

April 27, 2010

Michigan Department of Community Health  
Capitol View Building  
201 Townsend St.  
Lansing, MI 48912

Subject: Immunization Waiver Form; DCH-0716

Dear State Health Department Director

I'm writing regarding a sentence placed in form DCH-0716, Immunization Waiver Form, which I was asked to sign at the time of registering my children for daycare this calendar year. The sentence in question reads: "*By signing this waiver, you acknowledge that you are placing your child and others at risk of serious illness should he or she contract a disease that could have been prevented through proper vaccination.*"

This use of this sentence raises serious legal, medical and ethical issues, as follows:

1. Legally, there is a legislative presumption that the exercise of a vaccine religious exemption does not pose a significant risk of harm. If exercising a legal right would necessarily pose a significant risk of harm, the legislature would not have enacted the exemption option in the first place. In fact, 48 state legislatures, the Department of Defense, the U.S. Citizen and Immigration Services, and all U.S. territories allow for a religious exemption to immunizations. If exercising an exemption posed a serious risk of harm to the exempt person or others, none of the jurisdictions would have enacted the exemption right. Furthermore, all states have the right to compel vaccination of exempt persons during times of emergency and/or to quarantine non-vaccinated persons, so exercising a vaccine religious exemption poses no risk of harm in the future, either.
2. The state's use of the above-quoted sentence amounts to an attempt to require parents/guardians to admit to wrongdoing for the lawful exercise of both a federal Constitutional right and a state statutory right, which raises serious ethical questions:

Is it proper for the state to condemn its citizens for their choice to exercise a Constitutional right? Is it proper for the state to take a position on how any of its citizens should choose from among two or more available legal options?

3. Since parents/guardians have a First Amendment Constitutionally protected right to exercise a vaccine religious exemption, is the state violating those rights by requiring any who would exercise that right to admit to wrongdoing for doing so? Is freedom of religion now considered child abuse?

For these reasons, any attempt on the part of the state to influence the religious beliefs or the free exercise thereof with regard to a parents/guardians legal right and choice to exercise a vaccine religious exemption, and any attempt to coerce parents/guardians into admitting wrongdoing for a good-faith attempt to exercise his or her First Amendment Constitutional right to the free exercise of his or her religion, raises serious ethical and legal questions.

Considering that on average, some 90% of infectious disease decline preceded vaccines, that many diseases without vaccines declined along with diseases that did have vaccines, that countries that didn't vaccinate saw disease declines along with those that did, and that in some instances, disease rates actually increased following the introduction of vaccines, it is not even clear, scientifically or otherwise, what "proper vaccination" in the quoted sentence actually means.

Therefore, in view of the above concerns, I respectfully request that the state of Michigan's immunization waiver form, DCH-0716, be quickly amended to exclude this sentence, and all relevant persons, agency personnel, clinic staff, schools, daycares, etc., informed that promptly and henceforth, parents/guardians, patients, etc., are not required to sign forms including this sentence, due to its being a potentially coercive, erroneous, unethical and unlawful statement.

Pending the necessary redesign of the form, I respectfully request that all relevant persons, agency personnel, etc. be required to strike this sentence on the form, and in any event be informed that they are henceforth required to accept said form with the sentence in question stricken, by being marked through or marked out, in order to address the above concerns, and to remove the state from engaging any further in possible unethical and/or unlawful acts.

Also noted on form DCH-0716 is a provision for the center to send a copy of the signed form to the local health department. Perhaps this is an oversight. The state of Michigan has an opt out option of entering vaccinations into a database, through the Michigan Care Improvement Registry (MCIR). I chose to opt my children out of this registry on April 17, 2008.

I am requesting that the form also be changed to add in the question: "Has this child been exempted from the Michigan Care Improvement Registry (MCIR)"?, with a "yes" or "no" check box, to ensure that those that have specifically opted out are not accidentally opted in through the MCIR.

I would appreciate a response to my requests at your earliest convenience. If you have any detailed questions, I may be reached on my cell at [REDACTED].

Respectfully,

Randi J. Airola  
[REDACTED]

CC: Director, Department of Human Services  
Mike Cox, Michigan Attorney General