

Memorandum to: Members of Senate Judiciary Committee

Date: March 4, 2022

Concerning: Oppose SB 541 Exemptions from Childhood Vaccine Requirements and quarantine of students with certain illnesses

I am writing in total opposition to SB 541. To begin it is a “grab-bag” of numerous proposals on multiple issues and therefore exceedingly inappropriate. As I understand it, the Committee is requiring that comments be submitted by 10:30 this morning and that 17 written copies be hand delivered to the Committee today by the same time. If this is true, these requirements are extremely unreasonable and burdensome.

As a physician, it is my professional opinion that allowing exemptions from vaccine requirements for other than a medical reason, attested to by a licensed physician, as proposed in SB 541 could lead to levels of immunization insufficient to prevent epidemics. I oppose any provisions in this bill pertaining to a change from the current requirements for childhood immunizations. In addition, separating students with contagious diseases from other students is appropriate in certain circumstances. My reasons are given in the paragraphs below.

Childhood diseases like measles and polio are highly transmissible. Since some children do not respond to immunizations and no vaccines are 100% effective, a very high level of immunization is required. That is why Kansas requires immunization for childhood diseases.

Some argue the right to personal autonomy in this area is absolute. Others that one’s personal right ends where another’s begins. Competing rights are common; issues like second hand smoke and wearing masks for Covid come to mind. Competing rights are generally resolved in laws but may require adjudication.

Over one hundred years ago small pox was common. Vaccination against small pox became required in Cambridge, Massachusetts. Opposition arose and ended up at the Supreme Court. In 1905, the Court ruled that considering the minimal inconvenience and low risk from vaccination, the greater benefit to the public health outweighed the right to personal autonomy.

“There are manifold restraints to which every person is necessarily subject for the common good. On any other basis, organized society could not exist with safety to its members. Society based on the rule that each one is a law unto himself would soon be confronted with disorder and anarchy.”

(<https://www.politico.com/news/magazine/2021/09/08/vaccine-mandate-strong-supreme-court-precedent-510280>)

Allowing exemptions from vaccine requirements for other than a medical reason, attested to by a licensed physician, as proposed in SB 541 could lead to levels of immunization

insufficient to prevent epidemics. The issue of exemptions and separation of students with active contagious diseases from others should be resolved by the Kansas Department of Health and Environment not by ad hoc legislation.

Thanks for your attention.

Michael R. Miller, MD