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Texas Legislators Block Shots For Girls Against Cancer Virus

By RALPH BLUMENTHAL

A revolt by lawmakers has blocked Gov. Rick Perry's effort to make Texas the first state to require sixth-grade girls to be vaccinated against a sexually transmitted virus that causes cervical cancer.

In a 135-to-2 vote that appeared veto-proof, the Texas House gave final passage on Wednesday to a Senate bill that bars the state from ordering the shots until at least 2011. Even many supporters of the governor resented Mr. Perry's proposal as an abuse of executive authority.

"There was no public testimony -- why we were jumping so fast into a vaccine that was not for a true communicable disease," said Senator Glenn Hegar Jr., a Republican representing a district just west of Houston who sponsored the Senate bill to overturn the governor's order. It passed 30 to 1 on Monday.

But Senator Leticia van de Putte, a Democrat from San Antonio who is a pharmacist and was the lone Senate vote for the vaccination program, said that with 400 deaths in Texas from cervical cancer each year, "I'm thinking of the women that will die because we didn't act."

Governor Perry, through his office, voiced regret at the legislative action but declined to say what his next step would be.

"The governor stayed true to his word to Texas women and continues to be their advocate," said Krista Moody, a spokeswoman in Austin.

Mr. Perry, a Republican who was narrowly re-elected to his second full term in November, surprised almost everyone on Feb. 2 by bypassing the Republican-controlled Legislature and announcing the initiative.

He said he would sign an executive order directing the Texas Health and Human Services Commission to adopt rules requiring all 11- and 12-year old girls entering the sixth grade to be vaccinated against the human papillomavirus, or HPV, starting in September 2008. The order allowed parents to let their daughters opt out of the program.

The vaccine, Gardasil, is manufactured by Merck, which was represented in Austin by the lobbyist Mike Toomey, who was chief of staff for Mr. Perry from 2002 to 2004.

The governor's office denied any connection between the governor's proposal and Mr. Toomey. A Merck spokesman declined to comment on the company's lobbying.

But Merck, which had begun a campaign for Gardasil in legislatures around the country, reacted to growing opposition to proposed vaccine mandates by announcing in late February that it was dropping its legislative campaign.

While some health authorities and public advocates in Texas praised the governor's order, many reacted angrily. Legislators argued that their authority had been usurped by the executive branch, which the state's founding fathers intended as a weak branch of government.

On March 14, the Texas House voted 118 to 23 to prevent the health commission from issuing any vaccination mandate. But a Senate version of the bill, which prevailed Wednesday, provided that the ban would expire in four years, allowing lawmakers to revisit the issue. The next Legislature meets in 2009 and could vote to take up the issue then.

"We did not want to be the first in offering young girls for the experiment to see if this vaccine is effective or not," said Representative Dennis H. Bonnen, a Republican from Angleton, who sponsored the ban in the House.

The federal Centers for Disease Control and Prevention, among other health authorities, describe Gardasil as safe and effective when given as approved to girls ages 9 to 26 in three shots over eight months.

Some Texas political analysts said Governor Perry had miscalculated.

Harvey Kronberg, editor of the legislative Web site Quorum Report, said the governor had failed to consult his two leading fellow Republicans, Lt. Gov. David Dewhurst, who presides over the Senate, and the House speaker, Tom Craddick.

"This kind of imperiousness offended his base," Mr. Kronberg said.

Bill Miller, an Austin lobbyist close to the Republican leadership, said the mixture of "under-age girls, cancer and sex" had proven too volatile.

Correction:

May 1, 2007, Tuesday An article on Feb. 3 about efforts by Gov. Rick Perry of Texas to require sixth-grade girls to be vaccinated against a virus that causes cervical cancer misstated the length of time over which the vaccine's three shots are administered. (The error was pointed out after it was repeated in an article on Thursday.) They are given over six months, not eight months.