

From:  
Charles Martinez, MPH-EPI  
Health Officer  
Geary County Health Department  
505 W. 2<sup>nd</sup> Street  
Junction City, KS 66441

To:  
Honorable Members  
Kansas Senate's Public Health and Welfare Committee  
[Public.Health.Welfare@senate.ks.gov](mailto:Public.Health.Welfare@senate.ks.gov)

## **Strong Opposition to SB 390 & SB 391 from the Public Health Perspective**

February 12<sup>th</sup>, 2024

Honorable Members Kansas Senate's Public Health and Welfare Committee,

As a dedicated public health professional, I am compelled to express my profound opposition to Senate Bills 390 and 391. These proposed pieces of legislation, if enacted, would significantly erode the foundation of public health protections in Kansas, jeopardizing the well-being of our most vulnerable populations and potentially reversing decades of progress in disease prevention and control.

### **Vaccines as Public Health Seat Belts**

A compelling analogy for the role of vaccines in public health is their similarity to seat belts in vehicles. Just as seat belts are an essential, proven safety measure that protects passengers during a car accident, vaccines shield individuals and communities from the devastating impact of preventable diseases. Mandating seat belts has been based on undeniable evidence of their effectiveness in saving lives, mirroring the rationale behind public health recommendations and sometimes requirements for vaccination. The choice not to vaccinate, much like the decision not to wear a seat belt, extends beyond personal risk, potentially endangering the broader community through the increased likelihood of disease outbreaks.

### **Constitutionality of Vaccine Requirements**

The legal foundation for vaccine mandates is robust, reflecting a balance between individual rights and the collective interest in public health and safety. The precedent set by the U.S. Supreme Court in *Jacobson v. Massachusetts* (1905) underscores the authority of states to enforce compulsory vaccination laws as a critical function of their responsibility to safeguard public health. This principle is further supported by guidance from the Equal Employment Opportunity Commission (EEOC), which recognizes the legitimacy of employer vaccine requirements in the workplace to ensure a safe environment for all. Far from restricting freedoms, these mandates are vital measures for maintaining public health, having played a crucial role in mitigating the spread of infectious diseases and safeguarding communities.

## Opposition to SB 390

SB 390 poses a direct threat to public health by allowing individuals to refuse vaccines based on personal conscience and by prohibiting institutions from requiring vaccinations. This bill undermines the collective effort to prevent disease outbreaks and protect vulnerable groups, including:

- **Risk to Vulnerable Populations:** The prohibition against requiring healthcare workers to be vaccinated endangers patients with compromised immune systems, the elderly, and those with chronic health conditions.
- **Infringement on Employer Rights:** By labeling essential health and safety measures as discrimination, SB 390 challenges the ability of employers to create safe workplaces, particularly in healthcare and childcare settings.
- **Childhood Immunization Requirements:** The bill's weakening of immunization mandates for school and childcare attendance exposes children to serious, preventable illnesses.

## Opposition to SB 391

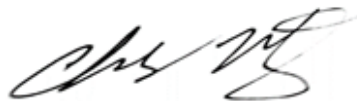
SB 391 significantly limits the state's ability to respond effectively to infectious disease outbreaks by repealing the authority to quarantine. This restriction places all Kansans at increased risk, especially:

- **Limiting Quarantine Powers:** The inability to enforce quarantine measures severely compromises the containment of contagious diseases.
- **Economic and Healthcare System Impact:** The resultant disease outbreaks from the inability to implement timely quarantines will elevate healthcare costs and place additional strains on our healthcare system.

In conclusion, SB 390 and SB 391 threaten to dismantle critical public health protections in Kansas. I urge the committee to consider the detrimental impact these bills would have on our ability to prevent and control infectious diseases. Public health professionals across the state are ready to collaborate with legislators to enhance the health and safety of all Kansans, but this cannot be achieved by undermining the essential tools and principles of public health.

Your careful consideration of these concerns is greatly valued. Should you require further details on public health matters, do not hesitate to contact me.

Respectfully,



Charles Martinez, MPH-EPI  
Geary County Health Officer  
Phone: (785) 370-2003  
Email: [Charles.s.martinez@outlook.com](mailto:Charles.s.martinez@outlook.com)

*\*Disclaimer*

*As the appointed Health Officer for Geary County, my views presented here are based on my professional expertise and personal stance as a Kansas resident. This letter should not be interpreted as the official position of the Geary County Government.*