

**Testimony on Senate Bill 213
Senate Commerce Committee
Dr. Lee Norman, *Secretary of KDHE*
Kansas Department of Health and Environment
February 25, 2021**

Chairman Olson and Members of the Committee:

Thank you for the opportunity to supply written testimony in opposition to Senate Bill 213 which would create a new restriction on employers concerning an employee's vaccinations. In short, it would subject an employer to financial damages if the employer makes a personnel decision based on the applicant's or employee's vaccination status. As the State's Public Health department, we are greatly concerned with protecting the health of the public and view SB 213 as bad public health policy.

While there are many aspects that are concerning about this bill, the most concerning is the attempt to impose as state-wide public health policy a deterrence for inquiring about infectious or contagious diseases that could be controlled by vaccinations. Such requirements are often driven by good public health law and policy.

Two examples illustrate this concern:

Currently, Kansas law (K.S.A. 65-508) requires licensed child care facilities to be operated with strict regard to the health, safety, and welfare of children. Further, K.S.A. 65-516(a)(8) prohibits any individual with an infectious or contagious disease from residing or working in a facility. If a child care facility is prohibited from asking about an employee's potential exposure to an infection or contagious disease or vaccine status, the child care facility may inadvertently expose the children under their care to a serious disease. In addition, the child care facility could be in violation of K.S.A. 65-508 and K.S.A. 65-516 by failing to prevent an infectious or contagious person from entering the facility.

A similar example applies to health care personnel conducting newborn hearing screening. Per K.A.R. 28-4-608, those individuals must be current with immunizations required by the medical facility and be free of infectious or contagious disease. The concern would be, of course, for the newborns and infants. SB 213 would place the medical facility in a situation where the facility would need to know the vaccination status of the support personnel to comply with the regulation but be deterred by imposition of the state-wide restriction proposed in SB 213.

Given the dangers posed by vaccine-preventable diseases, KDHE respectfully opposes SB 213.