence, but support this proposed bill that will be a death sentence to the children who die from a vaccine reaction? Why is there a moratorium on the death penalty in Oregon, but support for a proposed bill that will inevitably be a death penalty for some children? Why do the lives of convicted murders hold more value than those of innocent schoolchildren?

How do you justify a child dying from a vaccine reaction to potentially save the life of someone who cannot be vaccinated from becoming temporarily sick? There is no way to justify the death of a child from a vaccine as collateral damage for the "greater good" because my sister could have been the greater good that this world desperately needs, but we will never get to know. My sister was so much more than collateral damage. She was a human, she was a child with her entire life ahead of her. She was smart and loved to smile. My sister is not an isolated case. Vaccine reactions and death are rare, but they do occur, and when they occur someone's entire world dies with them. The proposed House Bill 3063 mandates what caused my sister's death and caused years of mourning and grief for an entire family to potentially happen to my child. Vaccinations are a risk that my family cannot and is not willing to take under any circumstances.

Where there is risk there must be choice. Keep public education accessible to all children in Oregon by opposing House Bill 3063.

Respectfully,

Jennifer Allen

Portland, Oregon

Reference

- 34 CFR § 300.101 - Free appropriate public education (FAPE). (n.d.). Retrieved from <https://www.law.cornell.edu/cfr/text/34/300.101>
- 42 U.S. Code § 300aa-22 - Standards of responsibility. (n.d.). Retrieved from <https://www.law.cornell.edu/uscode/text/42/300aa-22>
- Butcher, J., & Butcher, J. (2018, September 12). Two ways to reduce LAUSD's budget shortfall. Retrieved from <https://www.dailynews.com/2018/09/11/two-ways-to-reduce-lausds-budget-shortfall/>
- Cansler, D., & Hammond, B. (2018, July 28). Oregon graduation rates: The best and the worst. Retrieved from <https://expo.oregonlive.com/news/erry-2018/07/ed802ee2cc3667/oregon-graduation-rates-the-be.html>
- Dake, L. (2019, January 25). Oregon Legislative Report Details A Grim Picture Of State's Schools. Retrieved from <https://www.opb.org/news/article/oregon-public-schools-education-funding-graduation-report/>
- Kokemuller, N. (2016, September 29). The Negative Impact of Children Changing Schools. Retrieved from <https://education.seattlepi.com/negative-impact-children-changing-schools-2011.html>
- Oregon School Immunization Law Summary, 2018. (2018, April 30). Retrieved from <https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/VACCINESIMMUNIZATION/GETTINGIMMUNIZED/Documents/SchLawSum.pdf>
- State of California, Department of Finance, California Public K-12 Graded Enrollment and High School Graduate Projections by County, 2018 Series. Sacramento, California, January 2019.
- Wiedermann, U., Garner-Spitzer, E., & Wagner, A. (2016, December 01). Primary vaccine failure to routine vaccines: Why and what to do? Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/26836329>