

Date: April 24, 2017

SUBJECT: DPH-11-004 IMMUNIZATIONS REGULATIONS  
(Proposed change to Title 17 CCR 6025 and 6051)

ATTN:

Applicable California Department of Public Health (CDPH) Personnel  
Applicable California Office of Administrative Law (OAL) Personnel

Dear Sirs or Madams,

Below are my written comments pertaining to the proposed changes to 17 CFR 6025, 6051 et al as proposed by the California Department of Public Health, DPH-11-004, Notice of Proposed Rulemaking.

Although my written comments are submitted a few hours after the stipulated CDPH Hearing deadline, I request an exemption to such deadline, requesting that my response be considered timely. Unfortunately, I fell very ill for almost a month, which took my complete attention and dedication and it was not until an hour ago that I became aware that the hearing was today.

My interest in the revision to these regulations and in submitting written comments can be easily confirmed through my months long communications with personnel from both your departments/agencies, which can be confirmed by CDPH representative Colleen Swafford, and OAL representative Kevin Hull, both copied herein.

I hereby add and incorporate any and all policies, procedures, rules, regulations, memorandums, and exemptions permitted, etc. by either the CDPH or OAL allowing me, under such rules, etc., and/or under the rules of fairness and community safety and health, that my comments be allowed to stand on the record as being filed timely and that as such they be considered in adopting or rejecting such proposed changes to Title 17 CCR.

In the event the CDPH refuses to allow my response to be considered, then I request that the OAL consider my response timely and/or that it be considered in deciding the legality of the change proposed by the CDPH, as OAL's deadline to rule on the CDPH final submission of the required regulation changes has not expired and is still in process.

Further, I remind both agencies that in all your actions, decisions and pronouncements, all such acts, written or expressed, must comply with both the Constitution of the United States as well as the California Constitution and that the timely or untimely submission of my comments do not change your obligation to consider such possible constitutional violations that both your agencies may be engaged in if proceeding with such proposed changes to Title 17 CCR.

Further, keep in mind that the CDPH has failed to timely request changes to the OAL to such sections of Title 17 pertaining to AB 354, AB 2109, and SB 277, noting that AB 354 was signed into law in circa 2010, and AB 2109 in 2012. Indeed, most likely my pursuit in contacting both agencies to find out why such request for changes had not been submitted earlier by the CDPH was what prompted the change and the recent actions of the CDPH.

Therefore, in anticipation that my comments will be considered, I present my objection to the proposed CDPH changes, to wit,

#### COMMENTS ON CHANGES TO 17 CCR 6025, 6051, ET AL

I hereby declare that the changes to the above regulations by the CDPH are unconstitutional by both federal and California Constitutional standards, for the following reasons:

1. None of the changes to these school immunization regulations, going back to AB 1940, SB 354, AB 2109 and SB 277, address the fact that parents and their children attending kindergarten, elementary, middle or high school classes have a legally defined Constitutional right to avoid vaccination if such immunization violates that individual's and/or their parents' religious beliefs and rights.

A reading of any of the texts of the above bills will show that the words "religion" and/or "religious" or anything to that effect are never mentioned, and I contend that this is because it is prohibited by both federal and state constitutions to refuse school to such unvaccinated children if such vaccination is against their religious beliefs and rights.

2. When Governor Brown signed AB 2109 into law he clearly reminded the CDPH and all government institutions that the religious exemption was not affected by AB 2109, when he wrote on his related signing statement the following:

***" Additionally, I will direct the department to allow for a separate religious exemption on the form. In this way, people whose religious beliefs preclude vaccinations will not be required to seek a health care practitioner's signature."***

When signing SB 277 into law Gov. Brown did not specifically rescinded his order allowing the religious exemption, therefore making such religious exemption still available both by Gov. Brown's signing statement as well as by the constitutions' protections of a parents' religious beliefs and rights not to vaccinate their children.

The US Constitution, First Amendment declares:

***"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"***

The California Constitution, Article 1, Section 4 declares:

***“Free exercise and enjoyment of religion without discrimination or preference are guaranteed.”***

The California Constitution, Article 1, section 1 states:

***“ALL PEOPLE ARE BY NATURE FREE AND INDEPENDENT AND HAVE INALIENABLE RIGHTS. AMONG THESE ARE ENJOYING AND DEFENDING LIFE AND LIBERTY, ACQUIRING, POSSESSING, AND PROTECTING PROPERTY, AND PURSUING AND OBTAINING SAFETY, HAPPINESS, AND PRIVACY.”***

The California Constitution, Article 9, section 1 states:

***“A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.”***

The California Constitution, Article 9, section 5 states:

***“The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.”***

The California Constitution, Article 1, section 7 states:

***“A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws.”***

3. It would have been easy for the involved California legislature to specifically note in both the language of AB 2109 and SB 277 that the religious exemption was not valid or inapplicable for a parent to prevent the forced or coerced vaccination of their children. Yet it did not address it, trying to imply that a "personal belief/right" was the same as a "religious belief/right", when in fact these are two distinct things.

As such, the OAL should not accept the changes requested by the CDPH as regards 17 CCR 6025, 6051, et al, as they fail to note that the religious exemption is still available to parents whose religious rights and beliefs are against partial or full vaccination of their children as pretended by AB 2109 and SB 277. When legislature can easily make any bill's language clear, such language as presented should only be interpreted as to the actual things addressed therein, and not by other terms that might be implied without clarification. Neither AB 1940, signed into law in circa 1961, fifty-six years ago, nor any other bill noted above has ever address the religious exemption, which is clearly stipulated in our federal and state constitutions. This is because legislatures are prohibited from violating our constitutional rights.

To accept the CDPH changes proposed to 17 CCR 6025, 6051 et sec, would be a violation of my and other similarly situated persons' God-given rights, Natural rights, Common Law rights, US and CA Constitutional rights and our international rights.

I demand the following:

That the California Office of Administrative Law reject the above proposed changes by the CDPH to title 17 CCR.

That the CDPH (1) instruct the affected state kindergarten, elementary, middle and high school District and School administrators to immediately accept the religious exemption by parents who do not want to vaccinate their children for religious reasons, rights and beliefs, as was outlined by Gov. Brown's signing statement related to AB 2109, (2) that it prepare any necessary forms to that effect, similar to CDPH 8262, and (3) that such school Districts and Schools immediately notify all parents of this religious exemption so that they can timely use it for their children to attend school without the need for such forced and coerced vaccination.

I further request that both the CDPH and the OAL advise if my comments will be considered when determining if the above changes to 17 CCR will be submitted and approved.

Respectfully and Timely Submitted,

Ricardo Beas