

SB

292

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SB 292

Revision Date/Time (Note if correction): _____
Title: Relating to public school student immunization

Dept. Affected: Health and Social Services
BRU: State Health Services

Sponsor: Senate State Affairs
Requestor: Senate State Affairs

Component: Epidemiology
COMPONENT SERIAL NO. 296
See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: \$0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Impossible to implement - therefore no fiscal impact.

Prepared by: Peter M. Nakamura, MD, MPH *Kip for* Phone: 465-3090
Division: Division of Public Health Date/Time: 3/30/00 1:51 PM

Approved by Commissioner: Faren Perdue, Commissioner Date: 3/29/00
Agency: Department of Health & Social Services

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CS FOR SENATE BILL NO. 292(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to student immunizations and to information relating to
2 immunizations provided by the commissioner of health and social services."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 14.07.020(a) is amended to read:

5 (a) The department shall

6 (1) exercise general supervision over the public schools of the state
7 except the University of Alaska;

8 (2) study the conditions and needs of the public schools of the state,
9 adopt or recommend plans, administer and evaluate grants to improve school
10 performance awarded under AS 14.03.125, and adopt regulations for the improvement
11 of the public schools;

12 (3) provide advisory and consultative services to all public school
13 governing bodies and personnel;

14 (4) prescribe by regulation a minimum course of study for the public

1 schools; the regulations must provide that if a course in American Sign Language is
2 given, the course shall be given credit as a course in a foreign language;

3 (5) establish, in coordination with the Department of Health and Social
4 Services, a program for the continuing education of children who are held in detention
5 facilities in the state during the period of detention;

6 (6) accredit those public schools that meet accreditation standards
7 prescribed by regulation by the department; these regulations shall be adopted by the
8 department and presented to the legislature during the first 10 days of any regular
9 session, and become effective 45 days after presentation or at the end of the session,
10 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
11 the members of each house;

12 (7) prescribe by regulation, after consultation with the state fire marshal
13 and the state sanitarian, standards in addition to the requirements of AS 18.15.145 that
14 will assure healthful and safe conditions in the public and private schools of the state
15 including a requirement of physical examinations and immunizations in pre-elementary
16 schools; the standards for private schools may not be more stringent than those for
17 public schools; a regulation adopted under this paragraph may not require a child
18 to receive an immunization if

19 (A) in the opinion of a physician licensed in this state, the
20 child should not receive the immunization; or

21 (B) a parent or legal guardian of the child objects to the
22 immunization based on religious or personal beliefs;

23 (8) exercise general supervision over pre-elementary schools that
24 receive direct state or federal funding;

25 (9) provide accredited elementary and secondary correspondence study
26 programs available to any Alaskan through a centralized office of correspondence
27 study;

28 (10) accredit private schools that request accreditation and that meet
29 accreditation standards prescribed by regulation by the department; nothing in this
30 paragraph authorizes the department to require religious or other private schools to be
31 licensed;

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(11) review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine and approve the extent of eligibility for state aid of a school construction or major maintenance project; for the purposes of this paragraph, "plans" include educational specifications, schematic designs, and final contract documents;

(12) provide educational opportunities in the areas of vocational education and training, and basic education to individuals over 16 years of age who are no longer attending school;

(13) administer the grants awarded under AS 14.11;

(14) establish, in coordination with the Department of Public Safety, a school bus driver training course.

[(15) REPEALED.]

* Sec. 2. AS 14.30.125 is amended to read:

Sec. 14.30.125. Immunization. If, in the judgment of the commissioner of health and social services, it is necessary for the welfare of the children or the general public in an area, the governing body of the school district shall require the children attending school in that area to be immunized against the diseases the commissioner of health and social services may specify. This section does not require a child to receive an immunization if, in the opinion of a physician licensed in this state, that child should not receive the immunization or if a parent or legal guardian of the child objects to the immunization based on religious or personal beliefs.

* Sec. 3. AS 44.29.010 is amended by adding a new subsection to read:

(b) The commissioner of health and social services shall make available to the public a safety and public needs brochure that describes the risks and benefits of vaccines and immunizations that are required for attendance in a licensed day care center, public school, or private school. The brochure described in this subsection must disclose the source of the information used in the brochure.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL J. SB 292

Revision Date/Time (Note if correction): _____ Dept. Affected: Health and Social Services
 Title: Re'lating to public school student immunization BRU: State Health Services
 Component: Epidemiology
 Sponsor: Senate State Affairs COMPONENT SERIAL NO. 296
 Requestor: Senate State Affairs See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

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TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Impossible to implement - therefore no fiscal impact.

Prepared by: Peter M. Nakamura, MD, MPH *Kp fa* Phone: 465-3090
 Division: Division of Public Health Date/Time: 3/30/00 1:51 PM
 Approved by Commissioner: *[Signature]* Date: 3/29/00
 Agency: Department of Health & Social Services

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SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

SB 292 SPONSOR STATEMENT

“An Act relating to public school student immunizations.”

SB 292 would require the commissioner of health and social services to certify, in writing, the safety of vaccines that are mandated by law for children that attending public and private schools.

“Alaska Statutes Sec. 14.30.125. Immunization.” reads as follows:

“If in the judgment of the commissioner of health and social services it is necessary for the welfare of the children or the general public in an area, the governing body of the school district shall require the children attending school in that area to be immunized against the diseases the commissioner of health and social services may specify.”

SB 292 provides for the parents’ right to make health decisions with their doctor, in regard to immunization requirements for school attendance. Currently, children may be exempt from receiving immunizations based on religious beliefs. A family history of reactions to vaccines, a child’s individual health needs, and parental concerns should also be considered. Parents need to know that their children are being vaccinated with safe vaccines and someone in authority is responsible.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

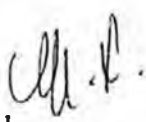
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 22, 2000

SUBJECT: Sectional Summary of SB 292.

TO: Senator Jerry Ward
Attn: Loretta

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides that a regulation of the Department of Education and Early Childhood Development regarding immunizations for pre-elementary school students may not require immunization unless the commissioner of the Department of Health and Social Services certifies that there is no risk of harm to an individual child or in an individual case if, in the opinion of a physician licensed in this state, the child should not receive the immunization.

Section 2. Provides that a school district board may not require immunizations for school students unless the commissioner of the Department of Health and Social Services certifies that there is no risk of harm to an individual child or in an individual case if, in the opinion of a physician licensed in this state, the child should not receive the immunization.

MFF:glc
00-132.glc

LEGAL SERVICES

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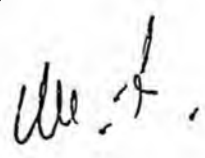
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 28, 2000

SUBJECT: Civil liability of the state - (SB 292)

TO: Senator Drue Pearce
Attn: Kristopher

FROM: Michael F. Ford 
Legislative Counsel

You have asked if the state faces potential civil liability as a result of the provision in SB 292, that requires the Commissioner of the Department of Health and Social Services to certify that an immunization required for attending public school is not harmful to an individual child. I think that in this situation the state has statutory immunity against claims for civil liability. Under AS 09.50.250, the state is not civilly liable when the claim results from this type of act or omission of an employee of the state, if the commissioner has exercised reasonable care in making the certification. Assuming the commissioner was acting as a reasonable person would, the state would be protected even if it turns out that an individual child was harmed by the immunization. This of course does not mean there wouldn't be litigation over the question. One way to avoid the question entirely would be to add a provision to SB 292 that expressly makes the state and the commissioner immune from civil suits for making the judgment required in SB 292. Short of this, there is no way to ensure that a court would not find the state liable for making a mistake in applying the certification requirements of SB 292.

Please contact me if you have further questions.

MFF:pl
00-109.plm



Municipality of Anchorage
Department of Health & Human Services
P.O. Box 196650
Anchorage, Alaska 99519-6650

Fax Cover Sheet

DATE: 4/6/00

TO: Senator Jerry Ward

FAX: 907-465-3766

FROM: Colleen Drake Wilke, PHN
Community Health Services

PHONE: (907) 343-4267
FAX: (907) 343-4832

RE: Testimony submitted 4/6/00

Number of pages including cover sheet: 3

Message

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Rick Mystrom,
Mayor

Municipality of Anchorage

Department of Health and Human Services

825 "L" Street

P.O. Box 196650 Anchorage, Alaska 99519-6650

<http://www.ci.anchorage.ak.us>



April 7, 2000

To: Senators Jerry Ward, Lyda Green, Gary Wilken, Randy Phillips, Kim Elton:

From: Colleen Drake Wilke, RN, MS

Public Health Nurse

Municipality of Anchorage Department of Health & Human Services

My name is Colleen Drake Wilke and I work as a Public Health Nurse for the Municipality of Anchorage in Disease Prevention and Control. I work with four other nurses whose job include providing immunizations, tuberculosis control, and the investigation of reportable diseases in Anchorage. Last week, I had the difficult task of explaining to a young couple why their first child, a three week old infant, had died of pertussis or whooping cough. We were in the home culturing all household members who had contact with the child and ensuring that they would receive two weeks of antibiotics for protection. Two months earlier, we also investigated another case of pertussis in a one month-old child who survived. No connection was found between cases other than they lived in Anchorage. These two children were too young to be immunized and susceptible to disease.

The immunization goal in a community is to develop what is called "herd immunity." One immunizes as many individuals as possible to decrease disease so that those who can't benefit from vaccines at sometime in their lives (the very young and the immune deficient) are protected by lack of infectious disease in the community. By adopting Senate Bill No. 292, we will allow our small pool of unprotected individuals to increase. Like a pool of standing water in breakup, this quiet little puddle will soon enlarge to include all children whose parents are in opposition to vaccines. As the sun beats down, and parents listen to fast-breaking stories on the news, Internet, or neighborhood rumor about the latest unsubstantiated vaccine scare story, the puddle swells to a tiny lake in the road. Finally, the lake engulfs the road as more children become unprotected due to parental indifference, lack of knowledge about vaccines, and the influx of susceptible foreign immigrants who many times are not immunized. Quietly, underneath this smooth lake, a large pothole has grown. All it takes is one individual, i.e. an ill four year old Japanese boy traveling to see the wonders of Alaska, one susceptible aspiring athlete on the race circuit flying from one country to another, or one under-immunized foreign worker trying to get ahead in the Alaskan fishing industry, to drop into that great big pothole and shatter the health of our community, starting an epidemic unseen since the huge polio outbreaks in the 1950s.

Voices from the community will be heard – just like when residents have tires shredded by hitting potholes on poorly maintained roads. These voices will be those of the young pregnant mother who has isolated herself in her home because she fears for the safety of her unborn child. The tearful voices of young couples whose first born die of pertussis. Agitated voices of parents who are angered that their medically exempt children have to be excluded from school because of the risk of exposure to disease. The voices of the crying mom and her young child with leukemia as they struggle to endure the large injections of immune globulin that are needed for measles protection. The inquiring cautious voices of elderly tourists calling from out of state to see if it is safe to travel to Alaska. Finally, the irate voices of Alaskans who are concerned about the high rate of taxes and insurance costs that will skyrocket as disease rates and hospitalizations increase.

Questions:

1. Has there been any long or even short term studies on the toxic effects of all the heavy metals and other preservatives on the developing human brain and immune system?
2. Has there been any long term studies on the interactions of multiple vaccines?
3. Have there been any long term studies on the strength of the immune system after multiple vaccines?
4. Have there been any long term studies on psychological effects of multiple vaccines (epidemic escalation of ADD/hyperactivity, autism, violence, depression etc)?
5. **MOST IMPORTANT- Has there been even one study looking at the ALL CAUSE illness, morbidity, and mortality rates in a reasonable size population of multiple vaccinated children vs. unvaccinated over at least the 18 years of their minority? (asthma, eczema, allergies, immune dysfunction, autism, autoimmune disease, chronic fatigue, and more). If not, the scientific method CANNOT certify these agents as safe.**
6. If not, how can you say these are safe? If not, where is the intelligence in mandating them?
7. For the medical doctor skeptics: The Medical profession laughed at Ignas Schimmelweiss in the early 1800s for advocating hand washing between cadaver dissection and delivering babies. They did not know better at the time. Can you show that you know better in this case with at least some hard data?????? Has the profession not learned its lesson yet after almost 200 years?

For Sen Ward
from Doc Rowen

ALASKA STATE LEGISLATURE

Senator Jerry Ward, Chairman
Senator Lyda Green, Vice Chair
Senator Jerry Mackie
Senator Randy Phillips
Senator Kim Elton



Interim: 716 W. 4th Ave., Ste. 450
Anchorage, AK 99501-2133
Phone: (907) 269-0106
Fax: (907) 269-0109

Session: State Capitol – Rm. 125
Juneau, AK 99801-1182
Phone: (907) 465-4940
Fax: (907) 465-3766

Senate State Affairs

March 30, 2000

Peter Nakamura, M.D., M.P.H., Director
Division of Public Health
PO Box 110610
Juneau, AK 99811-0610

Dear Dr. Nakamura:

I would like to thank you for attending the March 23rd Senate State Affairs committee meeting and testifying on SB 292. It is always good to get as much information as possible so we can make informed decisions. I look forward to seeing the written response to the questions the committee asked that you address.

SB 292 is scheduled for hearing again on April 6th at 3:30 p.m. in Senate State Affairs. It would be helpful to have your responses to the questions sent to my office in advance so they can be included in Thursday's committee packets.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Ward".

Senator Jerry Ward

QUESTIONS

1. Do you feel there any deficiencies in this bill?
2. Has there been any long or even short term studies on the toxic effects of all the heavy metals and other preservatives on the developing human brain and immune system?
3. Has there been any long term studies on the interactions of multiple vaccines?
4. Has there been any long term studies on psychological effects of multiple vaccines (epidemic escalation of ADD/hyperactivity, autism, violence, depression etc.)?
5. MOST IMPORTANT - Has there been even one study looking a the ALL CAUSE illness, morbidity, and mortality rates in a reasonable size population of multiple vaccinated children vs. unvaccinated over at least the 18 years of their minority? (asthma, eczema, allergies, immune dysfunction, autism, autoimmune disease, chronic fatigue, and more) If not, the scientific method CANNOT certify these agents as safe. How can you say they are safe.
6. For the medical doctor skeptics: The medical profession laughed at Ignas Schimmelweiss in the early 1800s for advocating hand washing between cadaver dissection and delivering babies. They did not know better at the time. Can you show that you know better in this case with at least some hard data? Has the profession not learned its lesson yet after almost 200 years?

Subject: Fiscal Note for SB 292

Date: Mon, 20 Mar 2000 11:42:44 -0900

From: Loretta Brown <Loretta_Brown@legis.state.ak.us>

Organization: Alaska State Legislature

To: "shari_kochman@gov.state.ak.us" <shari_kochman@gov.state.ak.us>

Shari -

I need a fiscal note for SB 292, "An Act relating to public school student immunizations." Bill is scheduled for hearing in Senate State Affairs on Thursday, March 23, 2000.

Thanks, Loretta