

February 6, 2015

Senator Claire Ayer
Senator Dick Sears
Representative Ann Pugh
Representative Maxine Jo Grad

Testimony ~ S.9

Dear Honorable, Elected Lawmakers,

The Vermont Coalition for Vaccine Choice (VCVC) is a volunteer organization dedicated to preserving health choice and informed consent for parents and all Vermonters. We are active community members and a vital part of the Vermont economy: the young families that are the future of Vermont, as well as our grandparents, teachers, nurses, healthcare providers and others.

I appreciate being invited to give testimony today on S9. I would like to begin by saying that what seems to be missing from all discussion on what is best for Vermont's children, is the voice of Vermont's parents and families.

Parents nearly always have the best interests of their children at heart. At least this must be the assumption until proven otherwise. The interest of a parent in the care and custody of her (his) child is a fundamental human right. Freedom of personal choice in matters of marriage and family life are protected by the Due Process Clause of the 14th Amendment of the U.S. Constitution, and the interests of parents in the custody, care and control of our children may be the oldest of the fundamental liberty interests that our federal constitution protects.

Beyond this broad concern, we also have specific concerns on S9's sections 2, 3, 6 and 11 as follows:

Sec. 2:

The ACLU, Defender General, DCF personnel, Vermont Parent Representation Center, and the Vermont Network Against Domestic and Sexual Violence have already testified on the serious issues with this provision in its breadth and scope.

We are specifically concerned about the theme of guilty until proven innocent, which does indeed turn our criminal justice system on its head.

We are also specifically concerned about Sec. 2's proposed definitions of "harm to a child" include anything listed in 13 V.S.A. § 1021. Section 1021. We have major concerns with the concept that "physical pain, illness or any impairment of physical condition" may be considered a crime. What of those who exercise their legal right to philosophical or religious vaccine exemption? Life is not sterile, and illness is indeed a part of childhood.

Beyond vaccination, you should know that parents are facing increased pressure to give drugs to their children but are not always keen to do so (examples: steroid for babies, statin drugs, psychotropic drugs and most recently in the news, chemotherapy) due to potentially devastating side effects.

We are concerned that the proposed law may inadvertently affect parents who choose to decline blanket pharmaceutical treatment guidelines, or simply disagree with the advice of a doctor or attending hospital physician. Parents should have authority over these decisions without getting caught in a web of medical politics.

In this section we ask that you:

- 1) Reconsider this crime in its entirety.
- 2) Remove “physical pain, illness or any impairment of physical condition” from the definitions.
- 3) Provide for language to protect those who legally exempt their child(ren) from vaccination(s).
- 4) Protect the ability of parents to seek second opinions.

Sec. 3

Section 3 declares that states attorneys (and many others) “shall investigate” serious bodily injury “as found in 13 V.S.A. § 1021” and “may investigate” bodily injury “as found in 13 V.S.A. § 1021.”

What is the intent of such broad investigations, including funding by way of grants?

These SIU’s appear, in S9, to be given sweeping authority to investigate anyone who “causes”, or “should have known” about any physical pain, illness or any impairment of physical condition that the child may have suffered per section 1021.

What is the purpose? Shall any parent, teacher, caregiver, coach or other member of the community who strays from expectations be subject to questioning? Who gets special status? Are there penalties for false reports?

We would like to ask in this section that you:

- 5) Consider adding a penalty for false reports so that families broken by allegation have some redress.
- 6) Reconsider the funding mechanism of the SIU’s because private money, however philanthropic in origin, may influence public policy in ways that do not represent the will of the people or the true interests of Vermont’s families and citizens.
- 7) Remove “physical pain, illness or any impairment of physical condition” from the investigations list.

Sec. 6

Section 6 amends 33 VSA Sec. 4912 so that definitions of harm again are spelled out in 13 VSA Sec. 1021. Here, the provision that failure to provide “adequate” or “specified” medical treatment is very troubling and provides only for religious exemptions.

We would like to ask in this section that you:

- 1) Add specific language to allow for parents who seek second opinions.
- 2) Add language that protects a parent’s right to determine preventative and other medical treatments for their minor children.
- 3) Clarify the legislative intent so that it is clear that the State of Vermont does not intend to pursue parents for lack of immunizations or other so-called “preventative” medical in its definitions of abuse or neglect, since parents do have the legal right to exempt their child from vaccination mandates, for religious or philosophical reasons, and to pursue non-pharmaceutical modalities of care.

Sec. 11

Finally, in this section we are troubled by the redesign of the family hierarchy in which, as proposed, “best interests of the child,” supersedes family reunification efforts.

We all share concern for the health, wellbeing and safety of children. But we want to see our families intact, and we want support from the state.

In this section, we ask that you:

- 1) Restore the hierarchy which will best protect and preserve our family units except for the most dire of circumstances.

Thank you very much for your time and consideration.

Jennifer R. Stella

(802) 917 3230