

Dear Honorable Representatives

My name is Joel Dorfman, I am the Chairman of the Board of Michigan for Vaccine Choice. I am here today speaking for the thousands of families throughout Michigan that support this legislation. We are not anti-vaccine and we are not for vaccines - we are for preserving the right of parents to choose the immunization program they deem best for their family, which was granted to us by the legislature in 1978. As parents, law-abiding citizens and taxpayers, we are extremely concerned with the recent demonstrated ability of MDHHS to use JCAR to eviscerate existing State law and to create new laws without the legislature.

The MDHHS has a bias towards mass vaccination that ignores the irrefutable fact that our legislature acknowledged that vaccines pose risks as well as benefits and chose to give citizens the right to make their own decisions about immunizations without harassment or criticism. Law abiding citizens that choose not to follow the schedule of immunizations mandated by the MDHHS are now treated as deviants that need indoctrination and coercion to convince them to mend their ways. We cannot let the medical bureaucracy continue on this path without legislative approval of their activities because of the enormous impact they have on the citizenry of this state.

Let me give you some explicit examples of the MDHHS changing existing laws and creating new ones without the legislature.

The current statute I would like to reference for you is 333.9215 Exemptions.

333.9215.

(1) A child is exempt from the requirements of this part as to a specific immunization for any period of time as to which a physician certifies that a specific immunization is or may be detrimental to the child's health or is not appropriate.

(2) A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.

Please turn your attention to Sec. 9215 (2). Let me read it to you.

Now compare this to the rule created by the MDHHS through JCAR, 325.176 (12).

325.176 (12) Each nonmedical exemption filed at the child's school or group program of a child entering a program after December 31, 2014 shall be certified by the local health department that the individual received education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and the community. All waivers shall be submitted using the waiver form prescribed by the department.

- 1) Statute is between parent and school and is their OWN written statement
- 2) Statute does not give authority to MDHHS to prescribe a form
- 3) Statute refers to a parents written statement of exemption, not a 'waiver'
- 4) Regulation states they SHALL certify that the parent received education yet health departments do not even follow their own regulation
- 5) Regulation violates long-standing ethics of informed consent by only providing a one-sided biased view of vaccination, with no mention of vaccine risks.
- 6) The waiver directs the schools to send a copy to the health department, which is a violation of federal FERPA privacy law and puts Michigan schools at risk of losing federal education dollars.
- 7) The waiver has a written statement stating 'conditions of acceptance' are subject to local health department policies - this is a STATUTORY right. That kind of statement is unconstitutional.

This waiver form is not a neutral form. It casts aspersions on parents who choose to deviate from the prescribed mandated schedule as permitted by law. Why should law abiding citizens be treated in this manner simply because they disagree with MDHHS on the safety and efficacy of vaccines or for religious reasons make choices the MDHHS doesn't like. This right was given in the statute! How can you let them take it away by rule using JCAR?

The statute has been eviscerated and new 'laws' created not approved by the legislature.

It is my belief that JCAR was used to make these changes because they knew they could not get them passed in the current legislature. The fear we have is that MDHHS is overly zealous in pursuit of their agenda that is not the agenda of all citizens in Michigan which was recognized by our legislature. They don't care if they violate our laws.

The citizens of this state have little they can do when bureaucrats exceed their authority or behave badly. Lawsuits are costly and often take years to conclude. Therefore, we are relying on you, the legislature, to represent us well and limit the power of the MDHHS bureaucracy. By supporting HB5162 and HB5163 you are doing just that; representing the people and prohibiting bureaucrats from making unilateral decisions that have enormous impact on the citizens of this state.

I do want to suggest a minor revision. Statute 333.9205 should also be amended to contain language similar to the school code "SUBJECT TO SECTION 9227(3) OF THE PUBLIC HEALTH CODE, 14 1978 PA 368, MCL 333.9227" to ensure that the law is clear on this.

Joel Dorfman, JD
Bloomfield Hills, MD
Michigan for Vaccine Choice

AN EXAMPLE OF HOW MDHHS EXCEEDS IT'S RULE-MAKING AUTHORITY, GIVES ITSELF NEW POWERS THROUGH RULE-MAKING AND CHANGES STATE LAW THROUGH RULE MAKING.

EXEMPTION LAW	MDHHS REGULATION
<p>333.9215 Exemptions.</p> <p>Sec. 9215.</p> <p>(1) A child is exempt from the requirements of this part as to a specific immunization for any period of time as to which a physician certifies that a specific immunization is or may be detrimental to the child's health or is not appropriate.</p> <p>(2) A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.</p>	<p>325.176(12) When presented with a medical exemption, religious or other exemption, the administrator of a child's school or operator of a child's group program shall recognize the exemption status of the child. Each nonmedical exemption filed at the child's school or group program of a child entering a program after December 31, 2014 shall be certified by the local health department that the individual received education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and the community. All waivers shall be submitted using the waiver form prescribed by the department.</p>
<ol style="list-style-type: none"> 1) Statute is between parent and school. 2) Statute does not give authority to MDHHS to prescribe a form 3) Statute refers to a parents written statement of exemption, not a 'waiver' 4) Regulation states they SHALL certify that the parent received education yet health departments do not even follow their own regulation 5) Regulation violates long-standing ethics of informed consent by only providing a one-sided biased view of vaccination, with no mention of vaccine risks. 6) The waiver form is coercive, contains statements parent's do not agree with, that imply the parent is medically neglectful for opting out of one or more vaccines. 7) The waiver directs the schools to send a copy to the health department, which is a violation of federal FERPA privacy law and puts Michigan schools at risk of losing federal education dollars. 8) The waiver is unconstitutional has a written statement stating 'waiver condition of acceptance' is subject to local health department policies - this is a STATUTORY right. 	

NO AUTHORITY TO PRESCRIBE A FORM



STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

RICK SNYDER
GOVERNOR

NICK LYON
DIRECTOR

IMMUNIZATION WAIVER FORM

INSTRUCTIONS TO PARENTS OR GUARDIANS:

Sections 9208 and 9211 of the Michigan Public Health Code require that a parent, guardian, or person in *loco parentis* applying to have a child registered for the first time in a Michigan school and/or in 7th grade, or in a program of group residence, care, or camping in this state shall present to officials at the time of registration or no later than the first day of school or program enrollment a certificate of immunization verifying that the child has been vaccinated against diphtheria, tetanus, pertussis, measles, mumps, rubella, polio, hepatitis B, and varicella (chickenpox). Pneumococcal conjugate and *Haemophilus influenzae* type b vaccines are also required for preschool-aged children. Meningococcal vaccine and Tdap are also required for children who are 11 years of age or older upon entry into 7th grade or higher and newly enrolled in the district.

A parent or guardian wishing to exempt his or her child from a particular vaccination must provide a written statement indicating the religious or philosophical objections to the vaccination(s). This waiver must be certified by the local health department. A child who has been exempted from a vaccination is considered susceptible to the disease or diseases for which the vaccination offers protection. The child may be subject to exclusion from the school or program, if the local and/or state public health authority advises exclusion as a disease control measure.

By signing this waiver, I acknowledge that I have been informed that I may be placing my child and others at risk of serious illness should he or she contract a disease that could have been prevented through proper vaccination.

ALL INFORMATION MUST BE FILLED IN BELOW:

IMPLIES MEDICAL NEGLIGENCE

I object to having my child, Little Michigander, born 00-00-year, immunized with the vaccines I have checked below:

- DTaP, DT, Td, Tdap (Diphtheria, Tetanus, Pertussis)
- Polio
- Hepatitis B
- MMR (Measles, Mumps, Rubella)
- Haemophilus influenzae* type b
- Pneumococcal Conjugate
- Varicella (chickenpox)
- Meningococcal

HEALTH DEPT NOT ENTITLED TO THIS INFO/DATA

Reason: Philosophical or Religious Reason described.

DONT NEED TO DESCRIBE

Parent(s)/Guardian(s) Name: Mrs. M. Michigander

Address: Any Street GR MI 49000

Telephone: 616-xxx-xxxx

Any School, Preschool, or Childcare
Preschool Program or Licensed Day Care Center OR School Name (Required)

Parent or Guardian's Signature Mrs. Michigander

00-00-year
Date Signed

XXXX RN
Local Health Department Signature

Stamp

00-00-year
Date Signed

File in the child's permanent record and send a copy to your local health department.

*Condition of acceptance is based on local health department policies

DCH-0716

AUTHORITY: 368 OF 1978, Part 92

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www.michigan.gov • 517-376-9740

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NOT TRUE!

THIS INSTRUCTS SCHOOLS TO VIOLATE FERPA