

ADVOCACY DAY

VOTE NO OR ABSTAIN ON AB1797 AND AB1940

AB1797: Creates a state-mandated digital immunization registry for every vaccine.

This bill will “require” health care providers and other agencies, including schools, childcare facilities, family childcare homes, and county human services agencies to disclose specified immunization information”

“(1) the information listed in subdivision (c) may shall be shared with local health departments and the State Department of Public Health.”

Unless all mentioned agencies provide an “opt out” or permission form for every individual before any information is shared, then this requirement will override:

- California Code, Health and Safety Code - HSC § 120440(e) A patient or a patient’s parent or guardian may refuse to permit record sharing.
- Education Code section 49076 (which is California's version of FERPA) (a) A school district shall not permit access to pupil records to a person without written parental consent or under judicial order except as set forth in this section and as permitted by Part 99 (commencing with Section 99.1) of Title 34 of the Code of Federal Regulations) .
- Cal. Civ. Code §§ 56-56.37

Furthermore, A statewide database of medical information creates opportunity for invasions of privacy and abuses that far outweigh any benefits. You can lock your records, but your data will still be in the system, subject to data breach. Authorized users will have access to private medical information for patients and students they do not know, teach, or treat; there are already records that have already been sent to the wrong recipients.

- What scientific data determined 2026 be a sufficient sunset date, rather than until the end of the COVID-19 state emergency declaration?
- What will happen to the information in the database after 2026?
- CA already tracks children’s vaccination status with respect to 10 vaccines currently required for school. AB1797 takes it further by: (1) forcing all schools to track using the digital CAIR system; (2) granting schools and other entities access to every child’s records, rather than just those of their own students or patients; and (3) including the Covid-19 vaccine. Why include county human services? As “Immunization Status Assessment” is not defined, can bill authors assure that there is no potential to deny providing health care benefits to WIC participants, etc.?

AB1940: School based health centers. This bill will place “student-focused health clinics” on or near schools to provide clinical health care services on site.

- Schools are institutions for education and child development. They are not intended as medical facilities.
- If California wants to support more equitable distribution of health services, a better bill would be to provide increased funding for community and neighborhood health clinics that already exist, not to impose more burdens on our already struggling schools.
- How are schools, most of which are already starved for funds and staff for educational purposes, supposed to establish entire new programs on campus?