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Governor's orders

Newsom, legislators reach deal on vaccination bill

BY DIANA LAMBERT / EdSource

Gov. Gavin Newsom and state lawmakers

hammered out an agreement on Sept. 26 to tighten restrictions on medical exemptions that allow students to attend California schools without having all the required vaccinations.

In exchange for his signature on Senate Bill 276, the governor asked for a slate of revisions in the form of a second bill to loosen some restrictions and tighten others. That bill passed on Monday, beating the Friday deadline when the session is scheduled to end, and Newsom signed SB 276 right after.

"These amendments clarify legal and administrative processes in SB276 in order to ensure medical providers, parents, school administrators and public health officials know the rules of the road once it takes effect," according to a statement from the governor's office. "The Governor will sign SB276 once the companion legislation has passed both houses."

Senate Bill 276 calls for a review of a medical exemption for the following reasons: The child holding it attends a school with an immunization rate of less than 95%, the doctor who signed the exemption has written five or more during the year or the school did not provide the department with its vaccination rates.

The bill also requires the state Department of Public Health to develop a standardized electronic medical exemption form, prohibits physicians from charging families for filling out a form or for a physical examination related to renewing a temporary medical exemption and establishes an appeals process for medical exemptions that are revoked.

The new piece of legislation proposed by Newsom, Senate Bill 714, maintains those changes. However, there are several key addendums. Among them: Any student with a medical exemption issued before Jan. 1 will not be subject to the new restrictions until he or she reaches the next vaccination checkpoint at kindergarten or seventh grade or when they change schools. At such points, those students will be required to be vaccinated—or get a new medical exemption that complies with state law.

Also, parents of students holding permanent exemptions will be required to get them reauthorized at each vaccination checkpoint, instead of just once during a child's K-12 education. Temporary exemptions will be

limited to one year, instead of allowing a doctor to determine the term.

And patients who had exemptions before Jan. 1, 2020 could have them revoked if their doctor has been subject to disciplinary action from either the Medical Board of California or the Osteopathic Medical Board of California.

The governor also softened language in SBill 276 to require a doctor to certify "under penalty of perjury" that the statements in the form are accurate and complete. According to Newsom's proposal, a doctor only must certify that the statements are accurate and complete, without the threat of perjury.

The revisions come on the heels of raucous protests at the state Capitol from parents and activists in opposition to the bill.

Under state law, children must be immunized against 10 serious communicable diseases if they want to attend public or private schools and child care centers. Studies have linked clusters of unvaccinated children to outbreaks of measles, pertussis and chicken pox.

State Sen. Richard Pan, a Sacramento Democrat, authored both Senate Bill 276 and Senate Bill 277, which eliminated the personal belief exemption in 2015.

"As the latest measles outbreak threatens the country's elimination status, California acted to keep children safe at school by abolishing non-medical exemptions," Pan said in a statement. "Unfortunately, a few unscrupulous physicians are selling inappropriate medical exemptions and we need SB276 to stop the corruption of medical exemptions that endanger children. I appreciate the governor's commitment to sign SB 276 with amendments contained in SB 714 that we both agree upon to ensure we maintain the community immunity needed to protect our kids."

Medical exemptions have gone up fivefold since 2011, to 4,812 in 2018, according to a recent EdSource analysis of hot spots with low vaccination rates. Pan said that many of the exemptions are clustered in the same schools, creating pockets of unvaccinated students who undermine the state's overall high vaccination rates. □

EdSource is a nonprofit provider of information, research and analysis on California education.