Dear Senator ,

I am writing to you regarding a bill scheduled to be heard in your Senate Committee on Human Services on April 28, 2015, SB 792 (Mendoza). SB 792 will be a new mandate that would require Daycare facilities not employ anyone “at a day care center if he or she has not been immunized according to the schedule for routine adult immunizations, as recommended by the federal Centers for Disease Control’s Advisory Committee on Immunization Practices, with the exception of immunization against human papillomavirus (HPV).”

The bill would only allow opting out of even just one of the XX many vaccines recommended for adults (such as the shingles vaccine) based on medical exemption only. The medical exemption option is based upon either showing proof of acquired immunity to all diseases prescribed or that a person’s physician attests that because of their physical or medical condition, immunization is not safe. This law would make the list of required vaccines open-ended to whatever the CDC decides to add without public hearing or comment, and regardless of personal or religious belief, the individual must receive every vaccine prescribed by SB 792 in order to maintain employment or risk the individual and the childcare facility will charged with a crime.

Other factors that the committee must consider are {insert 1-2 of the arguments below}.

The bill you are voting on will affect my family directly along with so many others across the state. Employment health and religious rights are an integral part of our society and SB 792 threatens those rights. I ask that you vote no on SB 792!

Sincerely,

[Name}

Address

(Please put FULL and correct address not just city or your letter WILL NOT count and will be thrown away)

Reasons to insert…please do not use them all, and please individualize and reword:

1. Although manufacturers of vaccines and the physicians administering them are shielded from liability of harm from vaccine injury, employers implementing a state mandate, such as the one suggested in SB 792, will **not** be shielded. California Labor Code places employers liable for the compensation for any injury sustained by his or her employees arising out of and in the course of the employment and for the death of any employee if the injury proximately causes death.[[1]](#footnote-1) Due the state mandate of SB 792 that would require their employees to receive all vaccines at direction of their employer, just one case of adverse vaccine reaction would bankrupt a childcare facility.
2. To impose a vaccine mandate in the workplace, with no ability to opt out due to beliefs or risk of harm, requires extensive safety and fiscal impact analysis. In California every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act (Cal/OSHA) of 1973. Because there is an occupational injury or illness risk from the forced injection of intrinsically unsafe vaccines Federal and California code would require that this bill have the intimate review and involvement of OSHA, Cal/OSHA, and its council as well. However, there is no evidence or report that SB 792 has been vetted by Cal/OSHA to determine its effect on the health and safety of employees in the State of California nor the resulting obligations of employers. The people of California demand this analysis by Cal/OSHA be performed and provided to the public and this Committee before this Committee moves forward in a vote on this bill.
3. Childcare facilities already find themselves riddled with very high turn over rates ranging from 30%-65% (almost 10 times that of school teachers) in being able to maintain safe and competent staff.[[2]](#footnote-2) This mandate would further limit the availability of an already scarce supply of competent and safe childcare workers. By passing this bill, this legislature will be endangering the field of child care on so many levels by also reducing an already threatened commodity of otherwise qualified employees because the only way these individuals can avoid this health risk is to leave this field of work altogether.
4. Small, in-home day care facilities carry a huge financial burden that the State is clearly not taking over on behalf of these childcare facilities. Safe and qualified Childcare facilities are already difficult for parents to find, and already pay a high cost for their required liability insurance. By adding the increased risk of liability for harm caused by vaccines, the OSHA reporting and penalty fines that they would be required to pay for those vaccine injuries, joined with the increased lack of the qualified and safe ratios of employees mandated by the state will result in leaving many of these small business insolvent due to the increased coverage costs and possible unavailability of mandated childcare liability insurance.
5. Lastly, is the issue of lack of religious exemption options for these employees. It has been found in cases repeatedly, that employees are protected in their religious beliefs in being allowed to obtain employment. Title VII of the Federal Civil Rights Act of 1964 requires qualifying employers to reasonably accommodate their employees' religious beliefs. Moreover, widespread hospital policies and the American Medical Association (AMA) code of ethics allow religious exemptions in support of the contention that healthcare facilities can reasonably accommodate employees' religious objections to immunizations, generally. Even the Equal Employment Opportunity Commission (EEOC), a federal agency that enforces anti-discrimination laws and investigates employer discrimination complaints, also supports employees' right to refuse vaccines in the workplace. Lastly, California’s Fair Housing and Employment Act (FEHA) clearly protects employees throughout California from being discriminated against being fired or retaliated against based upon their Religious beliefs.
1. Cal. Labor Code § 3600. [↑](#footnote-ref-1)
2. [www.nwlc.org/sites/default/files/pdfs/ProvidersApril2008.pdf](http://www.nwlc.org/sites/default/files/pdfs/ProvidersApril2008.pdf) [↑](#footnote-ref-2)