

Human Services Interim Committee
Senator Trudi Schmidt
Helena, MT
January 5, 2006

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Re: DHHS Day Care Vaccination Policy

Dear Senator Schmidt;

I was referred to you by Representative Diane Rice. This letter is being written to you requesting a review of the DHHS Day Care Vaccination Exemption Policies regarding religious exemptions which are currently not being allowed in licensed day cares in Montana. Before checking into possibly enrolling my son in day care I consulted Montana State Code Annotated regarding the Montana Vaccination Law. I will refer you to 20-5-403, 20-5-405, and 52-2-735. According to these laws, as well as other factors which I will point to further on in this letter, it is my belief that religious exemptions from any "mandatory" childhood vaccinations should be allowed.

MCA 20-5-403 requires children to be immunized in order to attend school **unless an exemption is filed**. MCA 20-5-405 allows for medical **and religious exemptions to be filed by parents** for attendance of school without the required vaccinations. MCA 52-2-735 pertains to health protection of children in day cares and basically states that DHHS shall adopt rules for protection against health hazards, . . . poor nutrition, and communicable diseases. This law goes on to state that these rules which are adopted must include requiring children under age 5 to be immunized against HIB "**unless an exemption has been claimed as provided in 20-5-405**" (which of course includes the allowance for a religious exemption from vaccination).

In my opinion the above laws clearly imply that religious exemptions are allowed for all children and all vaccinations. The fact that HIB, the only vaccine specified as mandatory for day care, is given the specific right to be religiously exempted in this same law, would lead a person to believe that religious exemptions would also be allowed for any other vaccines DHHS might make mandatory as part of their adopted guidelines.

However, I found this not to be the case when I started checking into local day cares. I was given the "State of Montana – Certificate of Immunization" by the day cares and told

that it needed to be filled out by a physician. This form is given to both day cares and schools by the DHHS and is a requirement in order to attend either. On the back of this form, Section III, number 3 under the heading "Parent" it states "Religious exemptions are not allowed in day care." This form would lead you to believe that religious exemptions are not even allowed for the HIB vaccine even though state law **clearly allows for this exemption.**

I contacted DHHS regarding this statement on their form and asked for the legal basis of denying religious exemptions. I was referred to their administrative rules and they graciously sent me a copy to review. Administrative rule number 37.95.140 outlines their adopted immunization guidelines. In those guidelines they allow for medical exemptions and the conditional attendance of day care by children not fully up to date on immunizations due to medical circumstances. Their rules even allow for the religious exemption from the HIB vaccine as specified in state law. However, nowhere in their administrative rules does it specifically say that religious exemptions are **not** allowed for other mandatory vaccinations in day care as is stated on their "Certificate of Immunization" form.

After reading these administrative rules I had two questions for DHHS; #1- Why is it not stated on your "Certificate of Immunization" that religious exemptions are allowed for the HIB vaccine? Their answer- HIB is a special case and the allowance of a religious exemption for it was a mistake by the legislature. Question #2- Where in the administrative rules or state law is it specified that religious exemptions are not allowed for other vaccinations? Their answer- They don't specify that religious exemptions are not allowed for day care but they also don't say that they are allowed. I'm sorry, but this seems very ambiguous and wide open for different interpretations especially when you also take into consideration their administrative rule number 37.95.108.

This rule 37.95.108 deals with day care facility registration and licensing procedures. Number 4 of this rule states "Registrant or licensee shall not discriminate in child admissions or employment of staff on the basis of race, sex, **religion**, creed, color, national origin or disability. Any determination of discrimination will be made by the Montana Human Rights Commission." It seems DHHS is requiring day cares to violate their own non-discrimination rule by denying attendance to those children whose parents' religious beliefs preclude them from allowing their children to be vaccinated. Should I also send a copy of this letter to the Montana Human Rights Commission for their review?

When I expressed these concerns to staff at the DHHS, I was basically told that they were not forcing me to vaccinate my son because I had the choice of whether or not to put him in day care. I was told day care is not mandatory and that I could take my son to a friend, relative or hire a baby sitter. However, I have no relatives in this state and friends are only an intermittent temporary solution. They are correct in that day care is not mandatory. However, day care is the most affordable childcare option. Hiring a private baby sitter is the most expensive option.

Upon researching day cares and their licensing I found the reason that they are so much more affordable. They are subsidized with taxpayer dollars at the rate of up to \$24 per child per day. In addition, day cares can also qualify for funding to reimburse them for food served to their children. From the information I could gather, this money comes from the CCDF or Child Care and Development Fund. This fund receives money from Federal and State revenues and the total funds available for 2006 are \$23,459,699.00!

It is my opinion that if we, as parents, are being denied the right to have our children attend a tax payer funded day care based on our religious convictions against "mandatory" vaccinations, then we should be given the amount of money per child per day that would have been paid to the day care had we been allowed to attend. This money could be given to us as reimbursement to help pay the extra expense of the alternative child care options we are left with.

In closing, I request that this letter be distributed to all members of the Children, Families, Health, and Human Services Interim Committee for both sides of this argument to be seriously considered. Please take into consideration a parent's right to freedom of religion and the right to raise our children accordingly which includes doing what we believe to be best for our children. It is also the right of all Americans, according to our Constitution, to choose not to vaccinate if doing so goes against our conscience and our religious convictions. After all, vaccinations not only contain toxic chemicals, but many are also produced using cell lines from aborted human fetuses (babies). If more of the general public knew this, I'm sure more of us would stand up for our religious right to choose not to vaccinate.

I would also ask that I be allowed to present this case before the Committee during your January 26-27 meeting. Thank you in advance for your time and serious consideration of this matter.

Sincerely,

Dawn Hagedorn

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