

Oppose SB 390 Testimony

To the Honorable Chair Gossage and Public Health and Welfare Committee,

I am writing to you to oppose the current SB 390 as it is written. I am a School Nurse and a Member of the Kansas School Nurse Organization and the board of directors. I oppose portions of this proposed bill such as revoking of the Secretary of Health to impose the isolation and quarantine of individuals. I do believe that isolation and quarantine have a purpose in preventing the spread of communicable diseases. However, these quarantines should be limited to the time of communicability or threat of severe threat to public safety.

Many of my colleagues would like to see strengthening of the current religious exemption. I believe that our traditional childhood vaccinations have proven to be safe and effective in preventing polio, measles, tetanus, pertussis, and many of the other vaccine preventable diseases. I do not wish to make it easier for individuals to oppose all vaccines which would increase the rates of these vaccine preventable diseases. However, I understand the concern of many people with the new vaccine technology.

We are all aware that the extreme measures of closing schools and businesses and the requirement of COVID-19 vaccinations throughout the country and in many jobs is the crux of this bill. If a push is made to require a religious leader to sign off on vaccine exemptions, I will be siding with the conscientious objection crowd. As a Christian, each person has their own personal relationship with Jesus and a Holy Spirit which guides them and at times may feel that an innovative technology should be rejected for a period. And I do not believe they should have to rely on a human who is in the leadership position of a church to grant this exemption.

Respectfully,

Angela Anderson RN



Written Opposition Testimony on SB 390
Senate Committee on Public Health and Welfare
February 14, 2024

Chairwoman Gossage and Members of the Committee:

Thank you for the opportunity to provide written testimony in opposition to SB 390. The Kansas Public Health Association (KPHA) is a professional organization that represents more than 800 public health practitioners, healthcare providers, researchers, advocates, and other professionals working together to build a healthier Kansas. SB 390 would enact the conscientious right to refuse act and revoke the authority of the secretary of health and environment to use critical, evidence-based strategies to prevent the spread of infectious disease. In turn, SB 390 severely undermines the efforts of public health professionals to protect the health of our communities.

For centuries, vaccines have remained an effective tool for preventing and controlling the spread of infectious diseases. Vaccines protect against numerous diseases, from influenza to cervical cancer, and shield us from the impact of harmful infectious diseases. SB 390 erodes the safety of our communities and penalizes schools, healthcare organizations, businesses, and other employers for fulfilling their responsibility to provide a safe workplace. Additionally, it penalizes children, people with disabilities, healthcare workers, teachers, and all Kansans by significantly increasing their risk of exposure to vaccine-preventable diseases.

Furthermore, SB 390 repeals important public health statutes, preventing the Secretary of Health and Environment and local health officers from effectively responding to threats raised by infectious diseases. This bill unequivocally weakens the ability of public health experts to use evidence-based strategies that mitigate the spread of infectious diseases. The work of local health departments is vital to building safe, healthy communities where Kansans can thrive. As such, KPHA supports the current authority of the Secretary of Health and Environment.

The priority of public health officials is to promote safe, healthy living conditions for Kansans in a variety of ways, including disease-prevention strategies like immunization and quarantine. Without these fundamental public health practices in place, we risk the resurgence and rapid spread of dangerous, vaccine-preventable diseases such as measles, polio, and whooping cough. We strongly oppose SB 390 and urge the Committee not to recommend its passage. Thank you for your consideration.

Respectfully submitted,

Erin Attebery
Policy Chair, Kansas Public Health Association
erin.attebery@live.com



February 12, 2024

The Honorable Beverly Gossage
Chair, Kansas Senate Committee on Public Health and Welfare
Room 445-S
State Capitol
300 SW 10th St.
Topeka, KS 66612

Re: Opposition to Senate Bill 390

Dear Chair Gossage and members of the Committee:

Thank you for the opportunity to comment in opposition to Senate Bill 390, which would weaken the ability of Kansas employers to implement protective COVID-19 vaccination policies.

The mission of The Leukemia & Lymphoma Society (LLS) is to cure leukemia, lymphoma, Hodgkin's disease, and myeloma and improve the quality of life for the more than 1.3 million people in the United States living with blood cancer, and their families.

LLS urges your committee to oppose SB 390 because it would undermine evidence-based public health and provider standards that support the well-being of those facing cancer.

At LLS, our top priority is the safety of blood cancer patients and survivors. We know they are at increased risk of severe illness and death from COVID-19. However, LLS' research shows that as many as 1 in 4 blood cancer patients may not be able to mount the same robust antibody response as healthy individuals after being vaccinated against COVID-19, making it even more important for those around them in healthcare and educational settings to be vaccinated.

Further, higher vaccination rates mean lower hospitalization rates. That reduces strain on our healthcare system and helps to ensure that hospitals can care for patients with other, non-COVID emergencies. Since immunocompromised patients may not produce their own robust immunity, it's vital that they can count on schools, hospitals and other places to be held to high protective standards.

We all must do our part to ensure our actions keep the most vulnerable around us safe, including adults and children fighting cancer. As such, we respectfully urge your committee to protect

Office of Public Policy
10 G St NE
Suite 400
Washington, DC 20002
www.LLS.org

immunocompromised cancer patients by opposing this effort to diminish public health.

Thank you again for your deliberation on this critical healthcare issue. Please contact me at dana.bacon@lls.org or 612.308.0479 for further information on our position on this issue.

Sincerely,



Dana Bacon
Senior Director, State Government Affairs
The Leukemia & Lymphoma Society

ⁱ Greenberger, L.M., Saltzman, L.A., Senefeld, J.W., Johnson, P.W., DeGennaro, L.J., Nichols, G.L., Antibody response to SARS-CoV-2 vaccines in patients with hematologic malignancies, *Cancer Cell* (2021), doi: <https://doi.org/10.1016/j.ccell.2021.07.012>.

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February 14, 2024

Senate Public Health and Welfare Committee
Kansas State Capital
300 SW 10th Street
Topeka, KS 66612

RE: Opposition to SB 390

Chair and Members of the Committee:

As a retired physician now in my eight decade, I must vigorously oppose SB 390. Vaccinations in this country are now near a “Tipping Point” (JAMA. Jan 23, 2024;331 (4):283-284). Outbreaks of measles has occurred in Ohio, a disease almost eliminated by a vaccine which now some of our citizens decide to refuse. Of the 84 cases, 36 (42%) had to be hospitalized for complications. Measles is not a benign disease and can have serious complications (MMWR Morb Mortal Wkly Rep. 2023;73(31):847-849). The death rate from COVID-19 during the pandemic was ~675/million in unvaccinated 65–79-year-old patient compared to less than 100 in vaccinated patients in the same age group. Death rate in those 80+ years was about 120/million unvaccinated versus about 10 in the vaccinated, a greater than 12 fold difference (CDC, <https://bit.ly/41GVq1.o>). Influenza vaccines prevent many deaths, especially in the elderly. DPT vaccines prevent many illnesses in the young. Polio is becoming common in some undeveloped countries because of vaccine hesitancy or vaccine unavailability.

Now I am a registered Republican and consider myself a right-of-center moderate; I am also a physician who is a supporter of Public Health for the public good. We call the USA a republic and a democracy. We certainly have individual rights, but we also have individual responsibilities to the common good, to our fellow citizens. As a society we have developed government and regulations for the common good. We have laws to protect the community such as seat belt laws, drunken driving laws, red light laws, laws against fraud, arson, assault, and murder. We have regulations for vaccinations for a reason—to protect the public., to protect the “Common”. If we only believe in our individual rights but not in the rights of our fellow man, we will no longer have a republic, we will have anarchy. As a country, we cannot survive if we take

Senate Bill 390
February 14, 2024
Page 2

a pure libertarian or progressive left position. We must care about our neighbor's health for the benefit of all.

Finally, the health care costs of vaccine hesitancy or refusal are high, especially when hospitalizations for complications are considered. Just remember all the hospitals overwhelmed with COVID patients, the deaths of numerous doctors and nurses taking care of these patients, the lack of hospital beds for those with non-life-threatening illnesses.

SB 390 is injurious to the citizens of Kansas, the financial stability of the State, our state's reputation and our ability to attract businesses and people to settle here. I urge you to please do oppose the passage of SB 390.

Sincerely,

Karl E Becker

Professor Emeritus,
University of Kansas School of Medicine

February 14, 2024

Testimony to the Senate Public Health & Welfare Committee

Kristen Blackton
Kansas Citizen
krosekauf@gmail.com
BILL: SB 390
Opponent
Written-Only Testimony

Dear Chair and Committee Members,

I am writing to voice my opposition to bill SB 390. As a Kansas citizen, I respect the expertise and knowledge of our public health officials and their recommendations for public health and vaccine requirements, which keep our community safe from preventable diseases. Please vote no on SB 390.

I know many of the Kansas citizens in my community, including some friends, are immunocompromised, which means that they are unable to receive some or all vaccines. As a result, the immunity of others who are able to be vaccinated becomes vital. SB 390 would particularly hurt those immunocompromised individuals in our community. I remember this issue was important for our family when my daughter was born at the height of the COVID-19 pandemic. When she was too young to receive many vaccines, we relied on those around us to be vaccinated to protect her. Furthermore, SB 390 would prevent the enforcement of childhood immunization requirements for schools and childcare facilities, which would inevitably lead to the spread of communicable diseases. We have made so much progress in protecting children from preventable diseases, including polio, hepatitis, measles, and mumps. This progress is attributed to the proliferation and availability of vaccines for our youngest community members. SB 390 would be a step in the wrong direction in the fight against these preventable illnesses.

Additionally, this bill would limit the authority of our local health officers, who are experts in their fields and work tirelessly to prevent the spread of diseases. One of the tools they use to do this is quarantining during an infectious disease outbreak. SB 390 would weaken this important tool and hinder the efforts of public health officials in keeping our communities safe from these diseases. When diseases spread, we not only see the repercussions in our health, but also in our pocketbooks. During a 2018 and 2019 measles outbreak, the public health response to the outbreak cost approximately \$2.3 million. We can only imagine how much larger that number would have been if the measures of isolation and quarantine had not been implemented.

As a mother and engaged member of my community, I want to protect those vulnerable members from contracting infectious and *preventable* diseases. Again, I ask that you please vote **no** on SB 390.

Respectfully,

Kristen Blackton
Shawnee, Kansas

February 12, 2024

Senator Beverly Gossage, Chairperson
And Members of the
Senate Committee on Public Health and Welfare
300 SW 10th Ave
Room 445-S
Topeka, Ks 66612

Re: Opposition to SB390

Dear Chairperson and Members of the Committee,

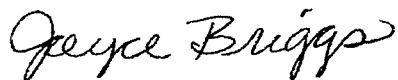
I live in Grant County Kansas and am writing to you to express my opposition to this bill. The decision to accept the medical services described in this bill is a choice that must be made by each individual with the input of their doctor. And just as those choices should not be held against us by an employer, healthcare entity, school or another person, they should not place others at greater risk and come with a responsibility to do the right thing.

If my personal choice is to come to work, school or a public place while ill, a business, and the others listed in this bill, should be able to deny me entry or to separate me from others. The proprietors and customers of these businesses have just as much right to be healthy, as the individual has to decline specific medical services.

An additional concern is how this bill may impact our economy. While there could be valid lawsuits filed, there will also be ones without merit. Both of which will require businesses, healthcare entities, schools and persons, to insure against this risk and/or to spend untold amounts of money on legal fees. Costs that will always be passed on to the individual citizens through increased costs for goods and services and higher taxes.

Please do not take any action on this bill.

Respectfully,

A handwritten signature in cursive script that reads "Joyce Briggs".

February 14, 2024

Testimony to the Senate Public Health & Welfare Committee

NAME: Jan Brunks

TITLE: Kansas Citizen

EMAIL ADDRESS: jmbrunks@gmail.com

BILL NUMBER: SB 390

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: Written Only

Dear Chair & Members of the Committee:

I am writing to voice my opposition to bill SB 390.

I support the current public health and vaccine requirements which keep our community, including the most vulnerable, safe from preventable diseases. Please vote no on SB 390.

SB 390's new way of opting-out of vaccination requirements—particularly for children—is a step in the wrong direction. It will unravel the critical work and progress we have made to eradicate preventable diseases like polio, hepatitis, measles, mumps, and rubella.

Employers, health care providers, schools, and other businesses would be prohibited from discriminating against persons refusing to vaccinate under this new right. They could no longer enforce employee requirements and thus could not provide a healthy and safe environment for their employees.

SB 390 weakens a core function of public health, which is to prevent the spread of diseases. This bill would prevent the state and local officials from fully utilizing one of the most basic tools to stop the spread of diseases – requiring quarantines during an infectious disease outbreak. These include highly infectious and dangerous childhood diseases like measles, polio, and whooping cough.

Again, I ask that you please vote no on SB 390.

Sincerely,

Jan Brunks
Olathe, KS

February 14, 2024

Testimony to the Senate Public Health & Welfare Committee

Name: Kellie Bubeck

Email: kellie.bubeck@gmail.com

Bill No: SB 390

Opponent

Written testimony only

Dear Chair and Committee Members:

I strongly oppose SB 390, which would create a conscientious objection right to refuse vaccines and other medical care, while eliminating laws related to public health quarantines.

I have seen firsthand how medically vulnerable individuals are due to organ transplants and cancer. This bill would particularly hurt those immunocompromised individuals that are unable to receive vaccines.

We already have existing policies in place for children to receive exemptions from vaccination requirements. This bill is unnecessary.

In addition, SB 390's new vaccination opt-out is a step in the wrong direction. It will unravel the critical work and progress we have made to eradicate preventable diseases like polio, hepatitis, measles, mumps, and rubella.

It is clear that SB 390 will hurt community health and endanger the lives of Kansans. Please vote no on SB 390.

Sincerely,

Kellie Bubeck

Kellie.bubeck@gmail.com

Cc: Rui Xu

rui.xu@house.ks.gov

Ethan Corson

ethan.corson@senate.ks.gov



To: Senator Gossage, Chair and Members, Senate Public Health and Welfare Committee
From: Kylee Childs, Director of Government Affairs, LeadingAge Kansas
Date: February 14, 2024

LeadingAge Kansas is the state association for not-for-profit and mission-focused aging services. We have 150 member organizations across Kansas, which include not-for-profit nursing homes, retirement communities, hospital long-term care units, assisted living, home plus, senior housing, low-income housing, home health agencies, home and community-based service programs, PACE and Meals on Wheels. Our members serve more than 25,000 older Kansans each day and employ more than 20,000 people across the state.

KING is a group-funded workers compensation pool, formed in the 1980s in response to our aging services members' need when faced with shrinking insurance options and soaring worker compensation premiums.

Testimony in Opposition to Senate Bill 390

As a provider of workers' compensation through our KING program, we are alarmed by the wide-reaching implications of this bill. There is a significant concern that its expansive nature may inadvertently permit employees to attend work without being vaccinated against other preventable illnesses. The language of the bill does not exclusively address COVID vaccinations, leaving room for interpretation. Consequently, if an unvaccinated employee exposes their colleagues to an illness not prevalent in the community, the affected co-worker could argue that the risk of exposure was an inherent condition of their employment. This scenario places the employer in jeopardy of facing costly claims for occupational diseases that could have been prevented.

We would recommend an amendment that removes employers' liability for any decisions made by employees that may impact other employees' health:

"An individual who suffers any direct or indirect injury as a result of another employee's healthcare decisions related to this bill shall not result in any civil liability or cause of action for actual damages from the employer."

Thank you for the opportunity to share our concerns. We can be available for follow-up questions if needed.



To: Senate Public Health and Welfare Committee
From: Rachelle Colombo; Executive Director
Date: February 14, 2024
Subject: SB 390; Conscientious Right to Refuse Act

The Kansas Medical Society (KMS) appreciates the opportunity to offer comments on SB 390 which prohibits healthcare providers, employers, schools, or any person from taking certain employment-related actions, or denying services, to individuals who refuse certain medical interventions, such as vaccination, if such refusal is for reasons of conscience, as defined by the act. The bill also creates a civil cause of action for violation of the act, and also revokes portions of the statutory authority of the KDHE Secretary to order isolation or quarantine measures. Although this legislation is much broader in its reach, for the purposes of this testimony, we will confine our comments to its application to healthcare providers and facilities.

As we have noted in other legislation regarding the rights of patients which this committee has considered recently, the provisions of this act are no doubt well-intentioned. They reflect the understandable concerns of many Kansans over some policies and actions which were taken as a result of the COVID pandemic. It is important to remember that in the early stages of the pandemic, much was unknown about the virus and how we should respond as a society in order to protect the public. As we have emerged from the pandemic our understanding of what worked from a public health perspective, and what did not, continues to be discussed and debated.

Our concern with this bill, and others like it, is that it risks going too far in response, an unnecessary over-correction. For example, revoking the KDHE Secretary's authority to order isolation or quarantine to prevent the spread of potentially catastrophic diseases seems like it swings the pendulum too far back the other way [the provisions stricken in Sec. 2 of the bill appear to revoke the Secretary's authority, but we're unsure whether it invalidates similar authority in KSA 65-128(b) and 65-129b(B)].

Additionally, we have concerns about the civil cause of action provision in Sec.1, which we fear will inevitably lead to increased litigation. For example, what is meant by the following, found at line 30, page 1: "treatment of an individual differently from any other individual who accepted the medical intervention described in this subsection"? Does that mean a healthcare provider could potentially be liable for prescribing a different *treatment* for one patient versus another? Also, what is meant by, and would a healthcare provider be liable for "denial of goods or services" (line 23, page 1), or "denial of entry to a place otherwise accessible to the general public" (lines 24-25, page 1), if a healthcare provider felt they could not safely take care of a patient without exposing other patients in their facility to an infectious disease. Physicians have a legal duty to ensure that their actions do not put other patients in their care at risk, so

complying with the provisions of this bill could put a physician at risk for violating other legal duties.

These are just two examples of our concerns about the bill being overbroad, which will increase the likelihood of unintended consequences. For these reasons, we do not support this legislation. However, if the committee chooses to move this legislation forward, we would suggest the addition of language such as the following, which could protect providers from liability for inadvertently violating their obligations to other patients by complying with the provisions of this bill:

“Notwithstanding any other provision of law, a healthcare provider shall be immune from civil liability for damages, administrative fines or penalties for acts, omissions, healthcare decisions or the rendering of or the failure to render healthcare services to a person, if such healthcare provider was acting pursuant to and in substantial compliance with the provisions of this section.

Thank you.

Testimony Against Kansas Bill 390

Dear Legislators,

As a parent who deeply cares for the health and safety of my children, and as someone who has worked within the local government and health department, I stand firmly against Bill 390. My parenting philosophy, grounded in the well-being of my children and the community, recognizes the undeniable reality that diseases do not respect personal choices or boundaries. This bill, by allowing individuals to refuse medical treatment without consideration for public health impacts, directly threatens our children's safety by increasing their exposure to **preventable** diseases.

My experience in public health has shown me the critical role that empowered health professionals play in safeguarding our communities. Diseases are not mere abstractions; they are real, present dangers. The ability to enforce quarantine measures and require necessary medical interventions has been a cornerstone of public health, protecting countless lives.

Bill 390 represents a reactive stance to recent global health crises without a nuanced understanding of the complexities involved in protecting public health. The sweeping changes proposed fail to consider the intricate balance required to ensure both individual rights and the collective good.

Call to Action: This bill, and others like it, must be rejected. We need solutions that emerge from informed, thoughtful debate among public health professionals, striking a balance that protects everyone's health without compromising individual rights.

Sincerely,

Aaron Davis, MPA MBA
Concerned parent and Butler County resident
1377 NW Butler Rd
Benton Kansas 67017

February 12, 2024

Senator Beverly Gossage, Chairperson
And Members of the
Senate Committee on Public Health and Welfare
300 SW 10th Ave
Room 445-S
Topeka, Ks 66612

Re: Opposition to SB390

Dear Chairperson and Members of the Committee,

I live in Grant County Kansas and am writing to you to express my opposition to this bill. The decision to accept the medical services described in this bill is a choice that must be made by each individual with the input of their doctor. And just as those choices should not be held against us by an employer, healthcare entity, school or another person, they should not place others at greater risk and come with a responsibility to do the right thing.

If my personal choice is to come to work, school or a public place while ill, a business, and the others listed in this bill, should be able to deny me entry or to separate me from others. The proprietors and customers of these businesses have just as much right to be healthy, as the individual has to decline specific medical services.

An additional concern is how this bill may impact our economy. While there could be valid lawsuits filed, there will also be ones without merit. Both of which will require businesses, healthcare entities, schools and persons, to insure against this risk and/or to spend untold amounts of money on legal fees. Costs that will always be passed on to the individual citizens through increased costs for goods and services and higher taxes.

Please do not take any action on this bill.

Respectfully,

Ruth Edwards

Feb 12, 2024
SB 390 Conscientious Right to Refuse
Proponent
Written Testimony of JoAnn Farb

Chairman/Chairwoman and Members of the Committee:

I am a former microbiologist with Merck and Co inc., and I was well trained to use pharma's biased, reductionist science to help my company sell it's products.

I knew the science I helped disseminate was intentionally narrow to help us sell products – NOT promote health and well-being, but I was paid well to make sure the pharma-supporting "science" was seen by more doctors, and scientists than any science that might contradict it.

But I never dreamed that years after I left that industry, the public health community would cease to protect citizens from pharma's misleading "science" or that citizens would lose basic rights if they chose to do their own research and came to different conclusions than the captured public health community...and didn't want to take a chance on being injected with a new technology with no long term safety data....or had personal religious or philosophical reasons to refuse it. (I thought we had certain freedoms in the US!)

That is why I urge you to support SB 390.

While we all try to figure out how to fix our broken healthcare system it is urgent that we keep the medical industrial complex from taking away our basic human rights, depriving us of education, employment, or access to anything based upon our personal health care decisions

Sincerely,

JoAnn Farb

Date: February 13, 2024

To: Honorable Senator Beverly Gossage and members of the Public Health and Welfare Committee

My name is Cynthia Galemore, and I am writing in opposition to SB 390 and SB 391. I am a registered nurse, mother, and grandmother, and I am passionate about this topic. I practiced for over 27 years working at Olathe Public Schools, the majority of the time as Director of Health Services. In retirement I continue working part time as an editor of a nursing journal and volunteer in our local schools.

During my time with Olathe Public Schools, I noticed that the percentage of parents claiming religious exemption to vaccines grew dramatically (from 0.37% of our population claiming exemptions in 1998 to almost 2% in 2013 - in 15 years). This information is public as I presented a written annual report to our Board of Education annually. My report in 2013 went on to explain that according to experts in immunology, easy exemption processes are associated with high exemption rates and once a population has 1% or higher unvaccinated no matter the reason, the population is at increased risk for disease outbreak.

Fortunately, but also unfortunately, our current younger generations have very little knowledge of vaccine preventable illnesses, as vaccines have been successful in reducing the incidences of these serious diseases. I, on the other hand, can remember having teachers with musculoskeletal disabilities due to having polio, a neighbor unable to have children after contracting mumps in his adolescence, and great aunts and uncles dying in infancy and toddlerhood from influenza. Those contracting vaccine-preventable diseases are able to spread the disease to others often before even knowing they are infected, which includes children with multiple, severe disabilities and those unable to be vaccinated due to medical conditions who we service in our schools.

I oppose SB 390 and SB 391 for the following reasons:

1. The National School Nurse Association has a position statement that supports elimination of all exemptions except those necessary for valid medical contraindications.
2. Vaccine requirements are determined by state health officials **based on scientific recommendations for immunizations** by the Advisory Committee on Immunizations (ACIP). **These requirements keep students and school staff safe by ensuring they are protected when at schools, where potential exposure to life-altering diseases is high. The ACIP is comprised of a variety of specialists from across the United States. ACIP Current Membership Roster | CDC**
3. **Expanding exemptions by allowing conscientious exemption is the first step in unraveling the critical work that has nearly eradicated diseases like polio, hepatitis, measles, mumps, and rubella.** Expanding exemptions and removing regulations to monitor and control disease outbreak goes against the majority of Kansans' wishes, discounts evidence, and turns back the clock by several decades, failing to protect our children from preventable diseases. Vaccine preventable diseases like Measles are making a comeback in the United States in communities where they were once eradicated. See KAKE.COM for report of measles exposure in North Kansas City this past month

<https://www.kake.com/story/50327071/measles-exposure-confirmed-at-kci-north-kansas-city-hospital>.

4. **In a recent poll, 67% of Kansans reject the idea that we should add more vaccine exemptions. Although 56% agree in principle that there should be a religious exemption, they believe the religious exemptions should be stricter in the following ways:**
 - o 61% want religious leader documentation
 - o 65% want both parents to approve an exemption
 - o 64% want there to be an annual exemption review

5. **SB 390 bill takes away the freedom for private businesses to have vaccine requirements in the workplace and determine what is in the best interest of their employees and patrons, especially in healthcare facilities.**

Please consider voting “NO” on both of these bills. The process of the Kansas Department of Health and Environment (KDHE) implementing the ACIP recommendations and managing outbreaks based on the science specific to each infectious agent has historically been effective and efficient. The current process has proven to prevent outbreaks of childhood illnesses that could put a strain on childhood learning, lead to increased morbidity and mortality of both our pediatric population as well as the adults working in Kansas Schools, not to mention the impact on the economy from increased Kansas dollars spent on healthcare for both acute and chronic outcomes.

Sincerely,

Cynthia A. Galemore
21919 W. 121st Street
Olathe, KS 66061



Public Health
Prevent. Promote. Protect.

Unified Government Public Health Department

619 Ann Avenue, Kansas City, KS 66101-3038

Phone (913) 573-8855

wycokck.org/health

Opponent Testimony :: SB390

Elizabeth Groenweghe with the Unified Government of Wyandotte County/Kansas City, KS Public Health Department

Senate Committee on Public Health and Welfare

February 12, 2024

Chair Gossage and Members of the Committee

Thank you for the opportunity to submit written testimony in opposition to Senate Bill 390 regarding immunization requirements in the state of Kansas. I am the Chief Epidemiologist at the Unified Government Public Health Department of Wyandotte County and Kansas City, KS. Stopping the spread of infectious diseases in Wyandotte County is one of my key job duties and passing SB390 would limit the ability to do that and also put vulnerable communities at risk.

SB390 proposes to make a number of harmful changes to immunization requirements in Kansas. Section 1 would remove any kind of immunization requirements for employees, including employees in high-risk settings such as healthcare. **An employer may wish to enforce vaccine requirements for several reasons. For one, many workplaces consist of a large number of employees in various states of health. By requiring vaccines like the influenza vaccine, they are helping to keep their employees safe from illness. This not only prevents poor health, but may also reduce employee absenteeism, as less disease will require few sick days taken. Additionally, many employers are public facing, and in some cases, serve already vulnerable populations, such as those who are hospitalized or in long term care facilities. These employers have a duty to protect the vulnerable populations that they serve.**

Section 2 removes K.S.A. 65-126, K.S.A. 65-127, K.S.A. 65-129, and K.S.A. 65-129c. **By repealing these statutes, this bill will remove the ability to enforce compliance with mandated quarantine or isolation, and thus leaving the general population at risk of being exposed to dangerous communicable diseases.** All these changes would have significant public health impacts and make stopping the spread of infectious diseases in Kansas more challenging.

Vaccinations are one of the greatest public health achievements and have had a profound impact on reducing illness, death and disability in the United States. This bill sets out to make vaccinations essentially optional in many settings including workplaces, schools, hospitals, long-term care facilities, and daycares by allowing individuals to opt out of mandated vaccines without any consequences from their employer.



Public Health
Prevent. Promote. Protect.

Unified Government Public Health Department

619 Ann Avenue, Kansas City, KS 66101-3038

Phone (913) 573-8855

wycokck.org/health

Vaccinations continue to prevent many cases of illness, disability, and death in Kansas. Any efforts to remove vaccination requirements as outlined in SB390 would be harmful to Kansans. I oppose the entirety of SB390 and ask that the committee not recommend it for passage.

Sincerely,

Elizabeth Groenweghe, MPH

Chief Epidemiologist and Epidemiology/Tuberculosis Program Manager, Unified Government Public Health Department

1February 14, 2024

Senator Beverly Gossage, Chairperson
And Members of the
Senate Committee on Public Health and Welfare
300 SW 10th Ave
Room 445-S
Topeka, Ks 66612

Re: Opposition to SB390

Dear Chairperson and Members of the Committee,

I live in (insert city or county) Kansas and am writing to you to express my opposition to this bill. The decision to accept the medical services described in this bill is a choice that must be made by each individual with the input of their doctor. And just as those choices should not be held against us by an employer, healthcare entity, school or another person, they should not place others at greater risk and come with a responsibility to do the right thing.

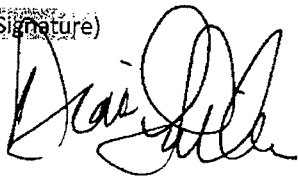
If my personal choice is to come to work, school or a public place while ill, a business, and the others listed in this bill, should be able to deny me entry or to separate me from others. The proprietors and customers of these businesses have just as much right to be healthy, as the individual has to decline specific medical services.

An additional concern is how this bill may impact our economy. While there could be valid lawsuits filed, there will also be ones without merit. Both of which will require businesses, healthcare entities, schools and persons, to insure against this risk and/or to spend untold amounts of money on legal fees. Costs that will always be passed on to the individual citizens through increased costs for goods and services and higher taxes.

Please do not take any action on this bill.

Respectfully,

(Signature)

A handwritten signature in black ink, appearing to read "Beverly Gossage", written over a faint, dotted rectangular box.

Senate Public Health and Welfare Committee

Hearing Date: February 14, 2023

Bill: SB 390

Position: Opponent

To Chair Gossage, Vice Chair Erickson, and honorable members of the committee,

I urge you to reject SB 390 and similar legislation.

I live and work in Shawnee County, and my children attend public school in our home district. We spend weekend afternoons in local parks, play sports in recreational leagues, shop at the grocery store, attend church, eat in restaurants, and go to the doctor, dentist, and hair salon. These public spaces are accessible and safe for me and my children because of common sense, evidence-based public health measures that protect us from preventable illness while we go about our daily lives.

Regarding a “conscientious objection” addition to current vaccine exemptions:

If I am driving on public roads and choose to speed, I can’t get out of a ticket by telling the office that I simply object to speed limits. I can either follow the speed limits, or I can stay off the roads. Speed limits keep our public roads safe for everyone around us. I can’t *choose* to endanger others because I don’t like driving at the speed that local law enforcement has determined is safest for the community. This is how public health works, as well. Vaccines keep our public spaces safe for everyone around us.

Regarding sections that weaken local public health response to infectious illness:

Many Kansans *don’t* have a choice when it comes to vaccines – the immunocompromised, those unable to be vaccinated, and those at high risk due to age or medical complications.

My family was one of the unlucky ones that had small children at the beginning of the COVID-19 pandemic. We stayed home and took extra precautions much longer than most while waiting for an age-eligible vaccine for our youngest, who has a history of illness that worried us about the effects of catching a severe respiratory disease. Public spaces were not safe for him. We’re grateful today for both the vaccines and the local public health response that was able to provide us with county-specific details about infection rates, school safety measures, and more.

It is imperative, especially in a state like Kansas, that our local county health departments maintain their ability to respond to outbreaks with evidence-based protocols that keep our local communities safer for all. Topeka is not Garden City. Olathe is not Wichita. Our local officials are on the ground, close to their communities. They have the best knowledge of local infection rates, resources available, and the infrastructure that can support different methods of limiting the spread of infection. **I urge you to trust the experienced professionals in your home districts who have your constituents’ best interests at heart. Vote no on SB 390.**

Thank you.

Kristin Hammer

Topeka, KS

Senate Committee on Public Health & Welfare
Opponent Testimony for SB 390
Written Only

Chair Gossage and Members of the Committee:

Thank you for the opportunity to provide opponent testimony on SB 390. It appears that SB 390 would prevent enforcement of childhood immunization requirements in schools and child care settings, and in particular, prevent enforcing school exclusionary policies during vaccine-preventable disease outbreaks for those who have exemptions for vaccines. This would put Kansas kids, and their teachers, at preventable risk for diseases.

It is important to maintain the vaccines required for school entry. These vaccine requirements are a critical tool to protect our children from avoidable disease and suffering. Vaccines work. In the 1950s, polio caused more than 15,000 cases of paralysis each year in the U.S. In 2019, there were no cases of polio. This can be attributed to a highly successful campaign to vaccinate Americans.

Additionally, within current policy, appropriate mechanisms exist for parents to excuse their child from vaccine requirements when necessary. Kansas offers both a medical exemption and a religious exemption. Eliminating vaccine requirements for school entry or expanding current exemptions, would just increase the number of Kansas kids - and their teachers - at risk for preventable disease.

During my PhD in Microbiology, Immunology, and Molecular Genetics at the University of Kansas and with publications in viruses such as HSV-1, HIV-1 and SARS CoV-2, I have gained a very strong understanding of the immune system and the necessity of vaccines in a functioning society. A fact I refer to often when the topic of 'vaccine mandates' comes up in conversation is a term we use in the field called R_0 (R nought). The R_0 of SARS CoV-2 (causative agent of COVID-19) is between 1.4 and 2.4 (Virology Journal 2023; 20(59):1-11). This means for every individual that is infected by the coronavirus, that individual infects between 1.4 and 2.4 other, previously uninfected individuals. This R_0 was enough to start a pandemic that spread globally in weeks, killed millions, and shut down economies across the world. The R_0 of another disease that we are fortunate to have an effective and safe vaccine for, measles, is between 12-18 (Lancet Infect Dis. 2017 Dec;17(12):e420-e428). An unvaccinated population would be devastated by this disease that has been and should remain eradicated from this country. Allowing a philosophical exemption from essential vaccines such as measles, among other preventable diseases, will allow and enable easily preventable diseases to run rampant through our society causing untold health and economic damages.

Lastly, polling that was completed in February 2022 by the non-profit organization Nurture KC, found that Kansas voters do not want to eliminate the current vaccine requirements. Specifically,

their polling found that 95 percent of Kansas voters believe that taking vaccines for diseases like measles, mumps and polio is extremely or very important to maintaining good health. Additionally, more than 9 out of 10 Kansas voters support wellness vaccine requirements for children to attend K-12 schools or childcare facilities. SB 390 would be bad for Kansas kids and does not reflect the will of Kansas voters.

Sincerely,

Wyatt A. Henke, M.B.A, Ph.D.



Written Testimony for Senate Bill 390
Senate Committee on Public Health and Welfare
By Jared Holroyd, Executive Director
Kansas Pharmacists Association - Topeka, Kansas
February 14th, 2024

Chair Gossage and Members of the Committee:

Thank you for the opportunity to provide testimony today on behalf of our 1,700 member pharmacists, pharmacy technicians, and pharmacy students. The Kansas Pharmacists Association is the statewide professional association representing pharmacy professionals in all practice settings. I am providing this testimony in opposition to SB 390.

In effect, SB 390, allows anyone, for any reason, to exempt themselves or their child from immunization requirements at places of work, schools, and childcare facilities. This takes decisions away from the local level, where requirements and exemptions already exist and are functioning for our communities. While we agree that sincerely held traditional religious exemptions are valid and essential to maintain, and that several medical conditions should allow individuals to be exempt from immunization requirements due to a high probability of harm to the individual, we are not comfortable with the practical impact of SB 390.

Many of our members are private business owners, others work in large and small health systems, but all of our members understand the importance of caring for their communities day in and day out. From the tiniest infant, unable to protect themselves to a recent heart transplant recipient, our members care for vulnerable patients and understand the need to protect them. Many practice under existing employer immunization requirements, others choose to vaccinate to keep their businesses staffed and their patients safe.

Our membership understands that immunizations save lives. Before the introduction of vaccines, diseases such as smallpox, polio, and measles were widespread and deadly. In the case of smallpox, vaccination efforts have led to worldwide eradication of the disease. Polio, once a common and disfiguring childhood illness, can now be prevented through immunization.

Additionally, immunizations protect vulnerable populations. Not everyone, such as infants or individuals with weakened immune systems, can receive vaccinations. By immunizing those able to receive vaccines, we create herd immunity. This is especially important in the case of highly infectious diseases like measles, which can have deadly consequences for infants too young to be immunized.

Finally, immunizations are proven safe. The safety of vaccines has been extensively studied and confirmed by numerous scientific organizations worldwide. The risks associated with vaccinations are minimal compared to the potential consequences of contracting a vaccine-preventable disease. Immunizations are carefully tested before they are approved for use and are continually monitored for safety after introduction.

Unfortunately, SB 390 would make it dangerously simple for people to be exempted from vaccination requirements at their work, schools, and childcare centers, putting children, co-workers, and even vulnerable patients in healthcare settings at risk. While we would like to think that the vast majority of people would continue to be vaccinated, even with the existence of the allowances provided in SB 390, we are unable to support a bill that has the potential to undo much of the good that has come from vaccination efforts over the last 100 years.

Madame Chair and Committee, we urge you to support our current state policies and vote NO on SB 390.

Senate Committee on Public Health & Welfare
Opponent Testimony for SB 390
Written Only

Chair Gossage and Members of the Committee:

Thank you for the opportunity to provide opponent testimony on SB 390. It appears that SB 390 would prevent enforcement of childhood immunization requirements in schools and child care settings, and in particular, prevent enforcing school exclusionary policies during vaccine-preventable disease outbreaks for those who have exemptions for vaccines. This would put Kansas kids, and their teachers, at preventable risk for diseases.

It is important to maintain the vaccines required for school entry. These vaccine requirements are a critical tool to protect our children from avoidable disease and suffering. Vaccines work. In the 1950s, polio caused more than 15,000 cases of paralysis each year in the U.S. In 2019, there were no cases of polio. This can be attributed to a highly successful campaign to vaccinate Americans.

Additionally, within current policy, appropriate mechanisms exist for parents to excuse their child from vaccine requirements when necessary. Kansas offers both a medical exemption and a religious exemption. Eliminating vaccine requirements for school entry or expanding current exemptions, would just increase the number of Kansas kids - and their teachers - at risk for preventable disease.

Vaccine requirements are necessary to provide a safe schooling environment for all children, but particularly those with chronic disease or who are immunocompromised. My niece has Type 1 diabetes and, like many kids, relies on her classmates to get vaccines to protect her from viruses that would be especially dangerous for her. When her body fights an infection, her blood sugar becomes unpredictable. Beyond her immediate suffering, this can lead to hospitalization or other severe consequences. When my niece's classmates take vaccines, they are not only protecting themselves, but also my niece.

Lastly, polling that was completed in February 2022 by the non-profit organization Nurture KC, found that Kansas voters do not want to eliminate the current vaccine requirements. Specifically, their polling found that 95 percent of Kansas voters believe that taking vaccines for diseases like measles, mumps and polio is extremely or very important to maintaining good health. Additionally, more than 9 out of 10 Kansas voters support wellness vaccine requirements for children to attend K-12 schools or childcare facilities. SB 390 would be bad for Kansas kids and does not reflect the will of Kansas voters.

Sincerely,


Carlie Houchen, M.P.H.

TESTIMONY IN OPPOSITION OF SB 390


February 14, 2024


Chair Gossage, Vice Chair Erickson, Ranking Member Pettey and members of the committee:

**KANSAS
CHAPTER**

 PO Box 860481
Shawnee, KS 66286

 Denise Cyzman
EXECUTIVE DIRECTOR

 785-380-6100

 kansasaap.org

I am Dr. Dena Hubbard, the Public Policy Chair for the Kansas Chapter, American Academy of Pediatrics (KAAP) and a board-certified neonatologist. Thank you for the opportunity to express KAAP's strong opposition to SB 390. The KAAP and the 400 pediatricians it represents share a fundamental goal that all infants, children, and adolescents in Kansas can grow safe and strong. This bill threatens the health and well-being of children in our state by enacting the conscientious right to refuse act. SB 390 fails to protect Kansas children and families from preventable diseases.

Vaccines safeguard individuals from disease by preparing their immune systems to recognize and resist preventable diseases. A strong immune system for children helps to keep them healthy so they can keep growing, learning, and thriving. This not only helps the child, but it also helps the broader community. When immune systems are strong, it is harder for illness to spread.

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This year marks the 30th anniversary of the Vaccines for Children (VFC) Program. Through the VFC program alone, routine childhood immunizations have:

- prevented 472 million illnesses.
- helped avoid over a million deaths.
- saved nearly \$2.2 trillion in total societal costs, including \$479 billion in direct costs.

Childhood immunizations is one of our strongest public health investments, using scarce public resources to yield the highest returns on investment.

SB 390 would have untold consequences for our ability to prevent disease. It directly contradicts established effective measures and the expressed will of the people in our state. Additionally, this bill does not currently have a fiscal note. The public cost of any increases in preventable diseases borne by our state because of this legislation must be considered.

Kansas voters overwhelmingly place their trust in the safety and efficacy of wellness vaccines. A 2022 statewide survey of Kansas voters reveals that over 95% consider vaccines for diseases such as measles, mumps, and polio to be extremely or very important for maintaining good health. This strong trust in vaccines is consistent across political ideology, as shown in Table 1. SB 390 diverges from the beliefs of most Kansans.

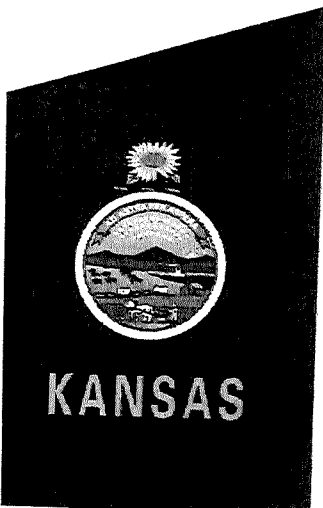
Table 1

More than 9-in-10 Kansas voters believes wellness vaccines are completely/mostly safe:

- Republicans, 96%
- Independents, 95%
- Democrats, 98%

More than 9-in-10 Kansas voters believes wellness vaccines are completely/mostly effective:

- Republicans, 97%
- Independents, 95%
- Democrats, 100%



In Kansas, we have a proud tradition of looking out for each other. We take seriously our responsibility to the common good. In fact, more than 90% of Kansas voters across the ideological spectrum support the implementation of vaccine requirements for children attending school or child care facilities. We must allow hospitals, pediatric clinics, child care facilities, and schools to have the autonomy to establish safety protocols based on public health and clinical guidelines rather than legislative mandates.

KANSAS CHAPTER

PO Box 860481
Shawnee, KS 66286

Denise Cyzman
EXECUTIVE DIRECTOR

785-380-6100

kansasaap.org

Kansans are hardworking and caring neighbors and friends. It takes all of us to help Kansas communities to stay healthy and thrive. Children depend on us, and now is the time to be sure we are using trusted information to make good decisions about our future. Immunizations prevent tens of thousands of deaths, millions of cases of disease, and save billions of dollars per decade.

For these reasons, we urge a no vote on SB 390.

I stand for questions at the appropriate time.

Dena K. Hubbard, MD, FAAP
Public Committee Chair
Kansas Chapter, American Academy of Pediatrics

EXECUTIVE COMMITTEE

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Kristie Clark
MD, FAAP



KANSAS

**Testimony by Charlie Hunt with the Johnson County Department of Health & Environment (JCDHE) to
Senate Committee on Public Health and Welfare
Written Opponent for SB 390 – February 14, 2024**

Chair Gossage and Members of the Committee,

Thank you for the opportunity to provide written testimony in opposition to Senate Bill 390, a bill which seeks to prohibit employers to factor in certain medical interventions for employees and revokes isolation and quarantine authority for local health officers. JCDHE's mission is to promote and protect the health and environment for all who live, work and play in Johnson County.

We have several deep concerns with this bill. Namely:

- It prohibits employers, including in healthcare settings, from being able to require certain vaccines (and removes the ability to reassign such employees that might refuse certain vaccines). A number of employers, including our health department, may be exposed to certain illnesses that are preventable via vaccine and see clients who are immunocompromised. Requiring vaccination status for certain positions is a way to protect the public's health and our clients' trust. The bill includes language prohibiting the ability to treat an individual differently from anyone that might have accepted a vaccine, which suggests we cannot even mandate increased personal protective equipment to try and accommodate the unvaccinated status. This is not a tenable approach and greatly risks the health of our clients.
- It repeals K.S.A. 65-129c which provides local health officer authority to issue isolation and quarantine orders. This is a serious threat to public health. When a disease outbreak occurs, often these measures are the only way to prevent spread. This includes diseases that are extremely threatening to children and the unborn. K.S.A. 65-129c provides for a legal remedy to those who feel they have been unjustly ordered to isolate or quarantine, and thus already offers a relief mechanism to inappropriate orders.

Public health must have the ability to use isolation and quarantine to control disease spread. Without that tool, it will be next to impossible to control both known, severely damaging diseases and future diseases we have not yet seen and will have no other protections against. Likewise, certain employers (like us) work with populations who may have more severe outcomes than others if exposed to vaccine-preventable diseases. Being unable to require vaccines or require staff that choose not to be vaccinated to either do other activities or take additional protective steps, threatens the health and safety of those in Johnson County who rely on our services.

As such, JCDHE asks that the committee not recommend SB 390 favorably for passage.

Sincerely,

Charlie Hunt, Director
Johnson County Department of Health & Environment



2/14/2024

Honorable Chairman Senator Beverly Gossage and Public Health and Welfare
Committee Members,

RE: SB 390

My name is Ronda Hutchinson I have been a Kansas Registered Nurse for 30 years, and a School Nurse for 20 years. I am a member of the Kansas School Nurse Organization as well as the National Association of School Nurses (NASN).

I oppose SB 390

- NASN (19,000 members strong) supports exemptions that are necessary for valid medical contraindications. We do **not support** exemptions based on **non-theistic moral and ethical beliefs**.
- Childhood immunization has been so effective in preventing death and disease that many parents today have not encountered diseases that were common years ago.
- In addition to reducing disease, disability and death, vaccines are credited with saving almost \$69 billion in healthcare costs in the United States alone. **Billions of dollars!**
- Decreasing vaccination rates, coupled with the ease of international travel and waning vaccine titers, has resulted in an **increase** in vaccine preventable disease **outbreaks** in the United States
- KDHE should retain the ability to enact all public health safety measures that are necessary to protect the public from the effects of communicable diseases, including severe illness and death. KDHE should be able to follow the **best evidenced based practice** in dealing with any communicable disease **including mandatory quarantines**. Quarantines are effective and necessary to prevent outbreaks of communicable diseases like Tuberculosis and Measles.

I strongly urge you to oppose SB 390 in order to keep students and school staff healthy, safe, and ready to engage in learning.

Respectfully,

Ronda Hutchinson, BSN, RN
10004 W 20th St N, Wichita, KS 67212



105 S. Glenn, Ulysses, KS 67880
620-356-1545 (Phone)
620-424-1164 (Fax)
gthealth@pld.com

Testimony of Grant County Health Department to the
E Senate Committee on Health and Welfare
Opponent for SB 390
February 14, 2024

Dear Chairperson and Members of the Committee,

I wanted to take this opportunity to offer my opponent testimony on this bill.

The "conscientious right to refuse act" would allow an individual who believes they have suffered any direct or indirect injury from their employer, a healthcare entity, school or person, based upon the individual's refusal of any vaccination, biologic, pharmaceutical, drug, gene editing technology, DNA- or DNA-based product for reasons of conscience. Such individuals could file a lawsuit, and if they prevail receive a minimum of \$10,000, the cost of the suit, and reasonable attorney fees as compensation.

As an employer, and as a consumer of goods and services produced by many different employers, I am concerned that this bill would result in increased costs across the economy. For example, it is reasonable to anticipate that this bill would increase business and personal insurance rates, legal defense expenses due to lawsuits that may or may not result in a favorable finding for the plaintiff, and other general operational costs for every business, public agency, and private citizen. Our public agencies, businesses and the citizens of Kansas cannot bear these additional financial of this bill.

As a public health department, the provisions permitting filing of a lawsuit for denial of entry to a place otherwise accessible to the general public [Section 1(b)(3)] and segregation or separation of such individual from others without a valid business necessity] Section 1(b)(4)] would limit an employer, healthcare entity, school or a person from implementing protections of

others, in response to an infectious or contagious disease outbreak in a community. At a time when limited public resources are best utilized to improve future public health responses and to increase access to healthcare, not to respond to lawsuits.

I ask you to close this hearing and take no further action on SB390.

Respectfully,

Denise M. James, RHIT
Administrator
Grant County Health Department



SEK Multi-County Health Department
411 North Washington Ave.
Iola, KS 66749

Senate Public Health & Welfare Committee
Committee Room 142S
Office 445S
State Capitol 300 SW 10th Ave. Topeka, KS 66612

2/12/2024

Dear Senate Committee on Public Health and Welfare and Chair Gossage,

I'm Becky Johnson, the Administrator of the SEK Multi-County Health Department (SEKMCHD) and the Local Health Officer for Allen, Anderson, Bourbon and Woodson Counties. I was hired in 2019 and approximately 11 months after I started in my role at SEKMCHD, COVID-19 hit within our 4-county region and thus began a game we had to play but knew we wouldn't win. Our first COVID-19 case was the first person to die in our region from the disease. This person and their family will forever be in my thoughts because I'll always wish I would have been able to do more to help them. I am proud of the work our organization provided to our region during the pandemic but wish we would have been able to prevent more deaths from the disease. We experienced so much push back, changes in guidelines and even changes in law during the pandemic that it made it almost impossible to do our jobs. Over the last 5 years more than 60% of the Local Health Department Administrators and Local Health Officers in Kansas have left their positions. That has made it extremely difficult for me in my role since I was so new to Public Health when COVID-19 hit. Because of the pandemic I've lost connection with friends, my children have missed out on certain school experiences and family and friends have died because of COVID-19. I've found out that Public Health is not for the faint of heart and you really must develop a thick skin and have a great support system to last very long. But, I love what I do and can see that we are making a difference in the lives of our residents!

I am in opposition of SB 390 which would revoke the authority of the KDHE Secretary to isolate or quarantine and create a penalty for doing so.

As the Local Health Officer, I feel like I constantly have to monitor what decisions our law makers are making. I was hired to exercise and maintain supervision over infectious and contagious disease within our region, but these 2 bills will revoke that authority. What happens next? When our "anything goes" lifestyle that our country is changing to gets out of hand because we don't want to hurt anyone's feelings and disease has taken over our schools, businesses, nursing homes, hospitals, etc. who is responsible? Are you going to get another bill pushed through quick enough to save us all?

Before you make any decisions, I would like to ask, why am I here? Why do we have Local Health Officers? Why do we have the KDHE Secretary? Why do we have the Kansas Department of Health and Environment? Why do we have Local Health Departments? When you revisit the reasoning and



SEK Multi-County Health Department
411 North Washington Ave.
Iola, KS 66749

look at the history of disease locally, within our state, at a national level and globally, why were these disease prevention measures created and where are we now that we have them compared to a time when we didn't even know that washing our hands could prevent the spread of disease?! That really wasn't that long ago! I ask that you consider the decisions of your predecessors and what problems will ultimately be faced if authority is stripped. Please consider contagious and fatal diseases such as Tuberculosis, Measles, Meningitis, and Polio. Do your homework, don't just pick one side or the other.

Respectfully,

A handwritten signature in black ink that reads "Rebecca Johnson". The signature is written in a cursive, flowing style.

Rebecca (Becky) Johnson BSN, RN
Administrator/SEK Local Health Officer
SEK Multi-County Health Department

Division of Public Health
Curtis State Office Building
1000 SW Jackson St., Suite 300
Topeka, KS 66612-1368



Phone: 785-296-1086
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

Senate Bill 390
Senate Committee on Public Health and Welfare
Written-Only Opponent Testimony
February 14, 2024

Chairperson Gossage and members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill 390 (SB 390). SB 390 would significantly alter Chapter 65: Public Health, Article 1: Secretary of Health and Environment Activities, as well as several other statutes. Overall, SB 390 would remove the authority of the secretary of health and environment to control the spread of infectious or contagious diseases by repealing K.S.A. 65-126, 65-127, 65-129 and 65-129c.

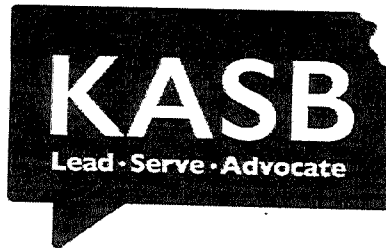
SB 390 would strip the secretary of health and environment's authority to order individuals in Kansas to isolate or quarantine, an effective practice that has been used throughout the world since the 14th century. Quarantine and isolation are two measures that can be used to prevent or minimize the impact of infectious disease outbreaks by preventing exposure to people who have or may have a contagious disease. Isolation separates sick people with a contagious disease from people who are not sick. Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

The potential impact of SB 390's proposal to eliminate the authority to quarantine and isolate individuals raises serious concerns regarding the spread of infectious diseases in Kansas. The proposed legislation could have significant negative consequences on individuals who come into close contact with infected persons, as well as weaken the state's ability to contain and respond to outbreaks, which in turn can erode public confidence. Additionally, it could have far-reaching economic consequences that threaten the social order, security, and stability of the state.

In Kansas, an outbreak of multidrug-resistant tuberculosis (MDR TB) involving 13 persons, aged 6 months to 58 years old, in four households was identified in an urban Kansas community during November 2021–November 2022. An extensive contact investigation involving hundreds of people who were household, school, and workplace contacts was conducted by local, state, and federal public health professionals. The immediate public health response focused on the identification, isolation, and treatment of persons with MDR TB. All household contacts were evaluated for Active TB Disease and Latent TB Infection (LTBI) with an interferon-gamma release assay blood test or tuberculin skin test, chest imaging, and sputum testing. Many of the active TB cases were hospitalized for months, including babies and children, who did not have insurance. The state allocated an additional \$340,000 dollars of federal funding to the county to cover their increased staffing needs

during the outbreak response. The ability to enforce quarantine and isolation was imperative to the success in containing this debilitating and deadly disease.

The proposed legislation would have a significant impact on the people of Kansas, leading to higher societal and economic costs. The potential consequences of increased illness, hospitalizations, and loss of life are concerning. The spread of infectious diseases could have a ripple effect, straining individuals, families, businesses, health centers, and schools. As a result, there would be an increased number of public health investigations and other multi-sectoral fiscal impacts. It is crucial to consider the potential implications of this legislation and work together to protect the health and wellbeing of all Kansans.



Written opponent testimony on

SB 390

Enacting the conscientious right to refuse act et al.

By

Shannon Kimball

Government Relations Specialist

Kansas Association of School Boards

skimball@kasb.org

To

Senate Public Health and Welfare

Public.Health.Welfare@senate.ks.gov

February 14, 2024

Chair Gossage and Members of the Committee,

Thank you for the opportunity to provide written testimony opposing SB 390. KASB's member-adopted legislative resolutions support local boards' authority to effectively address "student health and safety issues," including keeping and expanding "flexibility to respond to disasters and public health emergencies." Our members have determined:

Because local school boards are elected to determine educational policies in the best interests of the community, they should have the authority to make decisions concerning health emergencies

The current laws in place create a reasonable and workable structure for a student to receive exemptions from vaccine requirements. This framework has been effective in the public health efforts that have largely eradicated dangerous childhood diseases, e.g., polio, hepatitis, measles, mumps, and rubella. The provisions of SB 390 would, alarmingly, prevent local boards of education from continuing to follow this system, and from safely and effectively responding to health and safety issues in case of an outbreak of infectious, vaccine-preventable disease in our public schools.

The bill's proposed language on page 2, section (d)(1), would so broaden the current definitions used for evaluating requests to opt out of vaccinations against life-threatening childhood diseases that those provisions become almost meaningless. The result, for schools, would be an increase in the incidence of dangerous disease outbreaks in our schools and the accompanying

Kansas Association of School Boards

1420 SW Arrowhead Rd, Topeka, KS 66604 • 785-273-3600 • www.kasb.org

disruptions to learning for both unvaccinated and vaccinated students, as well as for staff and families. We believe current law appropriately balances respect for sincerely held religious beliefs and cases of medical necessity with the safety and educational needs of the entire school community.

Furthermore, this bill would prevent schools from enforcing exclusionary policies during vaccine preventable disease outbreaks, for those who have exemptions from vaccines. The ultimate, and predictable, result of such a limitation would be to cause school districts to have to close schools for all students in case of, e.g., a measles outbreak. Rather than allowing school districts to contain an outbreak and continue serving the remaining majority of students who are vaccinated and not at high risk for spreading highly contagious and potentially deadly diseases, this bill would force districts into the unsafe and untenable choice of either allowing unvaccinated students to remain in school—thus exposing others and increasing the likelihood of an uncontained outbreak—or sending all students and staff home until the danger of the outbreak has passed.

In addition to the dangers this bill presents to most students in public schools, it presents a danger to public school employees. Local boards have a duty and responsibility to provide safe workplaces for school staff. Preventing districts from containing outbreaks of dangerous, vaccine-preventable diseases endangers district employees for all the reasons described above.

For these reasons, KASB respectfully asks that the committee oppose SB 390.

Thank you.

February 14, 2024

Testimony to the Senate Public Health & Welfare Committee

NAME: Jeanne Koontz

TITLE: Kansas Citizen

EMAIL ADDRESS: koontz.jeanne@gmail.com

BILL NUMBER: SB 390

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: Written Only

Dear Chair & members of the committee,

I am writing to voice my opposition to SB 390.

I support the current public health and vaccine requirements which keep our community, including the most vulnerable, safe from preventable diseases. Please vote no on SB 390.

SB 390 would create a conscientious objection right to refuse vaccines and other medical care, while eliminating laws related to public health quarantines.

We already have existing policies in place for children to receive exemptions from vaccination requirements.

SB 390's new way of opting-out of vaccination requirements—particularly for children—is a step in the wrong direction. It will unravel the critical work and progress we have made to eradicate preventable diseases like polio, hepatitis, measles, mumps, and rubella.

SB 390 poses a significant threat to our community's health and well-being by limiting the authority of local health officers and impacting crucial statutes related to disease prevention.

SB 390 weakens a core function of public health, which is to prevent the spread of diseases. This bill would prevent the state and local officials from fully utilizing one of the most basic tools to stop the spread of diseases – requiring quarantines during an infectious disease outbreak. These include highly infectious and dangerous childhood diseases like measles, polio, and whooping cough.

Again, I ask that you please vote no on SB 390.

Sincerely,

Jeanne Koontz
Hutchinson



KANSAS ACADEMY OF
FAMILY PHYSICIANS
CARING FOR KANSANS

Testimony: SB 390
Senate Committee on Public Health and Welfare
February 14, 2024
By: Jennifer Bacani McKenney, MD, FAAFP
(Opponent—Written only)

Chair Gossage and Members of the Committee:

Thank you for the opportunity to submit written testimony opposing SB 390, on behalf of the Kansas Academy of Family Physicians (KAFP). In addition to having served as President of the KAFP, I am a practicing family physician and local health officer in rural southeast Kansas. The KAFP represents nearly 2,000 family physicians, resident physicians, and medical students across our state. Quality health care and health outcomes for our patients guide our public policy work.

The Academy has a long-held position of supporting science-driven and evidence-based practices as a *proven and effective strategy for preventing and controlling contagious disease spread*. Further, we believe one of the most effective strategies to save lives to be immunizations. Additionally, when disease is already present in a community, quarantine is one of the most effective strategies to prevent the spread of disease.

SB 390 risks Kansas' ability to respond to the best scientific recommendations for public health crisis, including endemics, pandemics and bioterrorism. It also undermines KDHE's mission, which is to *protect and improve the health and environment of all Kansans*.

The current KDHE administrative process allows a *timely, evidence-based* response to quarantine protocols. These decisions are made only when sufficient data and evidence demonstrate both their need and their safety. The passage of this bill would not only apply to a pandemic similar to COVID-19 but also infectious diseases like Measles, Ebola, and Tuberculosis. These diseases are deadly and highly communicable and require preventative action within hours, not days or weeks to prevent the spread. The importance of quarantine and isolation is that these deadly diseases can be spread so easily to any of us if not contained properly in settings like the grocery store, church, school, or work.

Justification of quarantine and quarantine laws stems from a general moral obligation to prevent harm to (infection of) individuals¹ Most democracies have public health laws that do permit quarantine.

In addition to communicable disease and infection, quarantine can also be an effective tool to diminish the impact bioterrorism.²

The KAFP opposes this bill and continues to support retaining the flexibility and authority of the KDHE Secretary to be responsive to public health crises and mandate quarantine when necessary.

¹ Harris J, Holm S. Is there a moral obligation not to infect others? *BMJ*. 1995;311(7014):1215-1217.
[View Article PubMed Google Scholar](#)

² Barbera J, Macintyre A, Gostin L, et al. Large-scale quarantine following biological terrorism in the United States: scientific examination, logistic and legal limits, and possible consequences. *JAMA*. 2001;286(21):2711-2717.
[View Article PubMed Google Scholar](#)



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By: Jennifer Bacani McKenney, MD, FAFP
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[View Article PubMed Google Scholar](#)



Health Forward

FOUNDATION

HealthForward.org

2300 Main Street, Suite 304

Kansas City, MO 64108

(816) 241-7006

healthforward.org

February 14th, 2024

Senate Public Health and Welfare Committee
State Capitol
300 SW 10th Street
Topeka, KS 66612

Re: Health Forward Foundation opposition to Senate Bill 390 – regarding vaccination requirements prohibition and removing authority from the secretary of Kansas Department of Health and Environment.

Chair Gossage and Members of the Committee:

On behalf of Health Forward Foundation (Health Forward), I submit this letter of testimony in opposition to Senate Bill 390. Health Forward works to support and build inclusive, powerful, and healthy communities characterized by racial equity and economically just systems. We oppose this legislation as it would jeopardize community health and the ability of public health professionals to respond to an infectious disease outbreak.

SB 390 would harm local and state authority to ensure that vulnerable Kansans unable to be vaccinated, as well as our hospital and other health professionals, are kept safe in their medical and work settings. Stripping authority for vaccine requirements would create barriers for immunocompromised Kansans to go get their health care, go to school, or other services by assuring them that they are going into an environment made safe by vaccines. Additionally, requirements in hospitals, long-term care, and other health care facilities help keep staff safe, as well as the patients they care for.

Furthermore, SB 390 will make it harder for public health officials to perform their duties to mitigate or eliminate racial disparities in health outcomes, especially during an infectious disease outbreak. For example, COVID deaths have been disproportionately high amongst Hispanic/Latino, Black, and Native Americans, relative to whites, according to the Kaiser Family Foundation. A NAACHO/Network for Public Health Law report indicates that limits on authority have exacerbated these disparities by creating barriers to communities of color to access the care they need and to equitably distribute recovery resources.

Health Forward asks legislators on this committee to vote no on SB 390. It puts hospital and health care workers and the immunocompromised patients they serve in danger. Not just that, but it would hamper public health professionals' ability to take reasonable, appropriate actions to limit the spread of dangerous disease.

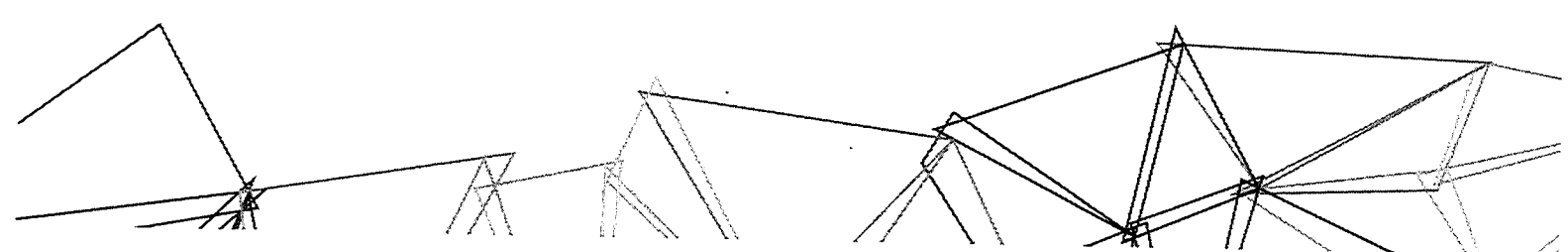
**OUR
PURPOSE**

Every day we work to support and build inclusive, powerful, and healthy communities characterized by racial equity and economically just systems.

Please feel free to reach out to me at nmadden@healthforward.org if you have any questions or requests for additional information.

Respectfully,

Nathan J. Madden, Ph.D.
Impact Strategist - Policy
Health Forward Foundation



February 12, 2024

Testimony to the Senate Public Health and Welfare Committee

NAME: **Leslie D. Mark**

TITLE: **Kansas Citizen / Voter**

EMAIL ADDRESS: **ldmark61@gmail.com**

BILL NUMBER: **SB390, *Enacting the conscientious right to refuse act to prohibit discrimination against individuals to refuse medical care and creating a civil cause of action based on such discrimination; repealing the authority of the secretary of health and environment to quarantine individuals and impose associated penalties.***

PROPOSER, OPPONENT, or NEUTRAL: **Opponent**

ORAL or WRITTEN ONLY TESTIMONY: **Written Only**

Dear Chair Gossage and Members of the Committee,

Just 11 short months ago, I wrote and asked this committee to veto SB314, a similar bill to SB390 eviscerating public health in Kansas. I asked then what exactly your vision for a future Kansas was, Senators? I hear your answer now... let's attack again, with two scythes this time: SB390 and SB391. I will address the former here.

SB390, creates a conscientious objection right to refuse vaccines — prohibiting employers, healthcare entities, schools, and persons from discriminating against those refusing to vaccinate. SB 390's new way of opting-out of vaccination requirements — especially for children — is the first step in unraveling the critical work that has nearly eradicated diseases like polio, hepatitis, measles, mumps, and rubella. This bill would turn back the clock by failing to protect our children from vaccine-preventable diseases.

Let me remind you that one of the greatest achievements in human history has been the decline in infant and child mortality rates. The main reason billions of children died pre-modern immunizations was recurring epidemics. No matter where or when they were born, half died as children from influenza, measles, cholera, diphtheria, the bubonic plague, and smallpox. Large parts of the adult population were also killed. Within just a few years the Black Death plague killed half of Europe's population. The epidemics (smallpox, measles, typhus and others) that the colonialists brought with them from Europe to the Americas often killed an even larger share of the population.

The world today is obviously very different. Infectious diseases are the cause of fewer than 1-in-6 deaths and, as the world made progress against the microbes, our lives became much longer. Why do you want to recklessly undo scientific methodology created over centuries of fits and starts, failures and death and final success to score some elusive, temporal political gain? We already have existing policies in place for children to receive exemptions from vaccination requirements. SB 390 is another reckless bill and guarantees a return to unjustifiable illness and early death.

A new year. A new irresponsible bill. VOTE NO on SB 390.



Leslie D. Mark

Mission Hills, HD 25 / Sen 7

February 14, 2024

Opponent Testimony SB 390- Written Only

As an elementary school nurse in Johnson County, I **oppose SB 390**- Enacting the conscientious right to refuse act to prohibit discrimination against individuals to refuse medical care and creating a civil cause of action based on such discrimination; repealing the authority of the secretary of health and environment to quarantine individuals and impose associated penalties. Kansas already recognizes two exemptions from vaccination, medical and religious. These two exemptions work well while still ensuring we have high rates of vaccination. If we weaken the law by allowing vaccines to become just voluntary, we will lose the herd immunity levels needed to prevent outbreaks of illnesses like measles, chickenpox, whooping cough and even polio. We no longer see these illnesses often because of mandatory childhood vaccination. I also want KDHE to retain the ability to enact all public health safety measures that are necessary to protect the public from the effects of communicable diseases, including severe illness and death. KDHE should be able to follow the best evidenced based practice in dealing with any communicable disease including mandatory quarantines. Quarantines are effective and necessary for outbreaks of measles, tuberculosis, ebola, and many other illnesses. I was on our COVID team in my district, and I was helping design our policies that helped mitigate the pandemic risks and I witnessed how well quarantining worked to prevent the spread of cases of COVID in classrooms when cases arose.

At the end of December 2023, a measles outbreak occurred in Philadelphia starting in an unvaccinated individual who had traveled out of the country. That individual then spread it to several other unvaccinated individuals and it then spread further in a daycare center because one of the confirmed cases attended day care disregarding quarantine and exclusion instructions (<https://www.phila.gov/2024-01-04-health-department-reports-additional-measles-exposures/>) If this bill passes, not only will we have more unvaccinated individuals, we will also be unable to enforce quarantines, which can lead to outbreaks like this in Kansas as well.

I have had students who could not be vaccinated due to medical conditions like cancer, and they rely on herd immunity by having high vaccination rates in those they are around. Without herd immunity those vulnerable children are at risk of serious illness and death. We must protect those who can't protect themselves.

Please vote "NO" on SB 390 in order to continue to prevent outbreaks of childhood illnesses that put our children and our communities at risk.

Kimberly Martin RN, MEd, BSN
Kansas Elementary School Nurse

From:
Charles Martinez, MPH-EPI
Health Officer
Geary County Health Department
505 W. 2nd Street
Junction City, KS 66441

To:
Honorable Members
Kansas Senate's Public Health and Welfare Committee
Public.Health.Welfare@senate.ks.gov

Strong Opposition to SB 390 & SB 391 from the Public Health Perspective

February 12th, 2024

Honorable Members Kansas Senate's Public Health and Welfare Committee,

As a dedicated public health professional, I am compelled to express my profound opposition to Senate Bills 390 and 391. These proposed pieces of legislation, if enacted, would significantly erode the foundation of public health protections in Kansas, jeopardizing the well-being of our most vulnerable populations and potentially reversing decades of progress in disease prevention and control.

Vaccines as Public Health Seat Belts

A compelling analogy for the role of vaccines in public health is their similarity to seat belts in vehicles. Just as seat belts are an essential, proven safety measure that protects passengers during a car accident, vaccines shield individuals and communities from the devastating impact of preventable diseases. Mandating seat belts has been based on undeniable evidence of their effectiveness in saving lives, mirroring the rationale behind public health recommendations and sometimes requirements for vaccination. The choice not to vaccinate, much like the decision not to wear a seat belt, extends beyond personal risk, potentially endangering the broader community through the increased likelihood of disease outbreaks.

Constitutionality of Vaccine Requirements

The legal foundation for vaccine mandates is robust, reflecting a balance between individual rights and the collective interest in public health and safety. The precedent set by the U.S. Supreme Court in *Jacobson v. Massachusetts* (1905) underscores the authority of states to enforce compulsory vaccination laws as a critical function of their responsibility to safeguard public health. This principle is further supported by guidance from the Equal Employment Opportunity Commission (EEOC), which recognizes the legitimacy of employer vaccine requirements in the workplace to ensure a safe environment for all. Far from restricting freedoms, these mandates are vital measures for maintaining public health, having played a crucial role in mitigating the spread of infectious diseases and safeguarding communities.

Opposition to SB 390

SB 390 poses a direct threat to public health by allowing individuals to refuse vaccines based on personal conscience and by prohibiting institutions from requiring vaccinations. This bill undermines the collective effort to prevent disease outbreaks and protect vulnerable groups, including:

- **Risk to Vulnerable Populations:** The prohibition against requiring healthcare workers to be vaccinated endangers patients with compromised immune systems, the elderly, and those with chronic health conditions.
- **Infringement on Employer Rights:** By labeling essential health and safety measures as discrimination, SB 390 challenges the ability of employers to create safe workplaces, particularly in healthcare and childcare settings.
- **Childhood Immunization Requirements:** The bill's weakening of immunization mandates for school and childcare attendance exposes children to serious, preventable illnesses.

Opposition to SB 391

SB 391 significantly limits the state's ability to respond effectively to infectious disease outbreaks by repealing the authority to quarantine. This restriction places all Kansans at increased risk, especially:

- **Limiting Quarantine Powers:** The inability to enforce quarantine measures severely compromises the containment of contagious diseases.
- **Economic and Healthcare System Impact:** The resultant disease outbreaks from the inability to implement timely quarantines will elevate healthcare costs and place additional strains on our healthcare system.

In conclusion, SB 390 and SB 391 threaten to dismantle critical public health protections in Kansas. I urge the committee to consider the detrimental impact these bills would have on our ability to prevent and control infectious diseases. Public health professionals across the state are ready to collaborate with legislators to enhance the health and safety of all Kansans, but this cannot be achieved by undermining the essential tools and principles of public health.

Your careful consideration of these concerns is greatly valued. Should you require further details on public health matters, do not hesitate to contact me.

Respectfully,



Charles Martinez, MPH-EPI
Geary County Health Officer
Phone: (785) 370-2003
Email: Charles.s.martinez@outlook.com

**Disclaimer*

As the appointed Health Officer for Geary County, my views presented here are based on my professional expertise and personal stance as a Kansas resident. This letter should not be interpreted as the official position of the Geary County Government.



Kansas Hospital
ASSOCIATION

TO: Senate Public Health and Welfare Committee

FROM: Tara Mays, Vice President State Legislative Relations

DATE: February 14, 2024

RE: Senate Bill 390

The Kansas Hospital Association (KHA) appreciates the opportunity to submit written comments in opposition to Senate Bill 390.

Kansas hospitals remain committed to ensuring the safety of all patients, staff, and visitors entering a hospital facility. Kansas hospitals employ nearly 100,000 Kansans to provide quality, safe and effective care in their communities.

The KHA is opposed to Senate Bill 390 as we believe the bill would remove critical public health mitigation strategies and vaccinations that keep Kansas citizens, including healthcare workers, safe from infectious disease and healthy to continue performing their jobs, contributing to the Kansas economy and keeping their families safe.

Vaccines have been demonstrated throughout history to effectively decrease the transmission of infectious diseases and reduce their spread across a population. Public health interventions to stop the spread of highly contagious diseases, including vaccinations, are why Kansans and other citizens across the country do not suffer from the scourge of diseases like measles, hepatitis, polio, and other vaccine-preventable illnesses common in third-world countries. If implemented, Senate Bill 390 puts our progress in stopping the spread of infectious diseases at risk.

We have seen in the recent past several instances of measles and polio outbreaks across the country that were quickly contained through effective public health measures that prevented widespread disease. Not only is stopping the spread of these viruses important for public health but economic health as well. For example, a 2021 study in the journal *Pediatrics* examining a 75-case measles outbreak found that the overall costs associated with the outbreak was estimated at about \$3.4 million, including public health response and productivity losses.

Further, SB 390 takes away the freedom of private businesses to decide what is in the best interest of their patrons and employees. Employers have the right to protect their employees and customers and establish employee qualifications, which can include health and safety standards. Each employer faces different levels of exposure to infectious disease and, therefore, should set their own policies about what is required to work at any given place of employment. These are private negotiations between employers and employees, and we believe that SB 390 stands in the way of private employer-employee decisions.

KHA opposes Senate Bill 390, and we thank you for your consideration of our written comments.

ⁱ [Estimating the impact: How much does a measles outbreak cost? \(idsociety.org\)](https://idsociety.org)

Sheree Murphy
Kansas Citizen
BILL NUMBER: SB 390
Opponent
Written Only

Dear Chair & members of the committee,

I am writing to voice my opposition to bill SB 390.

I support the current public health and vaccine requirements which keep our community safe.
Please vote no on SB 390.

SB 390 would create a conscientious objection right to refuse vaccines and other medical care, while eliminating laws related to public health quarantines.

SB 390 weakens a core function of public health which is to prevent the spread of disease.
Again, I ask that you please vote no on SB 390.

Thank you,

Sheree Murphy

Olathe, KS

February 12, 2024

Re: SB390 and SB391 – OPPOSE



Dear Senators of the Public Health and Welfare Committee,

The Kansas Council of Health-System Pharmacy (KCHP) represents the inpatient pharmacy workforce — pharmacists, technicians, and support staff in the hospital, ambulatory, and other acute care settings, across the state of Kansas. KCHP unequivocally opposes the actions proposed by Senate Bills 390 and 391 due to the serious danger they pose to public health.

Many hospital pharmacists and technicians provide direct bedside care to patients. We rely on our employers to enforce vaccine requirements so that we do not inadvertently become a source of disease transmission when providing care to acutely ill patients who are already in a position of extreme vulnerability — they may be critically ill, immunocompromised, recuperating from surgery, or simply unvaccinated themselves. Our patients deserve a safe environment in which to recover. And, just as we are required to be formally licensed to do our work, vaccine requirements are one layer of a multi-faceted approach to assure patient safety and the trustworthiness of their healthcare providers.

Similarly, pharmacists — like all healthcare workers — deserve to be safe at work. Vaccine requirements amongst the entire healthcare workforce build a network of protection amongst and between those of us most likely to inadvertently become disease vectors. Healthcare workers are more likely than the general public to acquire high viral loads and experience high infectivity risk, putting our patients and our colleagues in harm's way. Employer vaccine requirements can help hold us accountable for high professional and safety standards, setting the bar at a height in accordance with one of the most trusted healthcare professions.

The tragic reality is that illnesses once nearly-eradicated are making a dramatic resurgence. In our workplaces, we are seeing patients with measles and mumps; while our collective memory of the horrors of these illnesses is fading (itself a testimony to the fact that vaccines and vaccine requirements work), pockets of preventable disease are reemerging and resulting in serious harm and fatalities. We are caring for patients we've only ever seen in textbooks... or in history books. Hospital-acquired infections are amongst the most severe and the most difficult to treat, but they are preventable with appropriate procedures, requirements, and enforcement mechanisms.

We do believe that our children, older adults, people with disabilities, or other groups already subject to health inequities at our hands — namely, Black and Brown individuals — do not deserve to bear the high cost of public health failures. Senate Bills 390 and 391 undermine the fundamental principles of public health, decimating our ability to mount an expert and evidence-based response to emergencies that endanger all of us. The Kansas pharmacy workforce in hospital *and* community practice across the state opposes SB390 and SB391 and we strongly urge you to oppose them as well.

Sincerely,

Zahra Nasrazadani, PharmD
Director of Government Affairs
Kansas Council of Health-System Pharmacy

Senate Committee on Public Health and Welfare
February 14, 2024
Senate Bill 390

Dear Chairwoman Gossage and members of the Committee:

Thank you for the opportunity to present this written testimony against SB 390, which would significantly increase the community-based risk of outbreaks of new and previously extinct diseases.

In the face of an escalating threat to the health of the public, I stand before you to urgently address the potential consequences of SB 390—a bill that, if passed, could undo decades of progress in disease prevention. Imagine a scenario where a preventable disease, like measles or pertussis, resurfaces in our schools, putting our children at risk. Studies show that intentional vaccine refusal is associated with increases in the diseases the vaccine prevents - like measles or pertussis.¹

I would like to tell you about Maurice Hilleman², a forgotten hero of the 20th century who is single-handedly responsible for developing over 40 vaccines like the MMR, Hepatitis A/B, and more. His life's goal was to eradicate all diseases responsible for hurting or killing children. To this day, those vaccines continue to save over 8,000,000 lives a year.³

SB 390 would sully the work of this unsung hero and unnecessarily allow for horrible diseases to flourish once more. While potentially well-intended, proponents for this bill are privileged to not know of the horrors these diseases cause and underscore that there was a reason vaccines were developed and required.

SB 390 would inhibit the ability of schools, businesses, healthcare organizations, and beyond from providing a safe working environment for Kansans. It would allow the government to tell businesses how to operate, thus penalizing these institutions for each offense, and overreach on the previously established practice of employers setting standards and practices for health and safety.

In each setting, SB 390 would allow for the emergence of new, and previously eradicated, vaccine-preventable diseases (e.g., measles, mumps, polio).⁴

Our state has a dramatically reduced healthcare workforce and ranks poorly in many major health metrics due to a lack of opportunity and funding.⁵ This bill would tell the majority of healthcare workers, teachers, blue-collar workers, members of the intellectual and developmental disability (I/DD) community, immunocompromised, and more that their health is not important.⁴

I have seen and experienced the harm that comes from individuals spreading misinformation and practicing outside of their expertise. These actions by some elected officials incite violent rhetoric against expertise and lead the public astray. Expertise exists for a reason, and for infectious disease experts, epidemiologists, health officials, virologists, and vaccinologists, their work protects and uplifts Kansans. At the end of the day, the collective health of this state is the priority wherein our God-given duty is to care for those around us - not expose them to disease and harm.

As public stewards, your vote against SB 390 is a decisive step in preserving the well-being of our communities. I ask you to consider this opposition and the long-term ramifications of this bill, away from the echo chambers. Thank you for your time and consideration! I implore you to vote NO on SB 390!

Sincerely,

Devin Quinn | Lifelong Kansan | Student | Health Care worker | quinnnd1227@gmail.com

1. Phadke, V. K., Bednarczyk, R. A., Salmon, D. A., & Omer, S. B. (2016). Association Between Vaccine Refusal and Vaccine-Preventable Diseases in the United States: A Review of Measles and Pertussis. *JAMA*, 315(11), 1149–1158. <https://doi.org/10.1001/jama.2016.1353>
2. Newman L. (2005). Maurice Hilleman. *BMJ : British Medical Journal*, 330(7498), 1028. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC557162/>
3. Tulchinsky T. H. (2018). Maurice Hilleman: Creator of Vaccines That Changed the World. *Case Studies in Public Health*, 443–470. <https://doi.org/10.1016/B978-0-12-804571-8.00003-2>
4. Max Roser (2020) - "Our history is a battle against the microbes: we lost terribly before science, public health, and vaccines allowed us to protect ourselves" Published online at OurWorldInData.org. Retrieved from: <https://ourworldindata.org/microbes-battle-science-vaccines>
5. https://www.americanimmigrationcouncil.org/sites/default/files/growing_demand_healthcare_workers_kansas.pdf
6. <https://www.kha-net.org/data/productsandservices/datapublic/d165169.aspx?type=view>

February 14, 2024

Testimony to the Senate Public Health & Welfare Committee

NAME: Claire Reagan

TITLE: Kansas Citizen

EMAIL ADDRESS: clairereagankc@gmail.com

BILL NUMBER: SB 390

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: Written Only

Dear Chair & members of the committee,

I am writing to voice my opposition to bill SB 390.

Public health is vitally important; it touches every facet of our lives. I support the current public health and vaccine requirements which keep our community, including the most vulnerable, safe from preventable diseases.

Please vote no on SB 390.

My younger sister was a double organ transplant recipient, a kidney and a pancreas in 2017. She died in October of 2022 due to ongoing complications of kidney failure; while her body didn't reject the kidney, she experienced nearly every other possible complication. SB 390 would particularly hurt those that are immunocompromised, like my sister. While she is no longer here, I know there are thousands of people like her who are simply trying to survive.

Further, SB 390 weakens a core function of public health, which is to prevent the spread of diseases. This bill would prevent the state and local officials from fully utilizing one of the most basic tools to stop the spread of diseases – requiring quarantines during an infectious disease outbreak. These include highly infectious and dangerous childhood diseases like measles, polio, and whooping cough. Individuals like my sister deserve the safeguards that our state and local health officials uphold.

I ask you, respectfully, to please vote no on SB 390.

Thank you for your consideration.

Claire M. Reagan
Olathe, Kansas



Written Testimony Only

Opposition to SB 390

Tracy Russell, Executive Director, Nurture KC

February 13, 2024

Madam Chair and Members of the Senate Public Health and Welfare Committee,

My name is Tracy Russell and I serve as the Executive Director of Nurture KC, an organization committed to improving the health and wellbeing of mothers and babies. To that end, a top priority of Nurture KC is to promote the importance of vaccines as key to prevention of disease for mothers and babies.

SB 390 expands exemptions to vaccine compliance by adding a conscientious objection. This essentially means anyone can refuse a vaccine for any reason. At a time when states have moved to strengthen vaccine compliance to stop the spread of vaccine-preventable disease, Kansas is going in the opposite direction, to the detriment of us all.

While an additional exemption could reduce vaccine compliance, there are other elements of this bill that go even further in exposing us to disease risk. SB 390 would not allow anyone to be turned away from entering a public place unvaccinated. This is an expansion of rights for a segment of the population at the expense of the majority's interest in being protected, particularly our children in child care settings and schools.

For the families Nurture KC serves, babies are often the most vulnerable to disease because there is a delay after birth before the first vaccines are administered. It is incumbent upon us all to protect these babies from harm that is easily preventable.

Finally, the policies contained in SB 390 are opposite of the wishes of a majority of Kansans. Enactment of SB 390 would place Kansas at the most extreme end of vaccine policy and lead to disease spread.

Thank you for your consideration of my position on this issue.

**Senate Committee on Public Health and Welfare
February 13, 2024**

**Connie Satzler
EnVisage Consulting, Inc.**

Chair Gossage, Vice Chair Erickson, and Members of the Committee, as an individual and concerned citizen of Kansas, this written testimony is submitted in **opposition of Senate Bill 390**.

I am providing this testimony in opposition of SB 390 in order to maintain the current process for vaccine requirements and other public health provisions and to protect the freedom of private businesses to set health and safety standards in the best interest of their employees and patrons.

Vaccine requirements are determined based on scientific recommendations for immunizations. These requirements keep children and adolescents safe by ensuring they are protected when at schools, where potential exposure to life-altering diseases is high. Creating a new protected class for anyone who refuses is the first step in unraveling the critical work that has nearly eradicated diseases like polio, hepatitis, measles, mumps, and rubella. In a 2022 poll (<https://nurturekc.org/kansans-support-vaccines/>), 67% of Kansans rejected the idea that we should add more exemptions for wellness vaccines. Allowing individuals in public settings to refuse goes against the majority of Kansans' wishes discounts evidence and turns back the clock by several decades, failing to protect our children from preventable diseases. This bill will have far-reaching, negative consequences. It puts our Kansas communities at risk and undermines our freedom to gather with a reasonable expectation for the protection of our health and safety.

As a grandparent, **I want to protect the freedom of my grandchildren to learn and play in safe and protected places**. I am especially concerned with the **threat this poses to immunocompromised children** and those who are unable to receive vaccines for medical reasons.

This bill also seeks to take away the freedom of private businesses to have vaccine requirements in the workplace and determine what is in the best interest of their employees and patrons. Employers have the right to protect their employees and customers and establish employee qualifications which can include health and safety standards. **Consider the implications of preventing employers in sectors such as veterinarian care, agriculture, laboratories, septic services, hospitality and food service from setting workplace safety standards to keep their employees and customers safe** from diseases such as foodborne and waterborne Hepatitis A, body fluid transmissible Hepatitis B, and Tetanus that can be transmitted from soil, dust and manure through puncture wounds and cuts. Also consider the impacts on hospitals, long-term care, and our most vulnerable Kansans, especially for those at high-risk for contracting and having complications from vaccine-preventable diseases (e.g. immunocompromised, infants, elderly). Workplace health and safety requirements, including vaccination requirements as set by employers, are crucial to protect their workforce, as well as those they serve. **As a business owner, I am particularly concerned about the threats to the freedom of business owners to make their own decisions when setting safety standards.**

Thank you for the opportunity to share why I oppose SB 390. I urge you to maintain the current processes for vaccine requirement exemptions for childcare and school entry and to protect the freedom of private businesses to set vaccine requirements in the best interest of their employees and patrons.

Connie Satzler, President
EnVisage Consulting, Inc.

February 12, 2024

Testimony to the Senate Public Health & Welfare Committee

NAME: Linda S Schroeder

TITLE: Kansas Citizen

EMAIL ADDRESS: lindas3@sbcglobal.net

BILL NUMBER: SB 390

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: Written Only

Dear Chair & members of the committee,

I am writing to voice my opposition to bill SB 390.

SB 390 would create a conscientious objection right to refuse vaccines and other medical care, while eliminating laws related to public health quarantines.

I support the current public health and vaccine requirements which keep our community, including the most vulnerable, safe from preventable diseases. Please vote no on SB 390.

- This bill would prevent the enforcement of childhood immunization requirements for schools and childcare, leading to the spread of communicable diseases.
- SB 390's new way of opting-out of vaccination requirements—particularly for children—is a step in the wrong direction. It will unravel the critical work and progress we have made to eradicate preventable diseases like polio, hepatitis, measles, mumps, and rubella.
- While most of the population is vaccinated against these diseases, some children are too young to receive standard immunizations. Outbreaks must be quickly stopped through infectious disease outbreak tools before children become hospitalized, end up with lifelong health complications, or die from these diseases. I fear those supporting such changes have no concept of the devastation unchecked communicable disease can create. Our good public health practices over the last several decades has made much of that devastation a distant memory not shared by many.

Again, I ask that you please vote no on SB 390.

Sincerely,

Linda S Schroeder

Overland Park, KS 66210



**Testimony of Lawrence-Douglas County Public Health to Senate Public Health and Welfare
Written Opponent Testimony for SB 390 | February 14, 2024**

Chairwoman Gossage and members of the committee:

Thank you for allowing Lawrence-Douglas County Public Health (LDCPH) to provide written opponent testimony on SB 390, which would enact the conscientious right to refuse act to prohibit discrimination against individuals to refuse medical care. LDCPH serves Lawrence and Douglas County residents and works to create abundant and equitable opportunities for good health.

Alongside other provisions, SB 390 would remove the ability of local health officers from requiring individuals to quarantine for deadly infectious disease. The ability of health officers to quarantine individuals when needed is a fundamental part of curtailing the spread of dangerous and sometimes deadly diseases, including Mumps, and often, Measles, which is so contagious, up to 9 out of 10 people around the infected person will also get sick.¹ Implementing SB 390 would create negative and unintended consequences for local health departments, as most local health officers do not force people to quarantine, but highly encourage them to do so if they are symptomatic. By removing these statutes all together, diseases like Mumps and Measles could be spread to people who could die from the disease.

From 2015-2023, Douglas County had a Mumps outbreak that infected 18 people. The average age of those infected was 26.9 years old. Some of those cases were encouraged to stay home if they were symptomatic, but there were *no confirmed quarantine dates* for the 18 people. This data shows that local health departments and local health officers have an established process for curtailing disease and contagions in their communities and removing them would have deadly effects. It also reflects that health departments and local health officers apply powers to quarantine very conservatively and responsibly, and only as a last resort to protect the health of the public.

As Dr. Sammuell Crumbine once said, “the health of each of us depends on the health of all of us.” Lawrence-Douglas County Public Health encourages you to consider the unintended consequences of SB 390 and vote no on this bill.

Thank you,

Jonathan Smith, MPH
Director
Lawrence Douglas County Public Health

¹ <https://www.cdc.gov/measles/contagious-infographic.html>



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Written Testimony to the Senate Health Committee Opposing Senate Bill 390

Casey Swarts, retired individual
207 Buckskin Rd
Hutchinson, KS 67502

February 12, 2024

My name is Casey Swarts. I am a Kansas resident and currently reside in Hutchinson. Thank you for allowing me to write concerning my opposition to Senate Bill SB390.

While now retired, my professional background was in finance. However, about a dozen years ago, while still in my career, I spent 6 months working on a project with the CDC, NCUA, and FDIC to harden the US financial system, and my financial institution in particular, against airborne virus pandemics. At the time, the Bird Flu was the motivation for this endeavor. While I was never particularly interested in the soft sciences, such as medicine, this was an eye opener for me, as I learned of our extreme vulnerability, as a species, to virulent contagions. This project led to a long term interest in pandemic diseases and public policy, and to a deep respect for the work that the Centers for Disease Control do to protect Americans.

However, there was one contagion I hadn't anticipated in the 21st century; the virus of disinformation.

In my opinion, SB390 was formed in this crucible of "alternative facts" concerning mRNA COVID vaccines. Unfortunately, the attack on COVID vaccines comes with a price for ALL vaccines, and in the case of SB390 an attack on common sense medical care and quarantining as well.

SB390 would lead to a loss of protection for our children to vaccine-preventable diseases. Diseases we thought were long under control could stage a major comeback.

It would lead to a loss of protection for our employees. Employers in our state have an obligation to provide a safe workplace for their employees and a right to establish employee qualifications, which can include health and safety standards, to protect their employees and customers.

Testimony concerning SB 390, respectfully submitted by Brian Thomas of Topeka.

Senators:

Senate Bill 390 presents a real danger to the health and safety of Kansans, especially the most vulnerable among us.

The values of individual liberty and freedom are essential to Americans and Kansans – only by protecting our health can individuals be free to live their lives as they see fit. It might seem that giving people the right to refuse vaccination or other public health measures increases our freedom. Unfortunately, this is not the case. Individuals who are vulnerable, due to pre-existing conditions or being elderly or young, are directly harmed by policies such as this and their freedoms are thereby decreased or eliminated.

Many decades of scientific studies show that vaccinations are safe and effective. My grandparents survived through polio and other horrible diseases that are now rare due to vaccinations and other public health measures.

In a sense these are invisible victories – we do not see the devastating effects of diseases that have been virtually eliminated because our past efforts at vaccination have been so successful. This can unfortunately lead to complacency and the belief that we do not need such protections. This could not be farther from the truth.

As a father of 5 I am deeply concerned about the threat this bill poses to my young children. Even though all of my children are vaccinated, that protection is far less effective if they are in the minority. I fear for their safety in the face of diseases such as the measles, which we know jump from rare to dangerous when vaccination rates are low.

Please do not send us back to the days when children died from diseases that are now easily preventable. Individual freedom must include protecting the vulnerable among us and public health efforts, including vaccination, are essential.

Respectfully,

Brian Thomas

Morton County Health Department

625 Colorado St Elkhart, Ks 67950

P 620-697-2612 F 620-697-2790

Written Testimony of Morton County Health Department to the
Opponent for SB 390
February 13, 2024

Dear Chairperson and Members of the Committee,

Thank you for the opportunity to provide this written opponent testimony on SB 390.

This bill would prohibit discrimination against individuals to refuse medical care and create a civil cause of action based on discrimination repealing the authority of the secretary of health and environment to quarantine individuals and impose associated penalties. It hinders the ability of local and state governments to impose quarantines, if necessary, and enforce other preventive regulations meant to slow the spread of contagious diseases.

Employers, schools, businesses, healthcare organizations, and persons cannot deny services (or entry into places that other members of the public can access) based on a person's refusal of vaccines. Under SB 390, denying services or entry is punishable by up to \$10,000 in fines. By preventing healthcare organizations from requiring vaccines for staff, this bill potentially escalates the risk that healthcare workers already take when caring for vulnerable patients every day. Currently, private business owners get to decide the health and safety measures that are best for customers and employees. Employers in Kansas are obligated to provide a safe working environment and have the right to set safety standards for employees, like getting an annual flu vaccine. SB 390 defines these standards as discrimination and infringes on employers' rights. This bill would also weaken the ability of childcare facilities and schools to set childhood immunization requirements for attendance, which will expose children to vaccine-preventable diseases and could also quickly increase the risk that vulnerable Kansans, like those with cancer, will be exposed to vaccine-preventable diseases.

I ask the Committee to reject this bill.

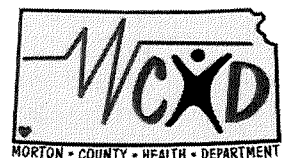
Respectfully,



Kendra Walsh, RN

Administrator

Morton County Health Department



February 14, 2024

Testimony to the Senate Public Health & Welfare Committee

NAME: Erin Woods

TITLE: Kansas Resident

EMAIL ADDRESS: ewoods999@gmail.com

BILL NUMBER: SB 390

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: Written Only

Dear Chair & members of the committee,

Thank you for the opportunity to share my opposition to bill SB 390.

The current public health and vaccine requirements in Kansas serve to keep our communities and the most vulnerable among us, safe. The changes proposed in SB 390 would put Kansans at a greater risk of contracting dangerous communicable diseases.

This bill would prevent the enforcement of childhood immunization requirements for schools and childcare and leave employers unable to enforce employee requirements, preventing both from providing a healthy and safe environment for students and workers.

Furthermore, limiting the authority of local health officers poses a significant threat to our community's health and well-being. This bill would prevent state and local officials from fully utilizing one of the most basic tools to stop the spread of diseases – requiring quarantines during an infectious disease outbreak.

For these reasons and more, I ask that you protect our communities and the most vulnerable among us, by voting no on SB 390.

Respectfully,

Erin Woods
Leawood, KS



fightcancer.org

February 14, 2024

Senator Beverly Gossage
Chair, Senate Public Health and Welfare Committee

RE: SB 390 / Letter of Opposition

Madame Chair and Members of the Committee,

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. Our mission is to "Advocate for evidence-based public policies to reduce the cancer burden for everyone." To that end, ACS CAN will continue to prioritize policies that help every Kansan prevent, find, treat and survive cancer. We are here today to oppose SB 390; a piece of legislation that could place the health of cancer patients at greater risk.

ACS CAN represents millions of patients and cancer survivors and their families nationwide, including the estimated 16,840 Kansans who will be diagnosed with cancer this year. Cancer treatments – from chemotherapy to immunotherapy to bone marrow transplants – often weaken a patient's immune system, making cancer patients especially vulnerable to communicable illnesses.

The health and safety of immune-compromised cancer patients as well as our own volunteers and staff is a top priority for our organization.

This legislation would prohibit the American Cancer Society and ACS CAN as well as other employers and organizations from responding to future public health threats. It will also restrict the ability of public health authorities across Kansas from implementing protective policies aimed at keeping communities healthy.

On behalf of cancer patients and other patients living with compromised immunity, ACS CAN asks the committee to oppose SB 390.

Megan Word
Government Relations Director, Kansas
American Cancer Society Cancer Action Network