



**MEMORANDUM**  
**COUNTY EXECUTIVE OFFICE**  
**ADMINISTRATION**  
County of Placer

TO: Board of Supervisors DATE: February 22, 2022

FROM: Todd Leopold, County Executive Officer  
By: Joel Joyce, Legislative and Governmental Affairs Coordinator

SUBJECT: 2022 Legislative Platform Amendment – Oppose SB871 and Similar Legislation

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**ACTION REQUESTED**

Approve an amendment to the 2022 Legislative Platform inserting language regarding opposing SB 871 and similar legislation.

**BACKGROUND**

On December 14, 2021, your Board approved the 2022 Legislative Platform (Platform) which allows county staff and contracted lobbyists to advocate on behalf of Placer County regarding policy issues addressed in the Platform. During the items discussion, the Board had asked staff to bring back language that would allow the County to advocate on vaccine mandate policy at the state and federal level on legislation and regulation.

Last fall, Governor Newsom directed the California Department of Public Health (CDPH) to follow the procedures established by the California Legislature to add the COVID-19 vaccine to other vaccinations required for in-person school attendance—such as measles, mumps, and rubella pursuant to the California Health and Safety Code. Under California law, students are allowed to skip vaccines required for in-person attendance at K-12 schools after a doctor says it's medically necessary to do so. However, since current law only applies to previously approved immunizations, the state must offer broader personal belief exemptions for all newly mandated vaccines unless lawmakers and Governor Newsom override that requirement.

On January 24, 2022, Senate Bill 871 (Pan) was introduced which, if signed into law, would eliminate the personal belief exemption for COVID-19 vaccination as well as any future disease immunizations as determined by CDPH.

Furthermore, on January 13, 2022, in a 6-3 decision, the Supreme Court reinstated the temporary injunction stopping the United States Occupational Health and Safety Administration (OSHA) from enforcing the Emergency Temporary Standard (ETS) which would have required employers with over 100 employees to require the COVID-19 vaccine for their employees or conduct a COVID-19 test weekly. After the ruling, OSHA withdrew the vaccine mandate or test policy from the ETS; however, OSHA has affirmed that the ETS withdrawal does not affect continuing status as a proposed rule. Key requirements of OSHA's rule making process is internal and external stakeholder input, lengthier and more involved than for the ETS, in which Placer County may submit formal comments. Due to OSHA's ETS withdrawal, the merits of the current legal challenge will not be heard by the Sixth Circuit Court of Appeals.

The draft platform language (attached) before your Board today will allow staff and our advocates to take a formal position on behalf of Placer County regarding any legislation or regulation for a COVID-19 vaccine mandate as a requirement for employment (public and private), education enrollment (public and private), and entrance into a facility or event. It is

important to note that the draft language does not preclude employers, educational institutions, or any facility/event from requiring the COVID-19 vaccine as a condition – only that the state or federal government does not mandate such.

**FISCAL IMPACT**

There is no fiscal impact as a result of this action.

**ATTACHMENTS**

Attachment 1 – Amended 2022 Legislative Platform Language

Attachment 2 – SB 871 (Pan)

## Proposed Amendment Language for Placer County Legislative Platform 2022

### **COVID-19 Vaccine Mandate**

Oppose SB 871 and similar legislation, regulatory effort, and mandates which would require a COVID-19 vaccine or proof of vaccination. This includes as a requirement for employment and enrollment in educational institutions, both public and private. Support decision-making and accountability at the local level and for business owners and oppose any actions that would preempt or limit the authority of the same.

**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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