



LAW OFFICE OF NICOLE C. PEARSON
FACTS LAW TRUTH JUSTICE

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Questions about SB866: minor consent (Wiener, D): reduces the age of consent to 12 years old to seek any FDA-approved¹ vaccine.

LOGISTICS

1. **How will medical providers ensure that children who are coming to them to receive a vaccine are 12 or older?**
 - a. 12-15 year old's do not have drivers licenses.
 - b. Even if have some form of ID with their DOB on it, how are they going to verify the information is correct?
 - c. How are they going to ensure the document is not fake?
2. **How are medical providers going to ensure the child is capable of understanding (1) the risks of the disease, (2) the risks and (3) the benefits of the vaccine?**
 - a. Is Wiener going to amend the Bill so that the provider is *required* to give the child the federally-required Vaccine Information Statement ("VIS")?
 - b. Is someone going to review the VIS so the warnings are in a language and font a 12-year-old can understand?
 - c. What other information will the provider give the child if the child has more questions?
3. **If the minor can consent, can the minor *decline* the vaccine?**
4. **How come in [2021 the California Legislature approved a tax on vaping](#) after the Governor [signed legislation in 2020 to ban the sale of flavored tobacco products aimed at children](#), including those used in electronic cigarettes, because minors do not have the prefrontal cortex development to appreciate or weigh the risks, but now they do to make irreversible, potentially life-altering vaccines?**

¹ Note: during the Assembly Judiciary Hearing, it appears that Senator Wiener – in response to a question from Assemblyman Kevin Kiley – responded that *yes, this bill would apply to the CV19 injections, which are only FDA-authorized*. That is a major contradiction to the express language of the bill, and also major violation of Federal law. We are confirming this statement and seeking clarification with Senator Wiener, now.



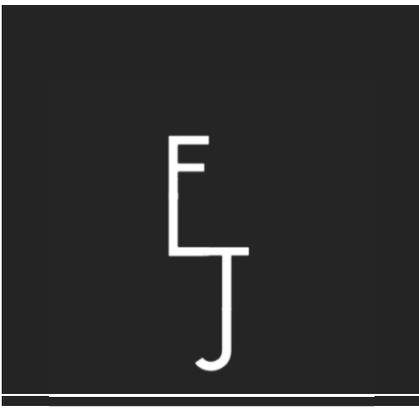
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- a. Note: the measure is on hold because the tobacco industry qualified a referendum on the law for the November 2022.
5. **Minors cannot drink, drive or buy cigarettes. How come they can make life-altering medical decisions without parental consent or involvement, *where the parent might be the only person who knows the facts necessary to render the medical care?***
 6. **How is the provider going to ensure that the child is getting the vaccine because she is concerned about the virus and wants the vaccine in her body to protect her from it and for no other reason?**
 - a. The children testifying in support of Wiener’s bill identified multiple reasons why they wanted the power to get vaccinated on their own:
 - i. Travel,
 - ii. Go to school in person,
 - iii. Protect their families,
 - iv. Not be excluded from their peers,
 - v. Notably: as recently as Thursday, June 2, unvaccinated students from Grenada Hills Charter School are not being allowed to walk in their graduation ceremony.
 - b. This is not valid, legal consent if they are “choosing” to get the vaccine because of external factors wholly unrelated to their health.

EXCEPTIONAL NEEDS

Many children with exceptional needs do not present as having these needs, how are we going to protect them to ensure:

7. **They are capable of giving valid, legal consent (knowing, voluntary)?**
8. **They are shielded form coercion, undue influence, and duress when they are particularly susceptible to the same, and schools and society are marketing and incentivizing vaccines with cash prizes, toys, food, rewards, shaming, excluding, and even bullying unvaccinated children?**
9. **How is the medical provider going to ensure the vaccine does not conflict with the child’s IEP?**



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10. **Is the medical provider going to consult with the child's other providers to ensure the vaccine is indicated for him?**

ADVERSE REACTIONS

11. **Without the knowing of a medical procedure or treatment, how can I identify adverse reactions and proactively get help for my child?**
12. **Is a minor able to identify if they are experiencing an adverse side effects to even tell the parent if they want to?**
- a. **What if he is unconscious already? How will I know what happened?**
13. **Am I responsible for my child's medical treatment or care if she is injured from a vaccine I did not want her to take, did not consent to her taking, and did not even knew she took?**
14. **How can I receive financial support to pay for my child's medical treatment or care – or lifetime support – if she is injured by a vaccine I did not want her to take, did not consent to her taking, and did not even knew she took?**

A minor cannot file a claim with the National Childhood Vaccine Injury Compensation Fund per [21 U.S.C. § 300aa-11\(b\)\(1\)\(A\)](#) if he is injured and needs financial assistance to pay for his medical care or life support if injured. Only the parent or legal guardian can.

Additionally, the window to file a petition for compensation under the Program is 3 years from the date of vaccination per [42 U.S.C. §300aa-16\(a\)\(2\)](#).

15. **How will my 12/13/14 year old ever be able to file a petition with the Fund and receive assistance if she is injured? She will never be the age of majority (18) before the 3 year window expires.**
- a. Note: if it is anyone other than the parent or legal guardian, files the claim on behalf of the child, it is illegal and a *fraud* on the federal government. ***Is Senator Wiener encouraging or setting our children up to defraud on the federal government!?***



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SLIPPERY SLOPE

Proponents of SB66 argue that minors can already consent to medical treatment for mental and sexual / reproductive health, and substance abuse issues so a minor can – and should be able to – consent to a vaccine. Consenting to a vaccine is significantly different than consenting to these other forms of medical care because in the context of substance abuse, mental, reproductive or sexual health:

- The child is *actively experiencing* symptoms or a condition that can be diagnosed and treated with the provider.
- The child was actively engaged or involved in the conduct and circumstances giving rise to the symptoms / condition and can describe this to the provider.
- The child may be in need of emergency medical care and need immediate assistance and cannot wait for the parent / guardian.
- The parent / guardian may be the *cause of* the symptom / condition and, thus, the child cannot go ask for their consent or help.
- In certain cultures or families, there are severe repercussions for substance abuse, sexual activity, mental health issues, etc. Therefore, the child is unable to safely seek their parent 's / guardian's consent.

PLEASE OPPOSE SB866

There are so many legal, logistical, and ethical pitfalls in Senator Wiener's bare-bones bill that cannot be remedied by amendment. **Please vote "no" on SB866.** If you are unwilling to stand up for science and logic and equity and justice, then please **at the very least *abstain* on SB866 and let's work together on a better bill that safely achieves Senator Wiener's goals.**

Thank you for your time and consideration.