Office of the Secretary Curtis State Office Building 1000 SW Jackson St., Suite 540 Topeka, KS 66612-1367



Lee A. Norman, M.D., Secretary

Phone: 785-296-0461 www.kdheks.gov

Laura Kelly, Governor

# Testimony on Senate Bill 212 Senate Public Health and Welfare Committee Secretary Lee A. Norman, MD Kansas Department of Health and Environment March 22, 2021

Chairman Hilderbrand and members of the Senate Public Health and Welfare Committee, thank you for the opportunity to provide opponent testimony on SB 212. SB 212 amends K.S.A. 65-508 of the Child Care Act and K.S.A. 72-6262, an Education statute, to specify required vaccines both for children in licensed child care facilities and in schools.

Currently, vaccine requirements are found in a public health regulation, K.A.R. 28-1-20. The regulation was first adopted in 1978 and has only been amended three times in over 40 years, demonstrating the Department's commitment to evidence-based public health decisions and conservative use of the regulation promulgation process as it applies to immunizations. The KDHE Secretary is advised by the content experts in the Kansas Immunization Program which makes determinations of the annual list of required vaccines based on the Advisory Committee on Immunization Practices (ACIP). The ACIP is regarded as the premier resource for guidance on vaccine best practices. The ACIP uses a very extensive process to review all available science before making a recommendation or changing a recommendation on a vaccine. The ACIP uses a variety of subject matter experts on workgroups to do extensive research and consideration prior to recommendations being made or changed.

It is important that required vaccines remain in regulation (K.A.R. 28-1-20) rather than listed in statutes to support timely response to changes in ACIP recommendations. A new vaccine may be recommended by ACIP based on evidence which would make it best practice for inclusion in our required list. In the same vein, a problem may be discovered, and a vaccine no longer be recommended due to a new safety concern or new evidence of poor efficacy of a particular vaccine. In either case, KDHE would be required to propose an amendment to the current regulation in accordance with the Administrative Rules and Regulations procedures. This is a process which includes opportunities for public comment and legislative branch input which is taken seriously and deemed an important role in the protection of Kansans.

It is important to note that the required list of vaccines is due to the schools annually in February to allow for notification to providers and parents prior to the school year beginning in August. If vaccines were listed in statutes, the ability to respond to changes in a timely manner would be significantly hindered due to the constraints of the legislative process and timeline.

In summary, maintaining the required vaccinations for schools and licensed child care facilities is an essential public health protection. Constant study of the current vaccines available, the impact they have on vaccine preventable disease, and the timing of vaccination requirements is crucial and must be managed by experts in

the medical and public health fields. Weighing the impact of the protection of those who are at greatest risk for infection and who cannot be protected by vaccines must be considered. Timely response to medical advancement and awareness of risk associated with vaccines which have impact on human life is vital to managing the vaccine requirements.

History shows vaccine requirements do not change frequently, as the current regulation has only been amended three times in 40 years. This demonstrates KDHE's commitment to evidence-based public health decisions and conservative use of the regulation promulgation process as it applies to immunizations.

# **KAP 28-1-20 Adoption Timeline**



# 7/1/2018

KDHE Staff Review Current requirements



# 12/1/2018

KDHE Staff complete draft Revisions and EIS



# 12/19/2018

KDHE submitted EIS and Prosed Regulation Revisions to Division of Budget



# 12/26/2018

Division of Budget notified KDHE of the need for EIS Public Hearing



# 2/28/2019

EIS Public Hearing Notice published in KS Register



# 3/11/2019

EIS Public Hearing held - No public comment provided



#### 3/14/2019

EIS Hearing Officers provided report of hearing to Division of Budget



#### 3/15/2019

Division of Budget stamped revisions with approval



#### 3/21/2019

Dept of Admin stamped revisions with approval



#### 4/4/2019

Attorney General's Office stamped revisions with approval



#### 4/25/2019

Notice of 60 day Public Comment Period and Hearing published in KS Register



#### 5/14/2019

KDHE appeared before the Legislative JCARR



#### 5/21/2019

JCARR provided report to KS Legislature stating "After discussion, no comment"



#### 6/27/2019

Public Hearing held on revisions - verbal testimony received to add to written comments



# 7/8/2019

KDHE Secretary signed Declaration of Adoption of Revisions and filed this with the Secretary of State



# 7/18/2019

Revised Regulation 28-1-20 published in KS Register



# 8/2/2019

Revised Regulation Effective EIS = Economic Impact Statement

JCARR = Joint Committee on Administrative Rules and Regulations

