



Senate Health and Human Services
Testimony by Andrew J. Widmer, MD
Senate Bill 177 by Sen. Mayes Middleton
March 22, 2023

Honorable Chair Kolkhorst, Vice-Chair Perry, and Committee Members:

My name is Dr. Jimmy Widmer, and I'm a general internist in Temple, testifying on behalf of the Texas Medical Association, the Texas Pediatric Society, the American College of Physicians – Texas Services Chapter and the Texas Public Health Coalition. Thank you for the opportunity to testify today **in opposition** to Senate Bill 177.

Informed consent is an essential part of the patient-physician relationship. It ensures we educate patients about a medical intervention and lets them address any concerns. Under longstanding Texas law, informed consent requires health care providers to disclose the risks that could influence a reasonable patient's decision to consent to a medical treatment, including immunizations.

Unfortunately, SB 177 redefines the established legal framework for informed consent by making vaccinators financially liable for the conduct of a third party. Instead of requiring the vaccinator to disclose clinical risks of the treatment itself, SB 177 restructures informed consent laws for COVID-19 vaccinations by requiring the vaccine administrator to know why the patient wants the vaccine. Informed consent would no longer be about educating a patient on potential vaccination risks, but about whether someone has compelled or coerced the patient to receive the vaccination. This bill also creates a new minimum \$5,000 fine for providing a vaccination without informed consent – not for the coercer, but for the vaccinator.

SB 177 also restricts the rights of employers like health care facilities from protecting their employees, patients, and economic livelihoods from disease outbreaks. Patients should be able to trust their physician or health care provider established a healthy space that minimizes disease risk. Doctors also should not have to fear a government penalty for trying to protect patients. This bill prevents health facilities from setting their own infectious disease protocols to keep patients and staff safe, which endangers the most vulnerable. Texas businesses should be free to set their health and wellness policies for their staff and those they serve.

Thank you again for the opportunity to testify. I am happy to answer questions.