



February 14, 2024

Heather Braum, Health Policy Advisor  
Kansas Action for Children  
Verbal Testimony in Opposition to SB 390  
Senate Committee on Public Health and Welfare

Chairperson Gossage and members of the Committee:

Thank you for the opportunity to provide testimony in opposition to SB 390, which would water down long-standing vaccination policies, eliminate quarantine protocols, and prevent local and state officials from stopping the spread of infectious disease outbreaks.

Kansas Action for Children is a nonprofit advocacy organization working to make Kansas a place where every child has the opportunity to grow up healthy and thrive. We work across the political spectrum to improve the lives of Kansas children through bipartisan advocacy, partnership, and information-sharing on key issues, including early learning and education, health, and economic security for families.

This bill would force employers, health care entities, schools, and all the defined variations of “persons” to allow anyone onto their premises (among other listed activities) if someone chooses to opt out of vaccinations based on the proposed “conscientious objection” right. This “right” is unnecessary, particularly in schools and child care spaces, as Kansas already has policies in place for requesting exemptions from vaccine requirements. Kansas law – since 1961<sup>1</sup> for schools<sup>2</sup> and since 1992<sup>3</sup> for child care centers<sup>4</sup> – has always had religious and medical exemptions parents may use to opt out their children from vaccinations. **We question why this bill is needed with those policies already in place.**

Schools at the local level may have procedures (known as “exclusionary policies”) to refuse entry to children with exemptions during vaccine-preventable diseases outbreaks, until either the children are vaccinated or the outbreak has passed. These are in place to protect everyone. **Under this bill, schools would no longer be able to exclude those children due to the threat of financial penalties.**

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<sup>1</sup> Kansas Session Laws, L. 1961, Ch. 354, § 2.

<sup>2</sup> KSA 72-6262.

<sup>3</sup> Kansas Session Laws, L. 1992, Ch. 55, § 2.

<sup>4</sup> KSA 65-508.

Additionally, employers have the right to establish employee qualifications, which can include health and safety standards, to protect their employees and customers. Under SB 390, it may no longer be possible for them to do this, even as the U.S. Equal Employment Opportunity Commission allows companies to require flu and other vaccines.

Hospitals' and other health care facilities' vaccination requirements protect both staff and patients from contracting and transmitting vaccine-preventable diseases. Their employees care for many vulnerable Kansans who are unable to be vaccinated due to age or certain medical conditions and those who are immunocompromised due to disease or treatments for disease (e.g., cancer). **Vaccination requirements – where chosen – allow vulnerable Kansans to visit hospitals, doctors, nurses, and therapists with the assurance that all precautions have been taken to prevent vaccine-preventable diseases from spreading in that facility.**

Under the auspices of this bill, the choices of a few community members opting out of vaccines apparently supersedes the health of many and more than 100 years of proven public health policy. That is dangerous rhetoric and SB 390 should be rejected for that reason alone.

**However, there's one final reason – the growing concern over measles outbreaks occurring in our state.**<sup>5</sup> That is because allowing disease to freely spread quickly gets costly – and harms our children.

During a 2018 and 2019 measles outbreak in Washington state that resulted in 72 known infections, the public health response to the outbreak cost approximately \$2.3 million.<sup>6</sup> The investigators estimated that if no isolation or quarantine measures had been required (which could happen under SB 390), the outbreak would have resulted in an additional 1,296 cases and 72,198 contacts, **thus increasing the cost of the public health response to over \$120 million.**

A more recent outbreak of measles in Ohio found that out of 85 cases (almost all of which were young, unvaccinated children – some of whom were too young to be vaccinated), 44 experienced complications like ear infections, diarrhea, and pneumonia. **Of those 44, 36 were hospitalized, mainly due to dehydration.**<sup>7</sup> Other complications from measles were not

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<sup>5</sup> Kekatos, M., & Benadjaoud, Y. (2024 Jan. 18). Measles outbreaks are occurring in some pockets of the US. Here's why doctors are concerned. ABC News. <https://abcnews.go.com/Health/measles-outbreaks-occurring-pockets-us-doctors-concerned/story?id=106440080>

<sup>6</sup> Pike, J., Melnick, A., Gastañaduy, P. A., Kay, M., Harbison, J., Leidner, A.J., Rice, S., Asato, K., Schwartz, L., and DeBolt, C. (2021). "Societal Costs of a Measles Outbreak." *Pediatrics*. 147(4). <https://doi.org/10.1542/peds.2020-027037>

<sup>7</sup> Tiller, E. C., et al. (2023, August 4). "Notes from the Field: Measles Outbreak – Central Ohio, 2022–2023." *Morbidity and Mortality Weekly Report (MMWR)* 72:31: 847–849. <https://www.cdc.gov/mmwr/volumes/72/wr/mm7231a3.htm>

reported from this outbreak, but the disease is known to cause blindness, irreparable brain damage, immune amnesia,<sup>8</sup> and even death.<sup>9</sup>

**Vaccines and quarantines are the best tools to stopping the spread of measles and other infectious diseases like polio and whooping cough. SB 390 would prevent the state and local officials from fully utilizing these tools.**

With growing reports of measles infections and Kansas' average measles vaccination uptake for kindergarteners through the 2022-2023 school year (91 percent)<sup>10</sup> below the recommended 95 percent uptake threshold for preventing outbreaks,<sup>11</sup> SB 390 would allow contagious diseases to run rampant through our state. This would cost us countless dollars, take parents away from work, and overrun our health care system.

While most of the population is already vaccinated against these diseases, some children are too young to receive standard immunizations. Outbreaks must be quickly stopped through infectious disease outbreak response tools before children become hospitalized, end up with life-long health complications, or die from these diseases.

**SB 390's new method for opting out of vaccination requirements – especially for children – is the first step in unraveling the critical work that has nearly eradicated diseases like polio, hepatitis, measles, mumps, and rubella.** This bill would turn back the clock by several decades, failing to protect children from vaccine-preventable diseases.

For all these reasons, we respectfully request the Committee to oppose SB 390 and instead work to maintain the health and safety of our state's children.

Thank you again for the opportunity to offer testimony in opposition to SB 390. If I can be of further assistance, please contact me at [heather@kac.org](mailto:heather@kac.org).

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<sup>8</sup> Frederick, E. (2019). "How measles causes the body to 'forget' past infections by other microbes." *Science* <https://www.science.org/content/article/how-measles-causes-body-forget-past-infections-other-microbes>

<sup>9</sup> CDC. (2020). *Complications of Measles*. <https://www.cdc.gov/measles/symptoms/complications.html>

<sup>10</sup> KDHE. (n.d.). *Kindergarten Immunization Data*. <https://www.kdhe.ks.gov/2016/Kindergarten-Immunization-Data>

<sup>11</sup> Stock, S., Zalani, A., Hacker, C., & Sanchez, J. (2024 Jan. 30). "U.S. Data shows at least 8,500 U.S. schools at greater risk of measles outbreaks as vaccination rates decline." *CBS News*. <https://www.cbsnews.com/news/measles-outbreaks-schools-vaccination-rates-decline/>