



OPPOSITION TO SF4699 (LINES 394.15-395.22): CHANGES TO IMMUNIZATION REQUIREMENTS FOR LICENSED DAYCARES

MINNESOTANS FOR HEALTH & PARENTAL RIGHTS
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Minnesotans for Health & Parental Rights has existed as a community of families, healthcare practitioners, legal professionals, educators, childcare providers, business owners and more for over a decade. During that time, we have supported each other through a lot of situations surrounding daycare and school exemptions.

MN law requires parents submit up to date vaccine records, a medical exemption signed by a doctor or a notarized conscientious exemption for EVERY child upon enrollment in daycare (as well as public, charter, private or homeschool). Conscientious exemptions encompass a family's religious or conscientious beliefs and are utilized when their beliefs prevent them from accepting one or more vaccine doses. It allows space for public health recommendations while respecting the diverse population and individual autonomy of our citizens. Both state and federal law uphold these rights.

STATE LEVEL:

The Minnesota Constitution in Article 1 Bill of Rights, Sections 16 Freedom of conscience states: "No preference to be given to any religious establishment or mode of worship; **The enumeration of the rights in this constitution shall not deny or impair others retained by and inherent in the people.** The right of every man to worship God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect or support any place of worship, or maintain any religious or ecclesiastical ministry, against his consent **nor shall any control of or interference with the rights of conscience be permitted.**"
<https://www.revisor.mn.gov/constitution/?fbclid=IwAR02rnA8RgRIHx1vdeDBwW6aazugjKvFvArXpMstXaTCw3D4lzsNKUZnl6U>

The Minnesota Human Rights Act also prohibits from discriminating based on of race, color, creed, **religion**, national origin, sex, gender identity, age, marital status, status with regard to public assistance, sexual orientation, or disability, or to fail to ensure physical and program access for disabled persons. <https://www.revisor.mn.gov/statutes/cite/363A.13>

MN Administrative Rule 9502 which governs what licensed daycares can and cannot do states that "**No caregiver** shall discriminate in relation to admissions on the basis of race, **creed**, color, national origin, **religion**, or sex." www.revisor.mn.gov/rules/?id=9502.0405

The DFL in 2023 sought to establish a Religious Freedom Day to affirm this value: "WHEREAS, today we understand that religious freedom is a fundamental American and human right. We declare that religious freedom is a cornerstone of democracy. We declare that religious freedom is not a privilege for the few, but a right for all. **We embrace this fundamental right as one that applies to people of all religious affiliations or beliefs and people of no religious affiliations or beliefs.**"

https://www.revisor.mn.gov/bills/text.php?number=SF85&version=latest&session=ls93&session_year=2023&session_number=0

FEDERAL LEVEL:

The First Amendment of the United States Constitution states that “Congress shall make no law respecting an establishment of a religion **or prohibiting the free exercise thereof.**” <https://www.archives.gov/founding-docs/bill-of-rights-transcript>

The USDA has a guideline that states that “in accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and **institutions participating in or administering USDA programs** are prohibited from discriminating based on race, color, national origin, **religion**, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs).” - This applies to the food reimbursement programs in which most daycares in Minnesota take part. <https://www.fns.usda.gov/usda-nondiscrimination-statement>

Is the right to conscience and freedom of religion equally protected? The Supreme Court has ruled YES:

Clay v. United States (1971) rejected the denial of conscientious objector status to Cassius Clay stating “the matter of conscience is protected by the First Amendment.” <https://supreme.justia.com/cases/federal/us/403/698/>

SF4699's attempt to create a legal path for daycares to refuse access to children who hold a conscientious exemption violates all of these and creates harm to Minnesota families.

ADDITIONAL FACTS - DID YOU KNOW?

In 80% of Minnesota families, all parents in the home, work? <https://www.ruralmn.org/child-care-in-rural-minnesota-after2020/#:~:text=As%20we%20noted%20in%20our.of%20absenteeism%20among%20American%20workers.>

That “Between year-end 2000 and year end 2019 (just before the pandemic), Minnesota had lost almost half of its family (in-home) childcare capacity. That’s 71,088 spaces statewide.” <https://spmcf.org/blog/childcare-access-center-for-rural-policy-anddevelopment#:~:text=Things%20have%20changed%20in%20that,That's%2071%2C088%20spaces%20statewide.>

“Childcare shortages stretch across 80 counties in greater Minnesota, according to the Center of Rural Policy and Development. It estimates a shortage of more than 40,000 childcare spots outside the metro area.”

<https://www.mprnews.org/story/2023/03/06/ruralminnesota-child-care-shortage-leaves-parents-with-few-choices>

Daycare accessibility is already at crisis level and inability to access childcare based on faith or beliefs is discriminatory and adding to the poverty burden of families as inflation continues to rise.

That the entire CDC Childhood Schedule of recommended vaccines consisted of 70+ vaccines (BEFORE they added Covid)?

Compare historical schedules here: <http://www.mnrights.org/schedule>

That there are 609 vaccines in various stages of development? “There are 327 anti-infective vaccines in preclinical testing and 282 more in phase 1 through preregistration, according to business intelligence provider, Informa”

<https://www.biopharmadive.com/news/spotlight-vaccine-manufacturing-business-developmentdecisions/526150/?fbclid=IwAR28ICp0YFLHqJnTKtJ7eFm9TnpNnDctvJfAKXRwKboqLna3BQ0-SBoZq7k>

That the Minnesota Department of Health can add vaccines to the school schedule without legislation or any kind of vote using Rule Making Authority? <http://www.health.state.mn.us/people/immunize/immrule/rulebasics.html>

To delay or decline even one dose requires the use of an exemption. MANY exemptions on record are for fully or partially vaccinated children who may use alternate schedules for a variety of reasons.

Whether we agree with the full schedule at this time or not, there are constantly new vaccines and new additions to the schedule that may not be suitable for every family.

The ability to deny exemptions actively REMOVES the ability for families to personalize our medical decisions with our healthcare team in any way.

In conclusion, in a state where diversity is celebrated, religious freedom stands as a cornerstone of individual liberties. It is a fundamental human right that allows citizens to practice their beliefs without fear of discrimination or persecution. However, this freedom is not guaranteed and must be actively protected and preserved by all of us.

As we navigate through this challenging session, it is crucial for us to come together and advocate for the preservation of religious freedom for all. We must stand against any form of intolerance or infringement on the rights of individuals to express their faith freely. By raising awareness, engaging in dialogue, and supporting initiatives that promote religious tolerance and acceptance, we can create a more inclusive Minnesota for everyone.

Sincerely,

