

EMERGENCY RELIGIOUS BELIEF EXEMPTION STRATEGY

Ricardo Beas -- April 2016 – rev 07/17/2016

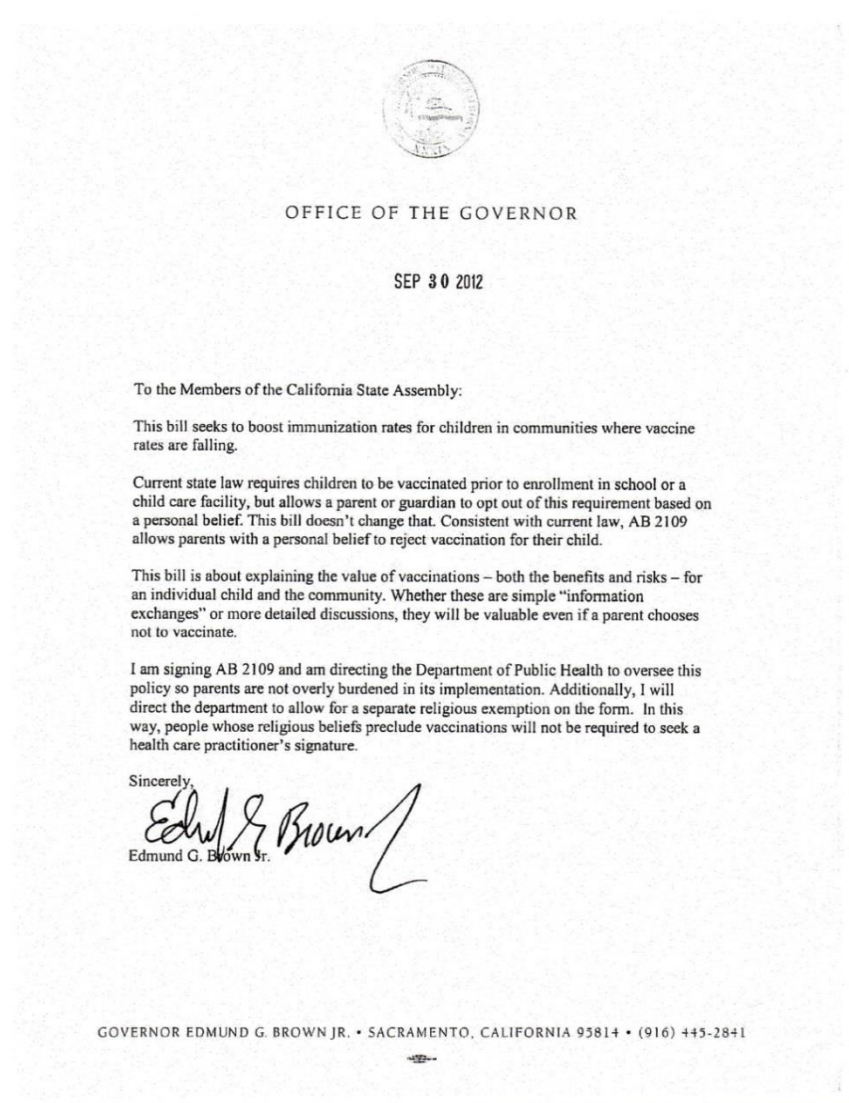
The argument on a person's right to not vaccinate their children based on their personal religious beliefs and the religious belief exemption issued by Gov. Brown in his signing order of September 30, 2012 is noted on the "Vaccine Exemption Letter" located at:

http://www.cafepeyote.com/files/Vaccine_Exception_Letter_-_2015_-_Sample_-_Rev1.pdf

The document gives all the legal back-up, including from the Bible, to use in any court of law.

RELIGIOUS BELIEF EXEMPTION IS STILL AVAILABLE

When AB 2109 was signed into law, Gov. Brown issued a signing order noting that he would allow parents to use a religious beliefs exemption in order for their children to attend school without their children's vaccination; and further directed the Dept. of public health to create a form to accommodate that. See Gov. Brown's letter, Office of the Governor, Sept 30, 2012.



View on the web at: https://www.gov.ca.gov/docs/AB_2109_Signing_Message.pdf.

This was codified in Title 17 of the California Code of Regulations, sections 6025 and 6051, which are presently in force. Section 6051 states in part:

“A pupil with a permanent medical exemption or a personal beliefs exemption to immunization shall be admitted unconditionally.

“(b) A personal beliefs exemption shall be granted upon the filing with the governing authority documentation in accordance with the requirements of Health and Safety Code Section 120365 on form CDPH 8262.”

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Title 17. Public Health
Division 1. State Department of Health Services
Chapter 4. Preventive Medical Service
Subchapter 8. Immunization Against Poliomyelitis, Diphtheria, Pertussis, Tetanus, Measles (Rubeola), Rubella, Haemophilus Influenzae Type B (Hib), Mumps, and Hepatitis B
Article 3. Admission to School, Child Care Center, Day Nursery, Nursery School, Family Day Care Home, or Development Center (Refs & Annos)

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§ 6051. Unconditional Admission with Permanent Medical Exemption or Personal Beliefs Exemption.

A pupil with a permanent medical exemption or a personal beliefs exemption to immunization shall be admitted unconditionally. A pupil with an exemption which is not based on pre-existing immunity to disease may be subject to exclusion pursuant to Section 6060.

(a) A permanent medical exemption shall be granted upon the filing with the governing authority of a written statement from a licensed physician to the effect that the physical condition of the pupil or medical circumstances relating to the pupil are such that immunization is permanently not indicated. The fact of the permanent medical exemption shall be recorded in accordance with Section 6070. A permanent medical exemption may be provided for one or more vaccines. A physician may provide a written statement that the pupil is medically exempt from the measles (rubeola) and/or varicella (chickenpox) requirements as a result of having had measles (rubeola) and/or varicella (chickenpox) disease, respectively. A physician may provide a written statement that the pupil is medically exempt from the rubella and/or mumps requirement as a result of having had laboratory confirmed illness with the corresponding disease.

(b) A personal beliefs exemption shall be granted upon the filing with the governing authority documentation in accordance with the requirements of Health and Safety Code Section 120365 on form CDPH 8262. The fact of the personal beliefs exemption shall be recorded in accordance with Section 6070. The fact of a personal beliefs exemption for the pertussis booster immunization requirement in Section 120335(d), Health and Safety Code, shall be recorded on the Tdap (Pertussis Booster) Requirement sticker, PM 286 S (01/11).

Note: Authority cited: Sections 120330, 120335 and 131200, Health and Safety Code. Reference: Sections 120325, 120335, 120365, 120370 and 120375, Health and Safety Code.

HISTORY

1. Renumbering and amendment of a portion of former Section 6050 to Section 6051 filed 2-3-86; effective 11-1-86 (Register 86, No. 6).
2. Amendment of section and Note filed 9-24-2002 as an emergency; operative 9-24-2002 (Register 2002, No. 48). Compliance must be transmitted to OAL by 1-22-2003 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 9-24-2002 order transmitted to OAL 1-17-2003 and filed 2-27-2003 (Register 2003, No. 10).
4. Amendment of section and Note filed 6-30-2011 as an emergency; operative 7-1-2011 (Register 2011, No. 26). Compliance must be transmitted to OAL by 12-28-2011 or emergency language will be repealed by operation of law on the following day.
5. Amendment of section and Note refiled 12-15-2011 as an emergency; operative 12-28-2011 (Register 2011, No. 50). A Certificate of Compliance must be transmitted to OAL by 3-27-2012 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 12-15-2011 order transmitted to OAL 2-3-2012 and filed 3-15-2012 (Register 2012, No. 11).
7. Change without regulatory effect amending section filed 5-5-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 19).

This database is current through 6/24/16 Register 2016, No. 26

EFFECTIVE 6/24/2016

EXHIBIT 8

[https://govt.westlaw.com/calregs/Document/I28399420DF1B11E39640DB07F03D648A?...](https://govt.westlaw.com/calregs/Document/I28399420DF1B11E39640DB07F03D648A?) 7/11/2016

Although we heard much from Pan and the media saying that SB 277 removed the personal and religious beliefs exemptions (two different things), the actual SB 277 text does not mention religious beliefs as being excluded as a basis for an exemption (same thing with AB 2129). See: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB277.

When Gov. Brown signed SB 277 into law, he also issued a signing order which does not state that his prior signing order regarding religious beliefs was being amended, annulled, or otherwise made void, it was not even mentioned.



OFFICE OF THE GOVERNOR

June 30, 2015

To the Members of the California State Senate:

SB 277 has occasioned widespread interest and controversy – with both proponents and opponents expressing their positions with eloquence and sincerity. After carefully reviewing the materials and arguments that have been presented, I have decided to sign this bill.

The science is clear that vaccines dramatically protect children against a number of infectious and dangerous diseases. While it's true that no medical intervention is without risk, the evidence shows that immunization powerfully benefits and protects the community.

The Legislature, after considerable debate, specifically amended SB 277, to exempt a child from immunizations whenever the child's physician concludes that there are "circumstances, including but not limited to, family medical history, for which the physician does not recommend immunization..."

Thus, SB 277, while requiring that school children be vaccinated, explicitly provides an exception when a physician believes that circumstances – in the judgement and sound discretion of the physician – so warrant.

Sincerely,


Edmund G. Brown Jr.

GOVERNOR EDMUND G. BROWN JR. • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841

View on the web at:

https://www.gov.ca.gov/docs/SB_277_Signing_Message.pdf.

By not specifically noting in either document that the religious exemption is no longer valid to avoid vaccines, it automatically it means that the religious exemption option (1) is valid, (2) people can use it, (3) the Dept. of Public Health MUST make a form to reflect the optional use of that exemption, which (4) schools have to make available to parents, and (5) that schools must use this form, once this option is exercised, to allow unvaccinated children to attend school without any interference whatsoever.

WHAT TO DO IF NO MEDICAL OPTION AVAILABLE

If you don't have any other option, or if you want to try this in addition to any other alternatives (medical exemption, etc.) once it is time to go to school, if the parent has not submitted a signed medical exemption form or affidavit of exemption due to personal and religious beliefs prior to the end of 2015, I would recommend that the parent show up at their child's school well in advance of the start of school and do the following:

1. Make an appointment to see the principal. Take Gov. Brown's signing letters of 2012 and 2015, as well as the text of SB 277 (optional). Take two sets each of the "Vaccines Exemption Letter" at (http://www.cafepeyote.com/files/Vaccine_Exception_Letter_-_2015_-_Sample_-_Rev1.pdf) and the "Emergency Religious Belief Exemption" letter to the principal; both documents to be signed by you and the principal or representative in person, one set for you to keep as proof. Below I will give you a link to one of two "Emergency" documents you can use: one will be for submitting this with your child's name on it and the other as an anonymous person with request for confidentiality.

Letter to Principal – Personal

http://www.cafepeyote.com/files/Emergency_Religious_Belief_Exemption_-_Letter_to_Principal.pdf

Letter to Principal – Anonymous

http://www.cafepeyote.com/files/Emergency_Religious_Belief_Exemption_-_Anonymous_Notice.pdf

2. Speak with the Principal. Point out the above: neither SB 277 nor the new signed order from the Governor nullify the previous religious exemption of 2012. Sign documents in #1 above and ask that he do the same, a copy for each. If he refuses to sign, tell him/her: (1) he has an obligation to take the documents and sign as proof of receipt, and (2) by signing and taking the documents there is no admission of any sort nor does it commit him to accept the student. If he still refuses, go ahead and sign the documents in front of him, leave a copy on his desk, you can take a photo of it, and tell him to do whatever he wants with it – he has been served!

3. Demand Admission or letter from Gov. Brown. Demand that they let your child attend school, or that they immediately get an official written letter/fax from an authorized representative from the Governor's office specifically stating that the religious exemption is no longer available to a parent to have a right to have their child attend school, and to provide written proof that the governor signed a document to that effect.

4. Potential Law Suit Notification. If they say, we cannot let your child attend until you get the vaccine(s) or we hear from the governor's office (which might take weeks/months), I would tell them that I will sue them for every missed day of school, as a school representative, as well and individually/personally for denying my child the right to public education, discriminating against unvaccinated children, violation of your natural and constitutional rights (federal and state) regarding your religious rights and your right to defend your life from forced injection of toxic substances; for forcing you to defile your body and spirit against God's wishes; for pain, suffering and mental distress, and other available actions and civil and criminal remedies.

Note: You need to read, study and understand all the arguments presented in your "Vaccine Exemption Letter," link above, as well as in the letter to the principal. Be prepared to defend your rights.

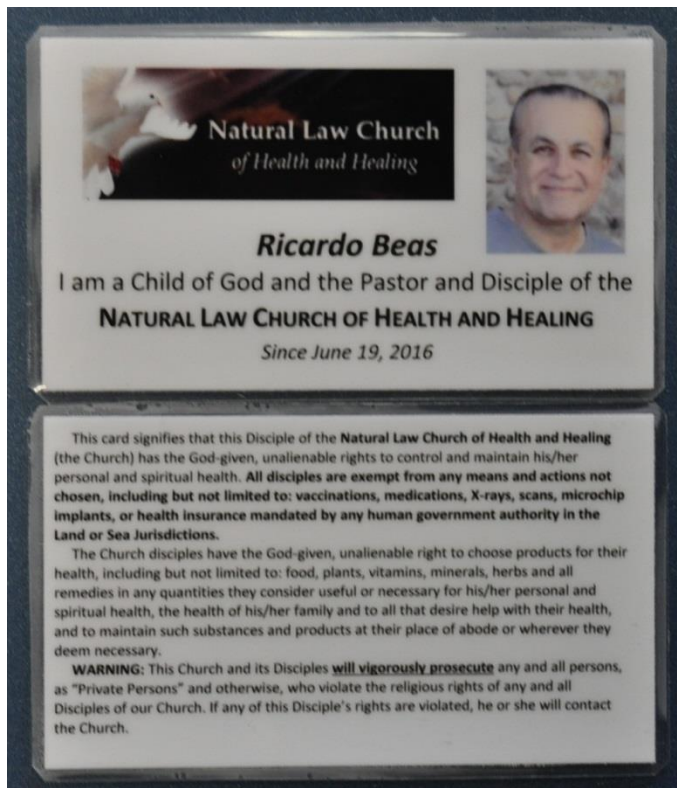
BURDEN IS ON THEM TO PROVE YOU WRONG

You don't want to try to chase the governor or his office staff around to have them sign something; the school is denying the admission of your child so they are the ones that need to know what the law is, and prove it to you; they need to get the proof that they have the authority to deny entry to your child even if you provide a written religious exemption affidavit. Make it their burden.

Keep in mind that if there is a new form with no check off box for the religious exemption you can write it in by hand on the form they have, just initial and have the school official initial the added statement and sign the document. It can be a simple statement such as, "I do not and will not vaccinate my children based on my own personal religious beliefs." **Even Better:** Just to be on the safe side, bring a copy of the pre-SB 277 "Personal Beliefs Exemption to Required Immunizations" form, CDPH 8262 (10/13), filled with all required info and ready to go; see http://www.cafepevote.com/files/Personal_Belief_Exemption_Form_10-13.pdf.

One more option, I would consider joining a church that specifically addresses that issue. I have created a Church for that purpose (in law, everything has to be in writing), free to join for life. Once a member, here is a "Disciple" card you can print and show to confirm your position on mandatory medical treatments (below). Here is the link to my Church:

http://www.cafepevote.com/natural_law_church/



I have always lived by the motto, "There is no worse attempt than the one you don't make." Soon SB 277 will be challenged in the courts under different constitutional grounds, state procedures, etc., and this may be an argument that will be presented. Obviously Gov. Brown can easily sign a new directive specifically stating that he no longer allows people to use the religious exemption to avoid mandatory vaccination prior to attending school, BUT UNTIL HE DOES SO OFFICIALLY, if necessary, stand firm on this strategy based on religious belief to avoid unconstitutional mandatory vaccines, buying yourself time while the courts fight it out.

Present the facts, be calm, don't insult, just say, "hi, here is my request, please proceed to submit this to the proper authorities.

Good luck to all of us and may God's light shine in our favor.

Ricardo

Note: All spaces in net addresses require an underscore "_"