

school district may use any funds, property, and personnel of the district for that purpose. The governing board of any school district and the governing authority of any private school may permit any person licensed as a physician and surgeon to administer immunization agents to the children and adults seeking admission to any school under its jurisdiction.

3384. Immunization of a person shall not be required for admission to a public or private elementary or secondary school if the parent or guardian (in the case of a minor), or the person seeking admission (if an adult), files with the governing board of the school district or the governing authority of the private school, as the case may be, a letter stating that such immunization is contrary to his or her beliefs. However, whenever there is good cause to believe that a person is suffering from poliomyelitis, the person may be temporarily excluded from the school until the governing board of the school district or the governing authority of the private school is satisfied that the disease does not exist.

3385. If the parent or guardian (in the case of a minor) or the person seeking admission (if an adult) files with the governing board of the school district or the governing authority of the private school a written statement by a licensed physician to the effect that the physical condition of the child or adult is such, or medical circumstances relating to the child or adult are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances which contraindicate immunization, such person shall be exempt from the requirements of this chapter to the extent indicated by the physician's statement.

3386. The department shall adopt and enforce all rules and regulations necessary to carry out the provisions of this chapter.

AB 1940

1961

4/12/61
Req. #14184

DeLoth

AMENDMENTS TO ASSEMBLY BILL NO. 1940

AMENDMENT NO. 1

On page 1, line 6, of the printed bill strike out "person, minor or adult," and insert:

minor or adult

AMENDMENT NO. 2

On page 1, line 17, after "ganize" insert:

and have in operation by January 1, 1962,

AMENDMENT NO. 3

On page 2, line 3, strike out "Any person who is financially able", strike out line 4, and in line 5 strike out "to the county."

AMENDMENT NO. 4

On page 2, line 7, strike out "shall" and insert:

may

AMENDMENT NO. 5

On page 2, line 33, strike out "religious"

ADOPTED

APR 11 1961

1 available to all persons required by this chapter to be im-
2 munized. He shall also determine how the cost of such a pro-
3 gram is to be recovered. (Any person who is financially ab-
4 le to be charged a fee based on the cost of the immunization
5 to the county.) To the extent that the cost to the county is in
6 excess of that sum recovered from persons immunized, funds
7 made available by the school districts shall be used to pay
8 the cost of the immunization of any persons seeking admis-
9 sion to the public schools. The remainder of the cost shall be
10 paid by the county in the same manner as other expenses
11 of the county are paid.
12 Immunization performed by a private physician shall be ac-
13 ceptable for admission to school if the immunization is per-
14 formed and records are made in accordance with rules estab-
15 lished by the State Department of Public Health.
16 3383. The governing board of each school district and the
17 governing authority of each private school shall co-operate
18 with the county health officer in carrying out the program
19 for immunization of persons applying for admission to any
20 school under its jurisdiction. The governing board of any
21 school district may use any funds, property, and personnel of
22 the district for that purpose. The governing board of any
23 school district and the governing authority of any private
24 school may permit any person licensed as a physician and sur-
25 geon to administer immunization agents to the children and
26 adults seeking admission to any school under its jurisdiction.
27 3384. Immunization of a person shall not be required for
28 admission to a public or private elementary or secondary
29 school if the parent or guardian (in the case of a minor), or
30 the person seeking admission (if an adult), files with the gov-
31 erning board of the school district or the governing authority
32 of the private school, as the case may be, a letter stating that
33 such immunization is contrary to his or her religious beliefs.
34 However, whenever there is good cause to believe that a person
35 is suffering from poliomyelitis, the person may be temporarily
36 excluded from the school until the governing board of the
37 school district or the governing authority of the private school
38 is satisfied that the disease does not exist.
39 3385. If the parent or guardian (in the case of a minor) or
40 the person seeking admission (if an adult) files with the gov-
41 erning board of the school district or the governing authority
42 of the private school a written statement by a licensed physi-
43 cian to the effect that the physical condition of the child or
44 adult is such, or medical circumstances relating to the child
45 or adult are such that immunization is not considered safe,
46 indicating the specific nature and probable duration of the

Health

may

Strickland

Strickland

Strickland

2 AB 18

Date: 2/21/61

Request No. 9720

LEGISLATIVE COUNSEL'S DIGEST

1940

as introduced,

DeLotto

Author

Committee

Polio immunization

General Subject

Adds Ch. 7 (commencing with Sec. 3380), Div. 4, H. & S.C.

Prohibits admission of any person to a public or private elementary or secondary school unless the person has been immunized against poliomyelitis.

Exempts persons presenting written statement indicating conflicting religious belief, except that such persons may be temporarily excluded upon presence of good cause for belief that they are suffering from the disease.

? TYPE, OLD
TYPEWRITER?

Exempts ~~persons~~ persons whose health would be endangered by the immunization.

Requires the State Department of Health to adopt and enforce rules and regulations to carry out the provisions of the chapter.

Requires county health officer to set up immunization program and school boards and governing authorities of private schools to co-operate with him. Provides that the cost of the program is to be paid by fees from those immunized who are financially able, by funds made available by the school districts, and by county funds.

LAB 1940

to the county. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, funds made available by the school districts shall be used to pay the cost of the immunization of any persons seeking admission to the public schools. The remainder of the cost shall be paid by the county in the same manner as other expenses of the county are paid.

Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the State Department of Public Health.

3383. The governing board of each school district and the governing authority of each private school shall cooperate with the county health officer in carrying out the program for immunization of persons applying for admission to any school under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose. The governing board of any school district and the governing authority of any private school may permit any person licensed as a physician and surgeon to administer immunization agents to the children and adults seeking admission to any school under its jurisdiction.

3384. Immunization of a person shall not be required for admission to a public or private elementary or secondary school if the parent or guardian (in the case of a minor), or the person seeking admission (if an adult), files with the governing board of the school district or

the governing authority of the private school, as the case may be, a letter stating that such immunization is contrary to his or her religious beliefs. However, whenever there is good cause to believe that a person is suffering from poliomyelitis, the person may be temporarily excluded from the school until the governing board of the [school district or the governing authority of the private] school is satisfied that the disease does not exist.

3385. If the parent or guardian (in the case of a minor) or the person seeking admission (if an adult) files with the governing board of the school district or the governing authority of the private school a written statement by a licensed physician to the effect that the [physical condition of the child or adult is such, or medical] circumstances relating to the child or adult are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances which contra-indicate immunization, such person shall be exempt from the requirements of this chapter to the extent indicated by the physician's statement.

3386. The department shall adopt and enforce all rules and regulations necessary to carry out the provisions of this chapter.

~~5~~

4378 AB

Assembly California Legislature



June 8, 1961

Honorable Edmund G. Brown
Governor of California
State Capitol

Attn: Mr. Alex Pope

Re: AB 1940

My Dear Governor:

AB 1940 calls for the immunization of students against polio in the elementary and secondary schools and has been amended to meet objections by the persons who, for whatever reason they may have, do not want to be immunized.

The bill was introduced on the basis that polio is a contagious disease and that the Salk Vaccine is 95% effective. It provides that the State Health Department set standards and that the local health office administer the program. The bill calls for the cost to be paid by those who receive the services in whatever manner feasible, and requests that records be kept and that the parent or guardian be furnished with such records.

If there is a shortage of funds, the person may receive the immunization at the local clinics through the health office or in clinics in cooperation with school district programs. Prior immunization by one's own physician is acceptable.

This bill puts the responsibility on the local health people to stimulate and encourage these immunization clinics and requires parents who may be complacent or negligent to state positively that they don't want their children to be immunized.

This is a good bill and I urge your signature.

Respectfully,

Bert DeLotto

P.S.

With the coming onslaught of potential polio outbreaks, this will be a good subject for a picture of you and me together.

B.D.

To: Honorable Edmund G. Brown
Governor of California

Bill Report
1961 Regular Session

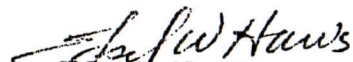
From: Office of the Attorney General

A.B. No. 1940

By Edsel W. Haws
Deputy Attorney General

June 12, 1961.

We have examined the above bill and find no substantial
legal objection thereto.


Edsel W. Haws

JEN N. KLEPS
LEGISLATIVE COUNSEL
NEUS C. MORRISON
CHIEF DEPUTY

BERNARD GIESLA
GEORGE H. MURPHY
PRINCIPAL DEPUTIES
STANLEY M. LOURIMORE
DEPUTY IN CHARGE
LOS ANGELES OFFICE

STATE OF CALIFORNIA

Office of Legislative Counsel

3021 STATE CAPITOL, SACRAMENTO 14
311 STATE BUILDING, LOS ANGELES 12

June 12, 1961

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JOSEPH F. COOKES, J.
KENT L. DECHAMBEAU
J. GOULD
ROBERT G. HINSHAW
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ANN M. MACKAY
EDWARD F. NOWAK
EDWARD K. PURCELL
RAY H. WHITAKER
FRED G. WILLIAMS
RICHARD T. WILSDON
ROSE WOODS
DEPUTIES

REPORT ON ASSEMBLY BILL NO. 1940. DE LOTTO.

SUMMARY: Adds Ch. 7 (commencing with Sec. 3380), Div. 4, H.& S.C., re polio immunization.

Prohibits admission of any minor or adult to a public or private elementary or secondary school unless the person has been immunized against poliomyelitis.

Exempts persons presenting written statement indicating conflicting beliefs, except that such persons may be temporarily excluded upon presence of good cause for belief that they are suffering from the disease.

Exempts persons whose health would be endangered by the immunization.

Requires the State Department of Public Health to adopt and enforce rules and regulations to carry out the provisions of the chapter.

Requires county health officer to organize and have in operation by January 1, 1962, an immunization program and requires school boards and governing authorities of private schools to co-operate with him. Provides that the cost of the program is to be paid by fees from those immunized, by funds made available by the school districts, and by county funds.

Report on Assembly Bill No. 1940 - p. 2

FORM: Approved.

TITLE: Approved.

CONSTITUTIONALITY: Approved.

Ralph N. Kleps
Legislative Counsel

Stanley M. Lourimore
By
Stanley M. Lourimore
Deputy Legislative Counsel

SML ML

BILL MEMORANDUM

Date: June 14, 1961

To: GOVERNOR BROWN

From: Alexander H. Pope

Assembly

BILL No. 1940

By DeLotto and Rumford

VOTE: Senate

27 ayes

1 no - Donnelly

Assembly

59 ayes

3 noes - Cusanovich, Grant & Holmes

Adds a new chapter to the Health and Safety Code relating to immunization of school pupils against poliomyelitis. Provides that no minor or adult shall be admitted to any public or private elementary or secondary school as a pupil without establishing proof of such immunization. Exempts cases where immunization would be in conflict with religious beliefs, but provides that in such cases the pupil may be excluded from the school until the governing authority of the school is satisfied that the disease does not exist. Also exempts cases where the physical or mental condition of the pupil is such that immunization is not considered safe. Authorizes State Department of Public Health to adopt regulations on the subject.

Legislative Counsel and Attorney General's Office have no legal objections.

Legislative Analyst states that no state costs are involved, and that the local costs are indeterminable. The immunization program is to be financed from fees paid by persons benefited, and from funds made available by school districts and counties.

Assemblyman DeLotto, the author, recommends approval. The bill puts the responsibility of the immunization program on the local health people, and encourages immunization clinics.

Recommendation: Approve (Marsden). It has been requested that this bill be signed immediately, so that the information as to the necessity of immunization during the summer can be passed on to the school children before they are released for summer vacation.

NATIONAL HEALTH FEDERATION

A NON-PROFIT HEALTH RIGHTS CORPORATION

709 MISSION STREET • SAN FRANCISCO 3, CALIF. • PHONE YUKON 2-6617

March 20, 1961

Assemblyman Byron Rumford
STATE CAPITOL BUILDING
Sacramento, California

Dear Mr. Rumford:

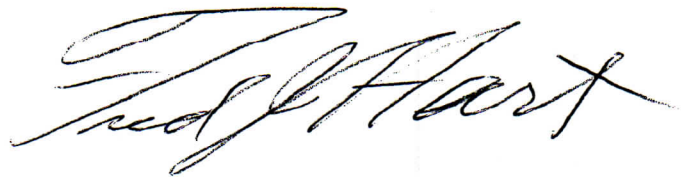
I wish you would give the attached letter and information your earnest and careful consideration.

This Polio inoculation matter is in a very confused state at the present time and I believe it is most unwise to attempt legislation until the present confusion has been dissipated, etc.

I know you are just as interested in the health of the people as I am and I also know from experience that you want always to be fair and factual in your approach to health problems. It is for these reasons that I approach you on this important matter.

With all good wishes, I am

Sincerely yours,



FRED J. HART, President

15025 Oka Road
Los Gatos, California
March 8, 1961

Hon. Byron Rumford, Chairman
Public Health Committee
Capitol Building
Sacramento, California

Dear Sir:

We wish to make a strong protest against A.B.1940 (the compulsory Salk vaccine immunization bill). We feel that forcing the Salk vaccine on all children would be vicious, un-American, un-scientific and illegal.

There is much information being gathered which shows that the Salk vaccine is not the answer to polio epidemics...that polio arises from a nutritional deficiency condition.

We deplore the fact that the vaccine is being pushed by the big drug firms...of course it is important to them financially, but statistics do not bear out the efficacy of its protection.

Yours very truly,

(Mrs) Arusilla D. Lane ✓

March 9, 1961

Honorable Byron Rumford
Chairman Public Health Committee
State Capitol Bldg
Sacramento 14, Calif

Re: Compulsory Polio immunization
Bill A.B.1940

Dear Sir:

God choose to bless us, after 12 years of marriage, with the birth of our only child. It chills my spine to think that the above law, if passed in California, will force our little boy, and the children of other parents who feel as we do, to be injected with the pus of diseased animals and expose them to the paralytic type of polio the shot was supposed to protect against.

Those of you good legislators who take the time to read and listen to the other side of the Salk vaccine story will do your utmost to kill this bill in committee.

Do you know that American Capsule News has shown by printed state health records that compulsory Salk inoculation tripled polio in Connecticut its first year out and quadrupled it in North Carolina, Tennessee and Ohio?

Do you know that a Dr James A Shannon of the "ational Institute of Health in Washington stated "The only safe vaccine is a vaccine that is never used." Dr Shannan knew about the reports from the Institutes technicians in 1955 that Salk vaccine was a killer and totally ineffective as a preventative. As a result no "ational Institute of Health official would let his children be inoculated with Salk monkey juice.

Do you know of the easy way to stop polio? Have you read the book by Dr Ben P Sandler, M.D. entitled "Diet Prevents Polio." By all means read his six steps to be taken for polio prevention!

Have you read "Furor over Vaccine in U.S News & World Report of Mar 13, 1961 in which Dr. Herbert Ratner, health commissioner of Oak Park, Ill, correspondent for the American Medical Assn Journal stated in a published statement in the AMA Journal "It is now generally recognized that much of the Salk vaccine used in the United States has been worthless." You should read how the AMA backtracked on this statement etc when the pressure started to build up.

Because there is so much controversy as to the effectiveness of any polio vaccine, we urge you to use your influence to prevent passage of Bill A.B.1940. Let our citizens exercise their own free wills-- do not legislate against those who want their children to be vaccinated. And by the same token, do not legislate to force those of us who do not believe in these shots to have our children vaccinated against our wills.



Yours very truly,

Walter L Cooks

Walter L Cooks

Jeanette M Cooks

Jeanette M Cooks

Rt 2 Box 429F

Morgan Hill, Calif

Mrs. K. W. Ranney
11712 Lampson
Garden Grove, Calif.
March 18, 1961

Honorable Byron Rumford
Chairman Public Health Committee
State Capitol Bldg.
Sacramento 14, Calif.

Dear Chairman:

In reference to bill A. B. now in committee which requires all school children to have the three recommended Salk shots let me urge you to use all your influence as Chairman of the Public Health Committee, to defeat this bill and thus not take one more freedom away from the American individual. Surely the merits of the Salk treatment can rest on the results of these shots and the people of California can and will take the responsibility of deciding individually whether or not they want the shots for their children. I urge you to preserve our individual freedom by defeating this bill, A. B. 1940.

Very sincerely,

Margaret Ranney ✓
Mrs. K. W. Ranney

Ans. 3/24

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