

THE COAST NEWS

Vaccination bill becomes law, sets up potential legal battle

By [Aaron Burgin](#)

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REGION — California is now home to one of the strictest vaccination laws in the country, one that is likely to set up a legal battle between the state and opponents of vaccinations.

Gov. Jerry Brown on Tuesday signed Senate Bill 277, which bars religious and personal-belief vaccination exemptions for school children. Students who attend home school or independent studies courses are exempt from the bill's provisions.

The bill takes effect July 1, 2016.

Personal belief and religious exemptions had proliferated across the state in recent years, especially in Encinitas, where the Encinitas Union School District had the county's highest non-medical exemption rate, according to state public health department statistics.

Nearly 12 percent of EUSD students claimed exemptions from vaccinations, compared to 2.5 percent statewide.

“The science is clear that vaccines dramatically protect children against a number of infectious and dangerous diseases,” Brown said in a news statement. “While it's true that no medical intervention is without risk, the evidence shows that immunization powerfully benefits and protects the community.”

Proponents of the measure believe personal and religious exemptions have weakened public health defenses and were partly the cause of a measles outbreak in 2014 that started at Disneyland and spread across the state.

Most health organizations have come out in favor of the law, arguing that the exemptions were not in the community's best interest.

“We are fortunate in that we have little to worry about with polio or small pox today — mainly because the parents of our pediatric patients enabled the immunization of their children to protect them. This law is a way for a modern society to assure that the next generation will be healthy enough to achieve its fullest potential in life. This is a benefit that far outweighs the risk,” said Dr. Patrick Tellez, chief medical officer, North County Health Services.

“Our collective experience in public health in this nation, and the world, has taught us that there is a tipping point of community immunization rates; once it drops below that point we can lose the gains we have made over the last 50 years,” said Irma Cota, president and CEO of North County Health Services.

Still, a contingent of lawmakers, celebrities and anti-vaccination activists have railed against the law, which they said is an attack on both personal freedom and the state Constitution, which guarantees a public education without discrimination.

They believe the case is destined for the courts, and potentially to the nation's high court depending on the outcome at lower levels.

“There are so many issues with this poorly written law, first and foremost that it flies in the face of the California Constitution,” said Rebecca Estep, a Poway woman who belongs to the California Coalition for Health Choice, which has opposed the law. “The 2.54 percent of people in the state who hold these beliefs are being discriminated against by not having access to a normal classroom education.”

Newly enrolled who do not have immunizations after July 1, 2016 would not be allowed to be promoted to the kindergarten or seventh grade, respectively. Students who have written exemptions on file before Jan. 1, 2016 would have until they enroll in the next grade span in order to get immunized.

Students enrolled past seventh grade with an exemption on file would remain exempt.

“This is why a lot of parents believe that the Governor of California has just legalized discrimination,” said Estep, who said the government has essentially forced people to choose between their beliefs and their child's education.

“We are at the point where we have to weigh possible permanent medical damage for a normal classroom education, and that is just coercive,” said Estep, who said it was ironic that Brown's law strikes down the religious exemption that his father, former Gov. Pat Brown, signed into law more than 50 years ago.

Brown supported the exemptions as recently as three years ago, before signaling his support when the bill reached his desk.

Local Assemblyman Rocky Chavez (R-Oceanside), echoed Estep's concerns in his statement explaining his opposition to the law.

“The state should not get in between parents and their children when it comes to health and access to education,” Chavez said. “Children in California have a right to an education, and denying them that right is going to have major ramifications in California.”



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