

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Landwehr at 1:30 p.m. on February 9, 2011 in Room 784 of the Docking State Office Building.

All members were present except:

Representative J. Steven Alford - excused
Representative Phil Hermanson – excused
Representative Jim Denning - excused

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Katherine McBride, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Dorothy Noblit, Kansas Legislative Research Department
Jay Hall, Kansas Legislative Research Department
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Carol Meyer, Wichita, KS ([Attachment 1](#))
Erika Higgins, Wichita, KS ([Attachment 2](#))

Others attending:

See attached list.

HB 2094 – Vaccinations; exemption from getting based on reasons of conscience or personal belief.

Chairperson Landwehr opened the hearing on **HB 2094**.

Carol Meyer, parent from Wichita, Kansas, presented testimony in support of the bill. ([Attachment 1](#)) In 1993 through 1996, Mrs. Meyer served on the Federal Advisory Commission on Childhood Vaccines as the member at large representing parents. She asked members to remember that immunizations, like any medicine, are not 100% effective, 100% safe or 100% necessary. Immunizations are not without risk. Over \$2 billion has been paid by the Federal government to those injured by vaccines through the National Vaccine Injury Compensation Program. One of those children was her daughter, Laura, who was born in 1983. When she was 6 weeks old, she went for her first well baby check-up and she received her first DPT immunization. Within 12 hours of receiving this, she had 3 seizures and a period of high-pitched crying. Our family doctor diagnosed this as an adverse reaction to the DPT immunization she received that day. From that day on, Laura continued to suffer from frequent seizures. She had seizures almost daily and on a bad day she would have many. Due to that first reaction, Laura's immune system was severely compromised and she was often in and out of the hospital for seizures that required emergency medical care to be stopped. At times in her life, she was hospitalized monthly for days at a time. Because of her reaction to the DPT immunization, Laura had severe brain damage. She never walked...never talked...and, as her doctors noted, was profoundly developmentally disabled. There was no doubt in our minds or that of her doctors that this was all a result of that first DPT immunization she received.

When Laura was 11 years old, she received her MMR booster. The doctor convinced me that her compromised immune system would put her at risk for these illnesses. Again, the doctor felt the risk of the illness outweighed the risk of the vaccination. One week after the MMR booster injection, she suffered a status seizure...the worst seizure she had ever had and it would not stop. We called the ambulance as we had done many times before...within 1 hour, Laura was pronounced dead from cardiac and respiratory arrest. Her death certificate reads that her death was a result of a status seizure, the DPT reaction, and the MMR vaccine she had received just 1 week earlier. Our daughter Laura was gone. This is the legacy of my daughter – to tell her story so that you know that vaccine reactions do happen. Please support this bill and give parents the right to vaccinate their children according to their own conscience.

Erika Higgins presented testimony in support of the bill. ([Attachment 2](#)) She explained all 50 states have medical and/or religious exemptions and 19 states also have conscientious exemptions. In these states, there is no relationship between reported exemptions and reported incidences of disease. These

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states continue to maintain a high vaccination participation rate. Three other states are also in the process of adding a conscientious exemption to their state vaccination laws this year (New Jersey, New Hampshire, New York).

In Kansas, a child has to be either medically ill or belong to a state-defined religion to get an exemption. As a Catholic in the Diocese of Wichita, her husband and she are unable to use the Kansas religious exemption since it restricts them to be adherents of a religious denomination whose teachings are opposed to such tests or inoculations. At this time, the Catholic Church has no teachings that mandate or oppose the use of vaccinations for disease prevention. However, Monsignor Ignacio Barreiro, Executive Director of the la Vita Humana in Rome "...attests personally that this issue is presently under consideration by various offices of the Vatican concerned with the doctrinal and moral aspects of this complex issue. Pending a final judgment on this issue the parental right of conscience is to be considered the binding authority in this matter..." Since the current Kansas law does not allow for a conscience objection, her Bishop Jackels of Wichita recommended they ask their legislators for this conscientious exemption.

Disease prevention is an individual responsibility and an individual decision for each unique child. It is a decision reserved to the parents who should work with their doctors to make the decision. Admission to school should never be used to force children to receive vaccinations. When you support this bill, you are standing up for life, for individual liberty, for freedom of conscience, for parental rights, and for true and unrestricted consent.

Mrs. Higgins also presented the committee with a petition with over 200 signatures of other Kansans supporting the bill.

The following two documents were provided to the committee at the meeting:

- 1) A brochure entitled "The Conscientious Exemption to State-Mandated Vaccinations HB 2094". ([Attachment 3](#))
- 2) A booklet entitled "A Conscientious Exemption to the Kansas Mandatory Immunizations". ([Attachment 4](#))

Due to poor weather conditions, written testimony only was presented by the following conferees:

- Lori Leonard, Colwich, KS ([Attachment 5](#))
- Monica R. DeGraffenreid, Wichita, KS ([Attachment 6](#))
- Erik B. Leon, Pharm.D., R.Ph., Topeka, KS ([Attachment 7](#))
- Bianca Kamnitzer, Wichita, KS ([Attachment 8](#))
- Nathan Patry, Wichita, KS ([Attachment 9](#))
- Julie Patry, Wichita, KS ([Attachment 10](#))
- Angela Mans, Mount Hope, KS ([Attachment 11](#))
- Tim and Mary Woodburn, Goddard, KS ([Attachment 12](#))
- Blair Bailey, Valley Center, KS ([Attachment 13](#))
- Connie Arnold, Goddard, KS ([Attachment 14](#))
- Danielle Powell Clupny, Mount Hope, KS ([Attachment 15](#))
- Dr. Jamie J. Arnold, BBA, DC, Kingman, KS ([Attachment 16](#))
- M. Angelica Stieben, Colby, KS ([Attachment 17](#))
- Wes & Shelly Harden, Kingman, KS ([Attachment 18](#))
- Roberta C. Lambert, Colby, KS ([Attachment 19](#))

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- Jennifer Granger, MA, Olathe, KS ([Attachment 20](#))
- Janine Heincker, Wichita, KS ([Attachment 21](#))
- Jackie Arnold, Kingman, KS ([Attachment 22](#))
- Mr. & Mrs. Don Rohr, Wichita, KS ([Attachment 23](#))
- Mark & Julie Simpson, Colwich, KS ([Attachment 24](#))
- Mr. & Mrs. Lloyd Powell, Pretty Prairie, KS ([Attachment 25](#))
- David & Theresa Walker, KS ([Attachment 26](#))
- Melissa Riopel, Kingman, KS ([Attachment 27](#))
- Dr. Robert W. Sears, MD, FAAP, Pediatrician and author of The Vaccine Book and The Baby Book ([Attachment 28](#))
- Dr. Ronald Hunninghake, MD, Wichita, KS ([Attachment 29](#))

There was no neutral testimony submitted.

Due to poor weather conditions, there was no verbal testimony in opposition to the bill. The following written testimony was submitted in opposition to the bill.

- William Keough, MD, Dennis Cooley, MD, FAAP – President of the Kansas Chapter of the American Academy of Pediatrics, Chris Steege – Executive Director of the Kansas Chapter of the American Academy of Pediatrics ([Attachment 30](#))
- Robert Moser, MD, Secretary, Kansas Department of Health & Environment ([Attachment 31](#))
- Jenn Brull, MD, President – Kansas Academy of Family Physicians ([Attachment 32](#))
- Dan Morin, Kansas Medical Society ([Attachment 33](#))
- Nancy Tausz, RN, BSN, Johnson County Health Department ([Attachment 34](#))
- Claudia Blackburn, MPH, RNC, CPN, Health Director, Sedgwick County Health Department ([Attachment 35](#))

The Chair gave the committee members the opportunity to ask questions and when all had been answered, the hearing was closed on the bill.

The next meeting is scheduled for February 14, 2011.

The meeting adjourned at 1:56 p.m.