

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA: 5.B.8  
AGENDA DATE: April 5, 2022

**SUBJECT:**

Approval to Oppose Senate Bill 871 (Senator Pan) Which Would Prohibit the Governing Authority of a School or Other Institution from Unconditionally Admitting Any Person as a Pupil of Any Public or Private Elementary or Secondary School, Childcare Center, Day Nursery, Nursery School, Family Day Care Home, or Development Center, Unless Prior to their Admission to that Institution they Have Been Fully Vaccinated Against COVID-19

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2022-0147**

On motion of Supervisor B. Condit Seconded by Supervisor Chiesa  
and approved by the following vote,

Ayes: Supervisors: B. Condit, Chiesa, Grewal, C. Condit, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

**MOTION:**

This item was removed from the consent calendar for discussion and consideration.

ATTEST:

  
KELLY RODRIGUEZ, Assistant Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

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AGENDA DATE: April 5, 2022

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

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**SUBJECT:**

Approval to Oppose Senate Bill 871 (Senator Pan) Which Would Prohibit the Governing Authority of a School or Other Institution from Unconditionally Admitting Any Person as a Pupil of Any Public or Private Elementary or Secondary School, Childcare Center, Day Nursery, Nursery School, Family Day Care Home, or Development Center, Unless Prior to their Admission to that Institution they Have Been Fully Vaccinated Against COVID-19

**STAFF RECOMMENDATION:**

1. Authorize the Chairman to sign, on behalf on the Board of Supervisors, a formal letter of opposition to Senate Bill 871, authored by Senator Dr. Richard Pan (D-Sacramento) regarding the proposed legislation.
2. Direct County staff to distribute the letter of opposition to the authors, co-authors, appropriate committee and local state representatives.

**DISCUSSION:**

If enacted into legislation, Senate Bill 871 (Pan) would require every California school (public, private, nursery, daycare, family, development center) to not admit a student unless they are fully vaccinated, with all vaccinations determined by the California Department of Public Health. The bill would also require all students to be immunized against COVID-19 and remove the personal belief exemption, a time-honored tradition under American law. In addition, it would remove the personal belief exemption from any future or additional immunization requirements that are deemed necessary by the California Department of Public Health. SB 871 would create hardship for parents who exercise their right to ask for the exemption for their children.

The bill is also ill timed and not necessary given the state's recognition of rapidly improving public health conditions. Governor Newsom has begun lifting emergency orders and other COVID-19 related state mandates, including lifting the workplace indoor mask mandate, for most sectors, on March 1, 2022, and lifting the indoor mask mandate for schools on March 11, 2022.

**POLICY ISSUE:**

Board of Supervisors approval is required to take a formal position on legislation, regulations or other subjects that are not part of the approved Legislative Platform.

**FISCAL IMPACT:**

No fiscal impact will result from distributing a letter of opposition to SB 871.

**BOARD OF SUPERVISORS' PRIORITY:**

This recommended action supports the Board of Supervisors Priority of *Supporting Community Health*.

**STAFFING IMPACT:**

When positions of advocacy are necessary, Chief Executive Office staff prepare letters of support or opposition in partnership with appropriate County departments for consideration. Letters are distributed to lawmakers and County legislative advocacy partners at the direction of the Board of Supervisors.

**CONTACT PERSON:**

Dan Rosas, Interim Director of Legislative Affairs & Communications/ 209-558-2964  
Public Information Officer

**ATTACHMENT(S):**

1. SB 871 Bill Text (Senator Pan)
2. SB 871 Opposition Letter

**Introduced by Senator Pan**

**(Principal coauthors: Senators Newman and Wiener)**

(Principal coauthors: Assembly Members Aguiar-Curry, Akilah Weber,  
and Wicks)

January 24, 2022

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An act to amend Sections 120325 and 120335 of, and to repeal Section 120338 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 871, as introduced, Pan. Public health: immunizations.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any public or private elementary or secondary school, childcare center, day nursery, nursery school, family day care home, or development center, unless prior to their admission to that institution they have been fully immunized against various diseases, including measles, mumps, pertussis, hepatitis B, and any other disease deemed appropriate by the State Department of Public Health, as specified. Existing law authorizes an exemption from those provisions for medical reasons.

Under existing law, notwithstanding the above-described prohibition, full immunization against hepatitis B is not a condition by which the governing authority admits or advances a pupil to the 7th grade level of a public or private elementary or secondary school.

This bill would remove the above-described exception relating to hepatitis B. The bill would additionally prohibit the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any public or private elementary or secondary school, childcare center, day nursery, nursery school, family day care home, or development center, unless prior to their admission to that

institution they have been fully immunized against COVID-19. To the extent that the bill would create new duties for school districts, the bill would impose a state-mandated local program.

For purposes of the additional immunizations deemed appropriate by the department, and that would be mandated before a pupil's first admission to the institution, existing law requires that exemptions be allowed for both medical reasons and personal beliefs.

This bill would repeal that provision, thereby removing the personal belief exemption from any additional immunization requirements deemed appropriate by the department.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 120325 of the Health and Safety Code
- 2 is amended to read:
- 3 120325. In enacting this chapter, but excluding Section 120380,
- 4 and in enacting Sections 120400, 120405, 120410, and 120415, it
- 5 is the intent of the Legislature to ~~provide:~~ *provide all of the*
- 6 *following:*
- 7 (a) A means for the eventual achievement of total immunization
- 8 of appropriate age groups against the following childhood diseases:
- 9 (1) Diphtheria.
- 10 (2) Hepatitis B.
- 11 (3) Haemophilus influenzae type b.
- 12 (4) Measles.
- 13 (5) Mumps.
- 14 (6) Pertussis (whooping cough).
- 15 (7) Poliomyelitis.
- 16 (8) Rubella.
- 17 (9) Tetanus.
- 18 (10) Varicella (chickenpox).

1 (11) COVID-19.

2 ~~(11)~~

3 (12) Any other disease deemed appropriate by the department,  
4 taking into consideration the recommendations of the Advisory  
5 Committee on Immunization Practices of the United States  
6 Department of Health and Human Services, the American Academy  
7 of Pediatrics, and the American Academy of Family Physicians.

8 (b) That the persons required to be immunized be allowed to  
9 obtain immunizations from whatever medical source they so desire,  
10 subject only to the condition that the immunization be performed  
11 in accordance with the regulations of the department and that a  
12 record of the immunization is made in accordance with the  
13 regulations.

14 (c) Exemptions from immunization for medical reasons.

15 (d) For the keeping of adequate records of immunization so that  
16 health departments, schools, and other institutions, parents or  
17 guardians, and the persons immunized will be able to ascertain  
18 that a child is fully or only partially immunized, and so that  
19 appropriate public agencies will be able to ascertain the  
20 immunization needs of groups of children in schools or other  
21 institutions.

22 (e) Incentives to public health authorities to design innovative  
23 and creative programs that will promote and achieve full and timely  
24 immunization of children.

25 SEC. 2. Section 120335 of the Health and Safety Code is  
26 amended to read:

27 120335. (a) As used in this chapter, “governing authority”  
28 means the governing board of each school district or the authority  
29 of each other private or public institution responsible for the  
30 operation and control of the institution or the principal or  
31 administrator of each school or institution.

32 (b) The governing authority shall not unconditionally admit any  
33 person as a pupil of any private or public elementary or secondary  
34 school, child care center, day nursery, nursery school, family day  
35 care home, or development center, unless, prior to ~~his or her~~ *their*  
36 first admission to that institution, ~~he or she has~~ *they have* been  
37 fully immunized. The following are the diseases for which  
38 immunizations shall be documented:

39 (1) Diphtheria.

40 (2) Haemophilus influenzae type b.

- 1 (3) Measles.  
2 (4) Mumps.  
3 (5) Pertussis (whooping cough).  
4 (6) Poliomyelitis.  
5 (7) Rubella.  
6 (8) Tetanus.  
7 (9) Hepatitis B.  
8 (10) Varicella (chickenpox).  
9 (11) *COVID-19*.  
10 ~~(11)~~  
11 (12) Any other disease deemed appropriate by the department,  
12 taking into consideration the recommendations of the Advisory  
13 Committee on Immunization Practices of the United States  
14 Department of Health and Human Services, the American Academy  
15 of Pediatrics, and the American Academy of Family Physicians.  
16 ~~(e) Notwithstanding subdivision (b), full immunization against~~  
17 ~~hepatitis B shall not be a condition by which the governing~~  
18 ~~authority shall admit or advance any pupil to the 7th grade level~~  
19 ~~of any private or public elementary or secondary school.~~  
20 ~~(d)~~  
21 (c) The governing authority shall not unconditionally admit or  
22 advance any pupil to the 7th grade level of any private or public  
23 elementary or secondary school unless the pupil has been fully  
24 immunized against pertussis, including all pertussis boosters  
25 appropriate for the pupil's age.  
26 ~~(e)~~  
27 (d) The department may specify the immunizing agents that  
28 may be utilized and the manner in which immunizations are  
29 administered.  
30 ~~(f)~~  
31 (e) This section does not apply to a pupil in a home-based private  
32 school or a pupil who is enrolled in an independent study program  
33 pursuant to Article 5.5 (commencing with Section 51745) of  
34 Chapter 5 of Part 28 of *Division 4 of Title 2 of the Education Code*  
35 and does not receive classroom-based instruction.  
36 ~~(g)~~  
37 (f) (1) A pupil who, prior to January 1, 2016, submitted a letter  
38 or affidavit on file at a private or public elementary or secondary  
39 school, child day care center, day nursery, nursery school, family  
40 day care home, or development center stating beliefs opposed to

1 immunization shall be allowed enrollment to any private or public  
2 elementary or secondary school, child day care center, day nursery,  
3 nursery school, family day care home, or development center  
4 within the state until the pupil enrolls in the next grade span.

5 (2) For purposes of this subdivision, “grade span” means each  
6 of the following:

7 (A) Birth to preschool.

8 (B) Kindergarten and grades 1 to 6, inclusive, including  
9 transitional kindergarten.

10 (C) Grades 7 to 12, inclusive.

11 (3) Except as provided in this subdivision, on and after July 1,  
12 2016, the governing authority shall not unconditionally admit to  
13 any of those institutions specified in this subdivision for the first  
14 time, or admit or advance any pupil to 7th grade level, unless the  
15 pupil has been immunized for ~~his or her~~ *their* age as required by  
16 this section.

17 (h)

18 (g) This section does not prohibit a pupil who qualifies for an  
19 individualized education program, pursuant to federal law and  
20 Section 56026 of the Education Code, from accessing any special  
21 education and related services required by ~~his or her~~ *their*  
22 individualized education program.

23 SEC. 3. Section 120338 of the Health and Safety Code is  
24 repealed.

25 ~~120338. Notwithstanding Sections 120325 and 120335, any~~  
26 ~~immunizations deemed appropriate by the department pursuant to~~  
27 ~~paragraph (11) of subdivision (a) of Section 120325 or paragraph~~  
28 ~~(11) of subdivision (b) of Section 120335, may be mandated before~~  
29 ~~a pupil's first admission to any private or public elementary or~~  
30 ~~secondary school, child care center, day nursery, nursery school,~~  
31 ~~family day care home, or development center, only if exemptions~~  
32 ~~are allowed for both medical reasons and personal beliefs.~~

33 SEC. 4. If the Commission on State Mandates determines that  
34 this act contains costs mandated by the state, reimbursement to  
35 local agencies and school districts for those costs shall be made  
36 pursuant to Part 7 (commencing with Section 17500) of Division  
37 4 of Title 2 of the Government Code.

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**BOARD OF SUPERVISORS**

*Buck Condit, District 1  
Vito Chiesa, District 2  
Terry Withrow, District 3  
Mani Grewal, District 4  
Chance A. Condit, District 5*

*1010 10th Street  
Modesto, CA 95354  
Phone: 209-525-4494 Fax 209-525-4420*

April 5, 2022

The Honorable Dr. Richard Pan  
State Senator, District 6  
1021 O St., Ste. 7320  
Sacramento, CA 95814-4900

**RE: SENATE BILL 871 - OPPOSE**

Dear Senator Pan,

The Stanislaus County Board of Supervisors (Board) writes to inform you of our position of opposition to Senate Bill 871, which would require pupils of any public/private school, childcare center, nursery, day care or development center to be fully immunized against COVID-19 prior to admission. The Board also opposes the legislation's proposed repeal of existing law allowing exemptions for medical reasons and personal beliefs.

Removing the personal belief exemption denies the rights of parents to make COVID-19 vaccination decisions for their children. The Board strongly believes residents, in consultation with their health care providers, should have the freedom to decide what's best for their health and the health of their families. With restrictions and mandates ending across the state and nation, now is not the time to further divide people and force parents into choosing between in-person education and private study.

For these reasons, the Stanislaus County Board of Supervisors respectfully requests you pull SB 871 and allow parents to choose what's best for their families.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Withrow", written over a horizontal line.

Terrance Withrow, Chairman  
Stanislaus County Board of Supervisors  
District 3

cc: Stanislaus County Legislative Delegation