

IMMUNIZE. PREVENT WHAT'S PREVENTABLE

VACCINE LAWS



THE
IMMUNIZATION
PARTNERSHIP

Allison N. Winnike, J.D.
President & CEO

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LEARNING OBJECTIVES

- Describe trends and themes in vaccine laws over time and their impact on public health
- Illustrate the vaccine policymaking process, including pediatric stakeholder participation
- Identify ethical issues in the application of immunization laws and policies for pediatric populations



THE IMMUNIZATION PARTNERSHIP

Vision

- > A community protected from vaccine-preventable diseases

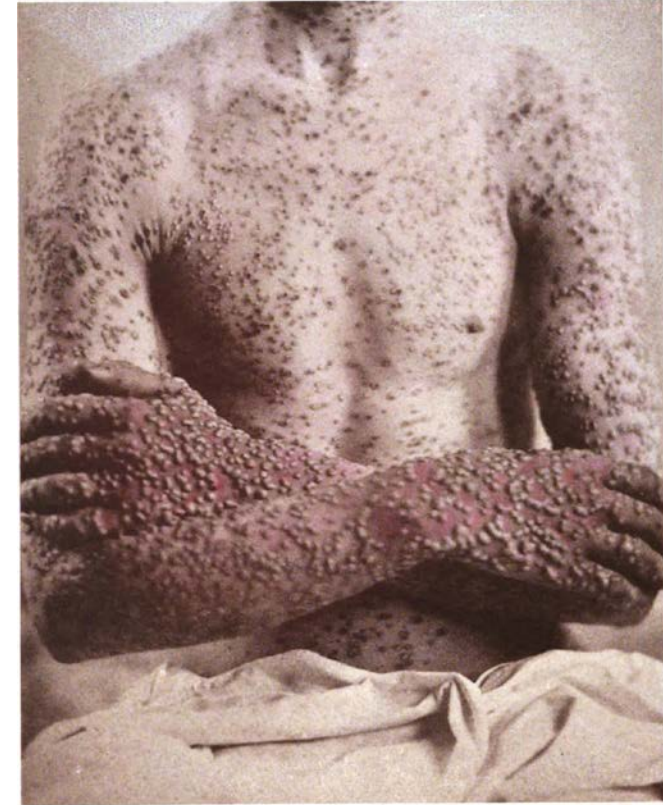
Mission

- > To eradicate vaccine-preventable diseases by educating the community, advocating for evidence-based public policy, and supporting immunization best practices



BENEFITS OF IMMUNIZATION

- Immunizations greatly reduce disease, disability, and death
- One of the 10 great public health achievements in the 20th century
- Eradication (global smallpox 1980)
- Elimination (U.S. measles 2000, U.S. rubella 2004)
- Near-Elimination (global polio, U.S. diphtheria)

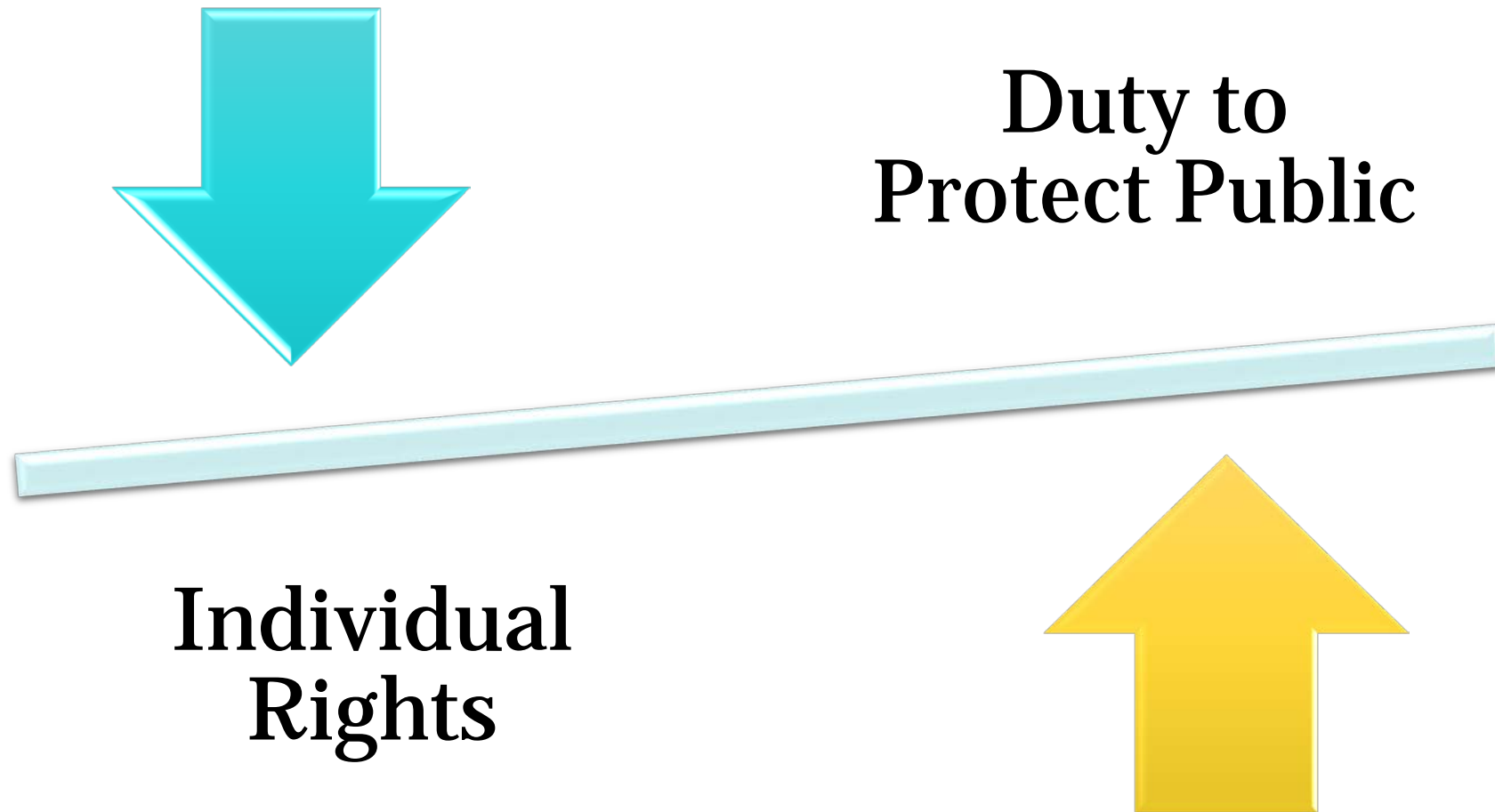


WHAT IS PUBLIC HEALTH LAW?

Public Health Law is the intersection of the legal authority and duty of government to protect the public's health and the legally protected rights of the individual.



PUBLIC HEALTH LAW BALANCE



GOVERNMENTAL DUTIES, POWERS, AND LIMITS

- > Does government have a *duty* to protect the public's health and safety?
- > What *power* does government have to regulate in the name of public health?
- > What *limits* exist in the exercise of public health powers?



PUBLIC HEALTH LAWS, POLICIES & ETHICS

Conditions to determine whether promoting public health warrants overriding individual liberty:

- > Effectiveness
- > Proportionality
- > Necessity
- > Least infringement
- > Public justification



**“ALL PUBLIC HEALTH IS
LOCAL”**

—Julie L. Gerberding, M.D., M.P.H.




LEVELS OF PUBLIC HEALTH INTERVENTIONS



- Voluntary



- Mandatory



- Compulsory



LEGAL AUTHORITY FOR MANDATORY IMMUNIZATION LAWS

- State police power to protect the health, safety, morals, and general welfare of the people
- State tools to protect public health include mandatory and compulsory immunization requirements
- Police powers must balance duty to protect community health with personal liberty
- Action must be necessary to protect public health and not arbitrary or unreasonable



HISTORY OF MANDATORY IMMUNIZATION LAWS

- 1809- Massachusetts law granting local boards of health authority to require vaccination “when necessary for public health or safety”
- 1827- City of Boston ordinance requiring vaccination for school attendance
- 1855- Massachusetts law requiring vaccination for school attendance
 - Trend spread from northeast states to Midwest, southern, and western states over next few decades



JACOBSON V. MASSACHUSETTS, **197 U.S. 11 (1905)**

- Upheld use of police powers to protect the public's health
- State may delegate public health authority to local health authorities
- Imposed limits on individual liberty if necessary to protect public health
- “There are manifold restraints to which every person is necessarily subject for the common good.”



STATE MANDATORY IMMUNIZATION LAWS

- All states have mandatory immunization laws for children as a condition of school attendance
- Some states have mandatory immunization laws for attendance at schools of higher education
- Some states have mandatory immunization laws for health care workers
- Many states provide for mandatory or compulsory immunization during a declared public health emergency



TYPES OF EXEMPTIONS

Medical

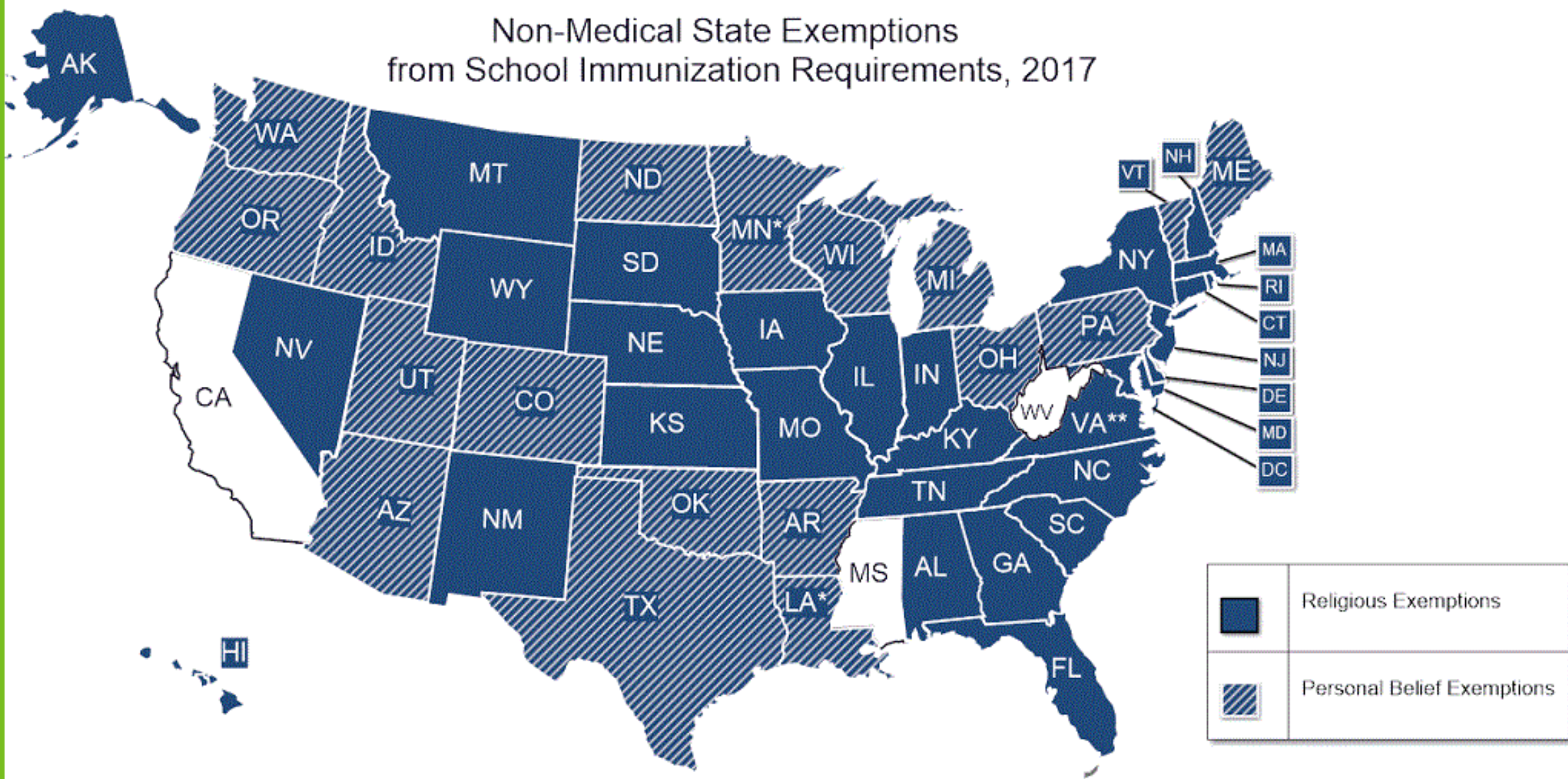
Reasons of
Conscience

Religious

Personal
Belief



Non-Medical State Exemptions from School Immunization Requirements, 2017

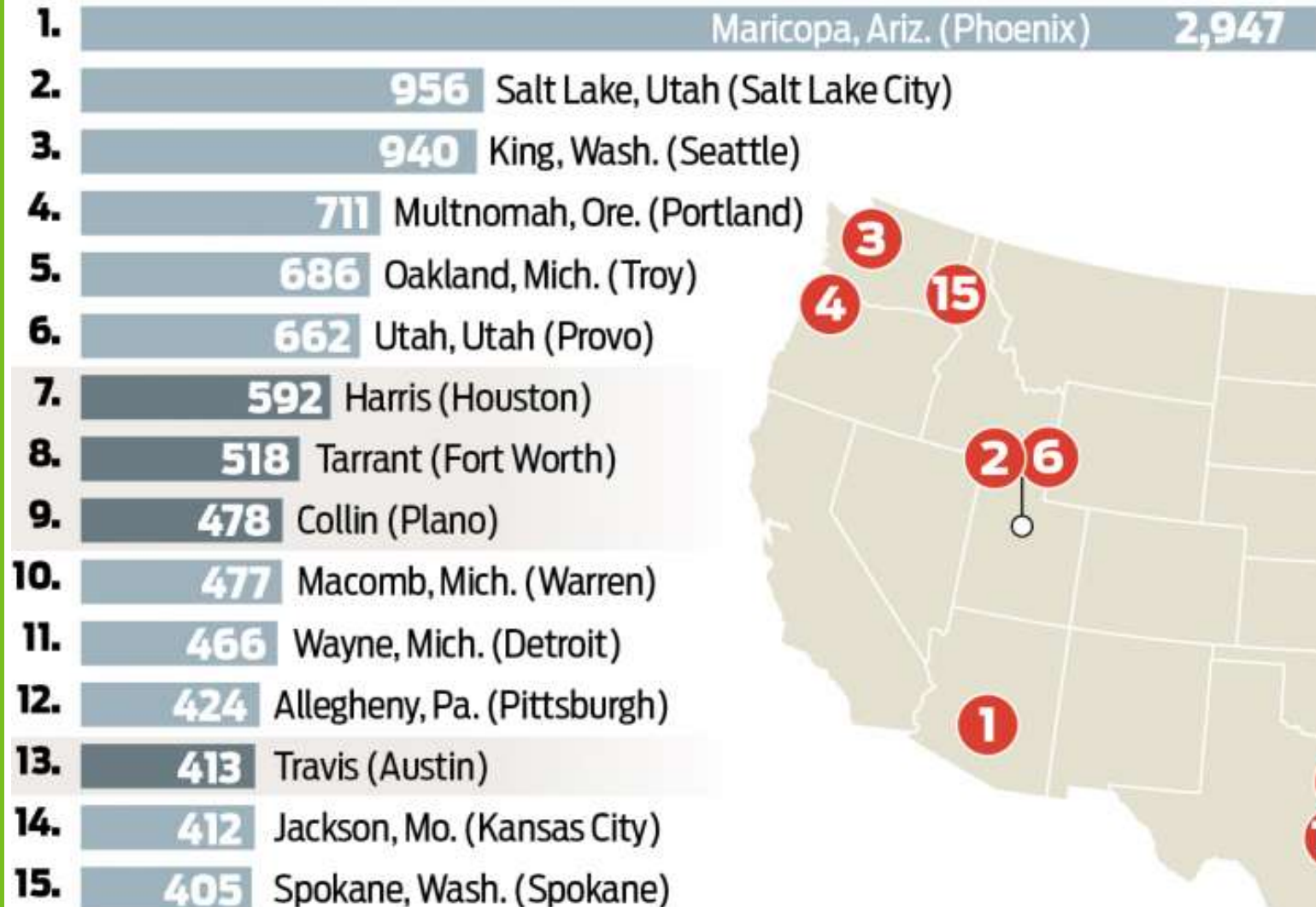


DATA IS FOR 2016-17

TEXAS AND PENNSYLVANIA DATA IS FOR 2015-16

Where the exemptions are

Four Texas counties — including Harris County — are among the top 15 U.S. counties for having kindergarteners with non-medical exemptions for vaccinations.

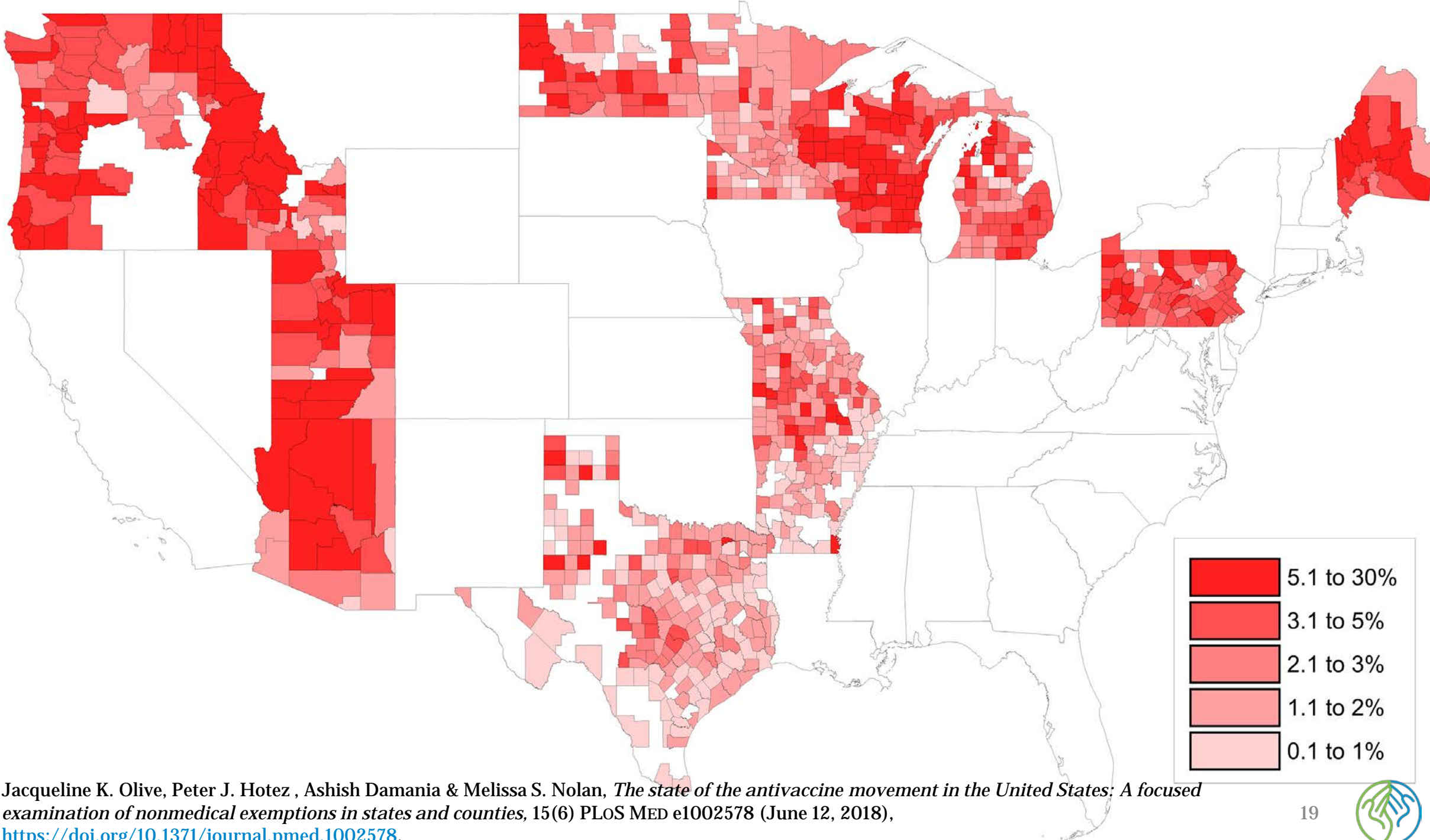


Source: Public Library of Science Medicine

Houston Chronicle

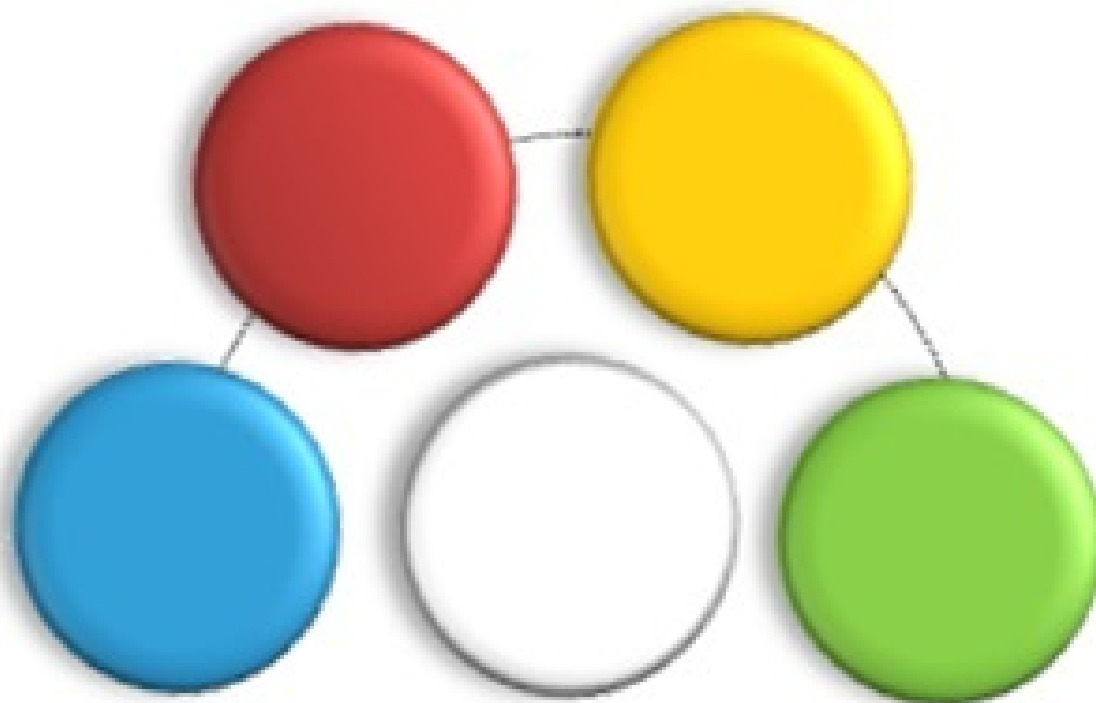
Todd Ackerman, *Texas No. 1 'hotspot' for vaccine exemptions*, HOUSTON CHRON. (June 14, 2018), <https://www.houstonchronicle.com/news/houston-texas/houston/article/Texas-No-1-hotspot-for-vaccine-exemptions-12992555.php>.





Jacqueline K. Olive, Peter J. Hotez , Ashish Damania & Melissa S. Nolan, *The state of the antivaccine movement in the United States: A focused examination of nonmedical exemptions in states and counties*, 15(6) PLoS MED e1002578 (June 12, 2018), <https://doi.org/10.1371/journal.pmed.1002578>.

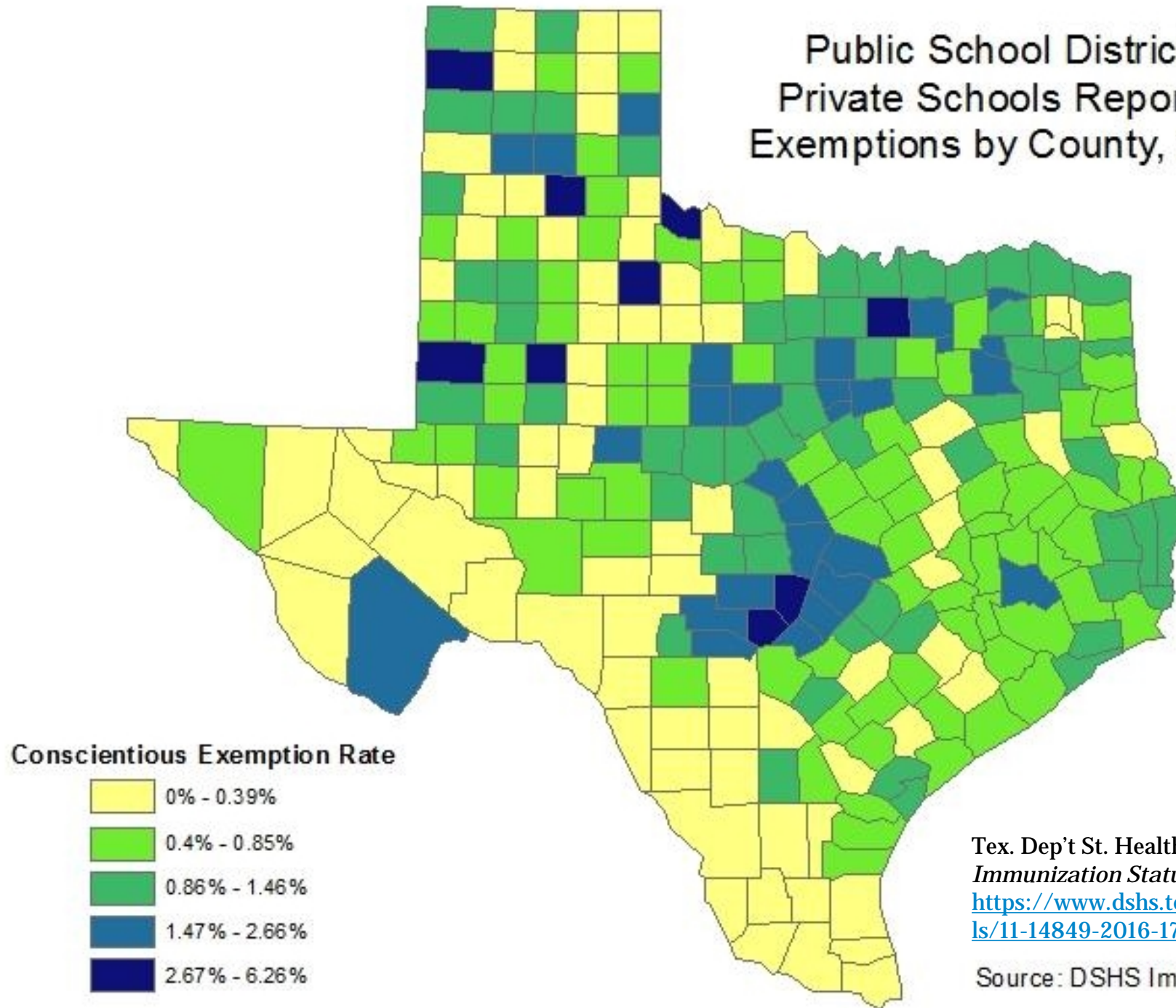




COMMUNITY IMMUNITY



Public School Districts and Accredited Private Schools Reporting Conscientious Exemptions by County, 2016-17 School Year

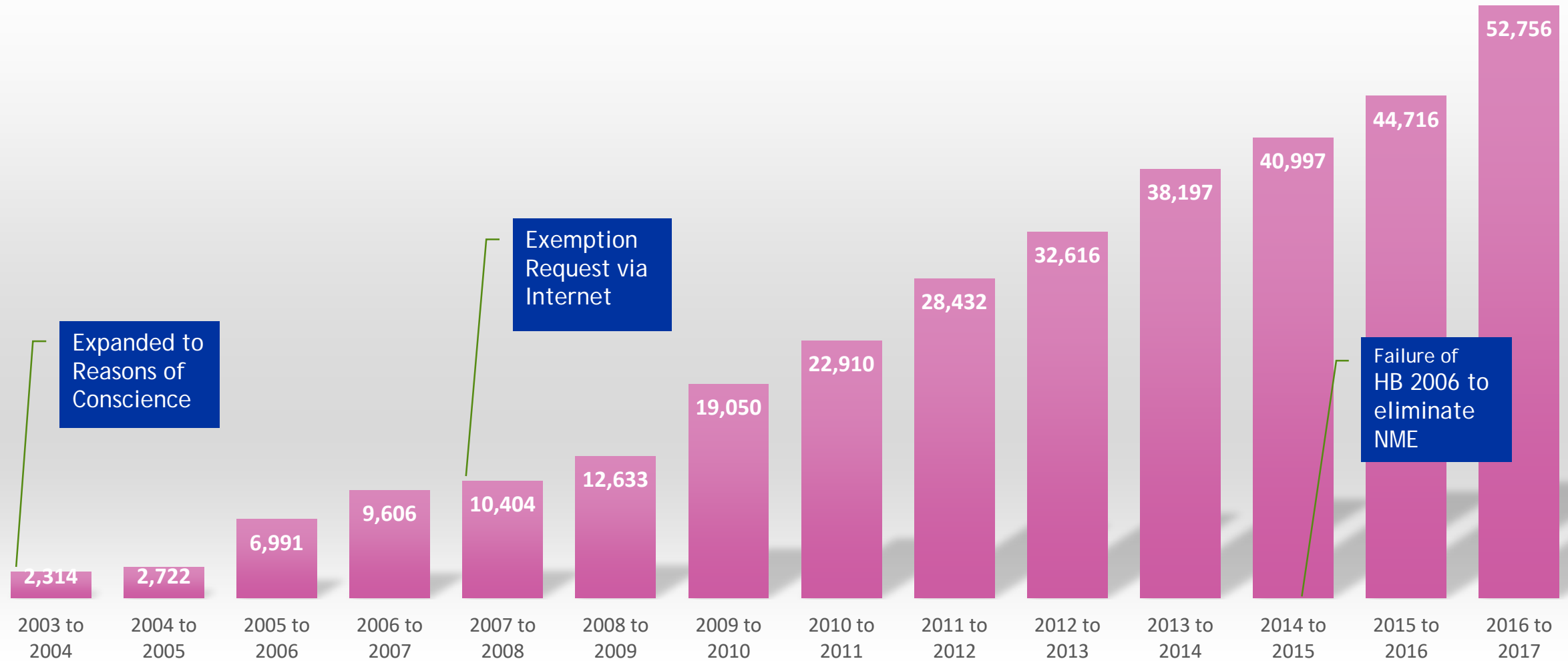


Tex. Dep't St. Health Serv., *2016-2017 Annual Report of Immunization Status of Students 5* (May 2017),
<https://www.dshs.texas.gov/immunize/docs/coverage/schools/11-14849-2016-17-Annual-Report.pdf>.

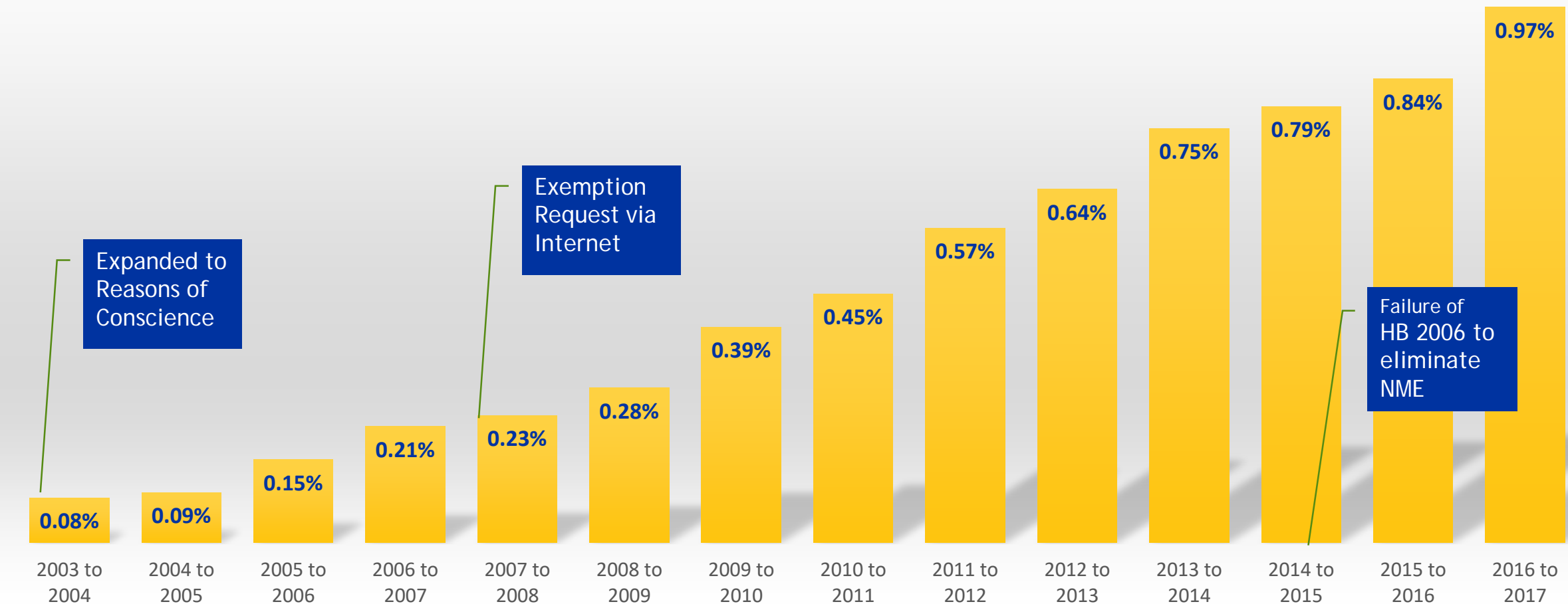
Source: DSHS Immunization Unit, May 2017

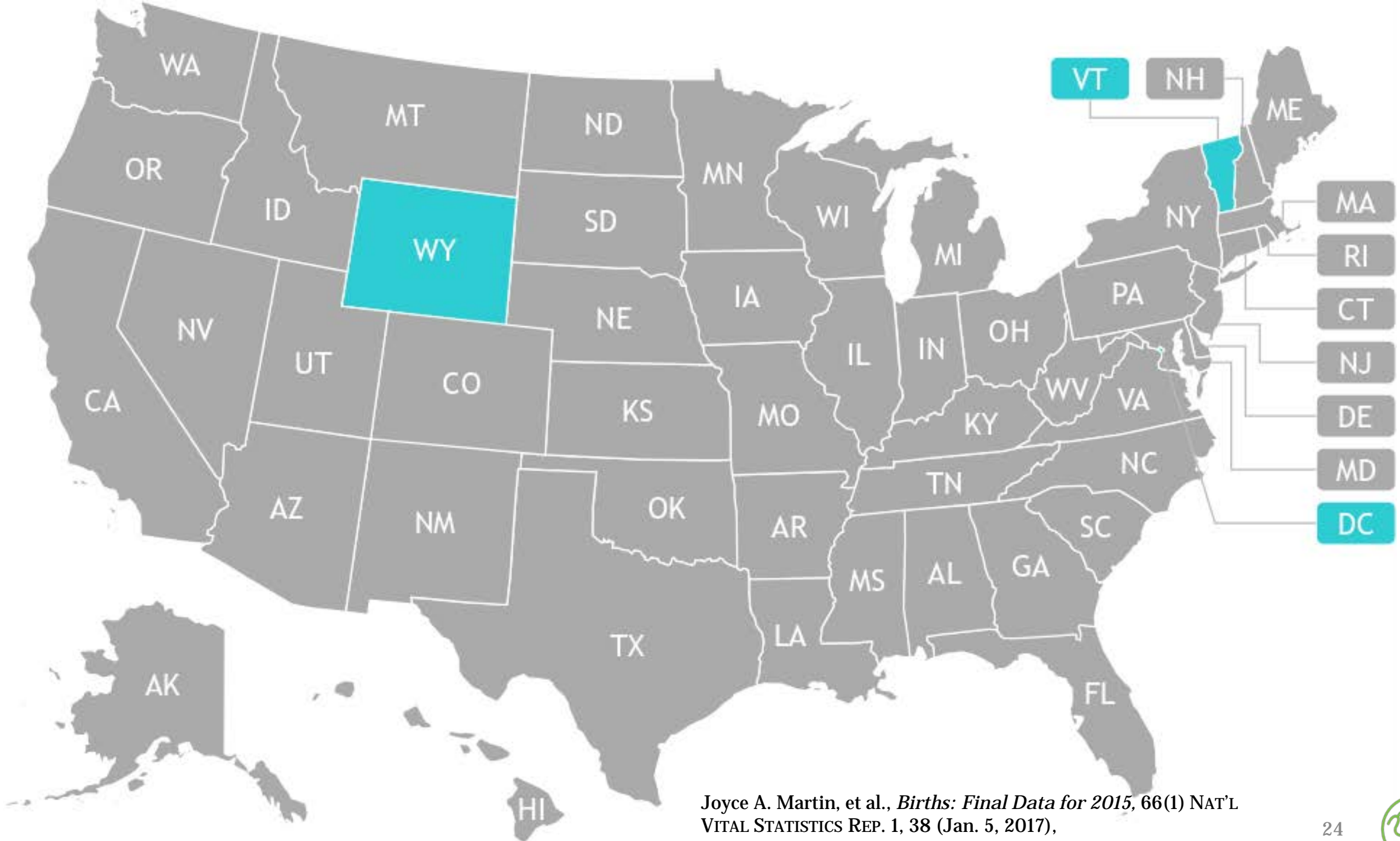


NUMBER OF CONSCIENTIOUS OBJECTIONS IN PUBLIC AND PRIVATE SCHOOLS



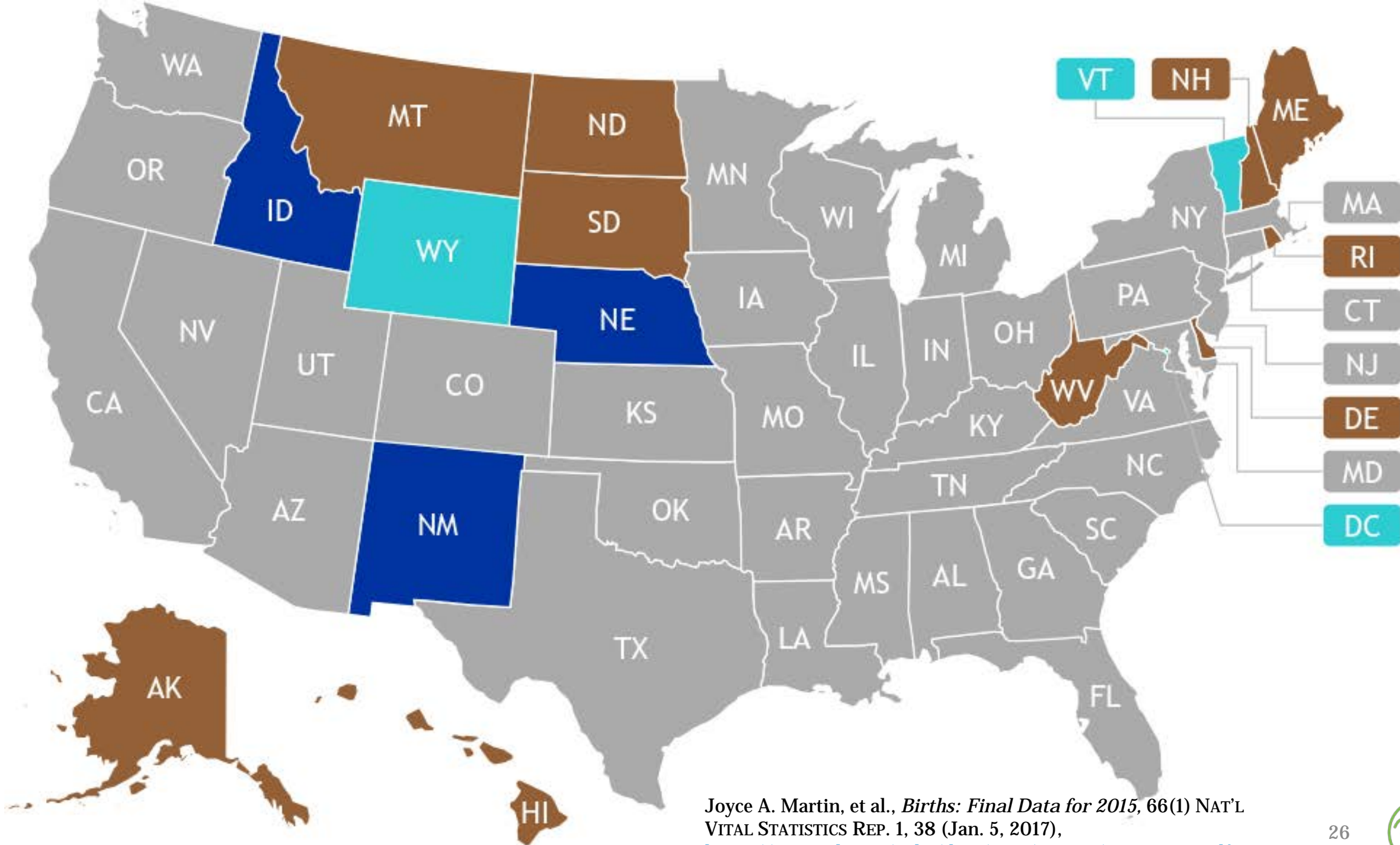
PERCENT OF CONSCIENTIOUS OBJECTIONS IN PUBLIC AND PRIVATE SCHOOLS





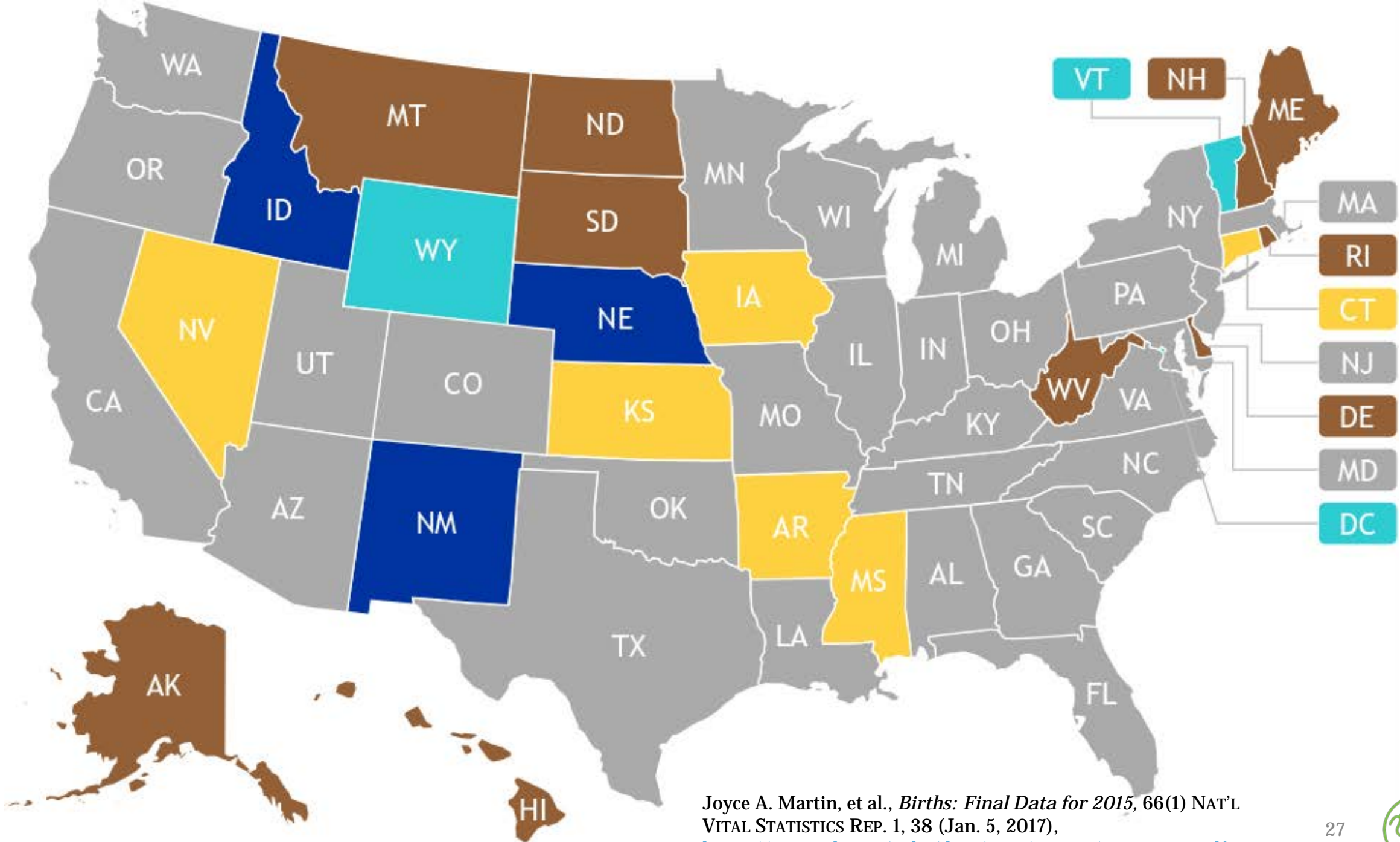
Joyce A. Martin, et al., *Births: Final Data for 2015*, 66(1) NAT'L VITAL STATISTICS REP. 1, 38 (Jan. 5, 2017), https://www.cdc.gov/nchs/data/nvsr/nvsr66/nvsr66_01.pdf.





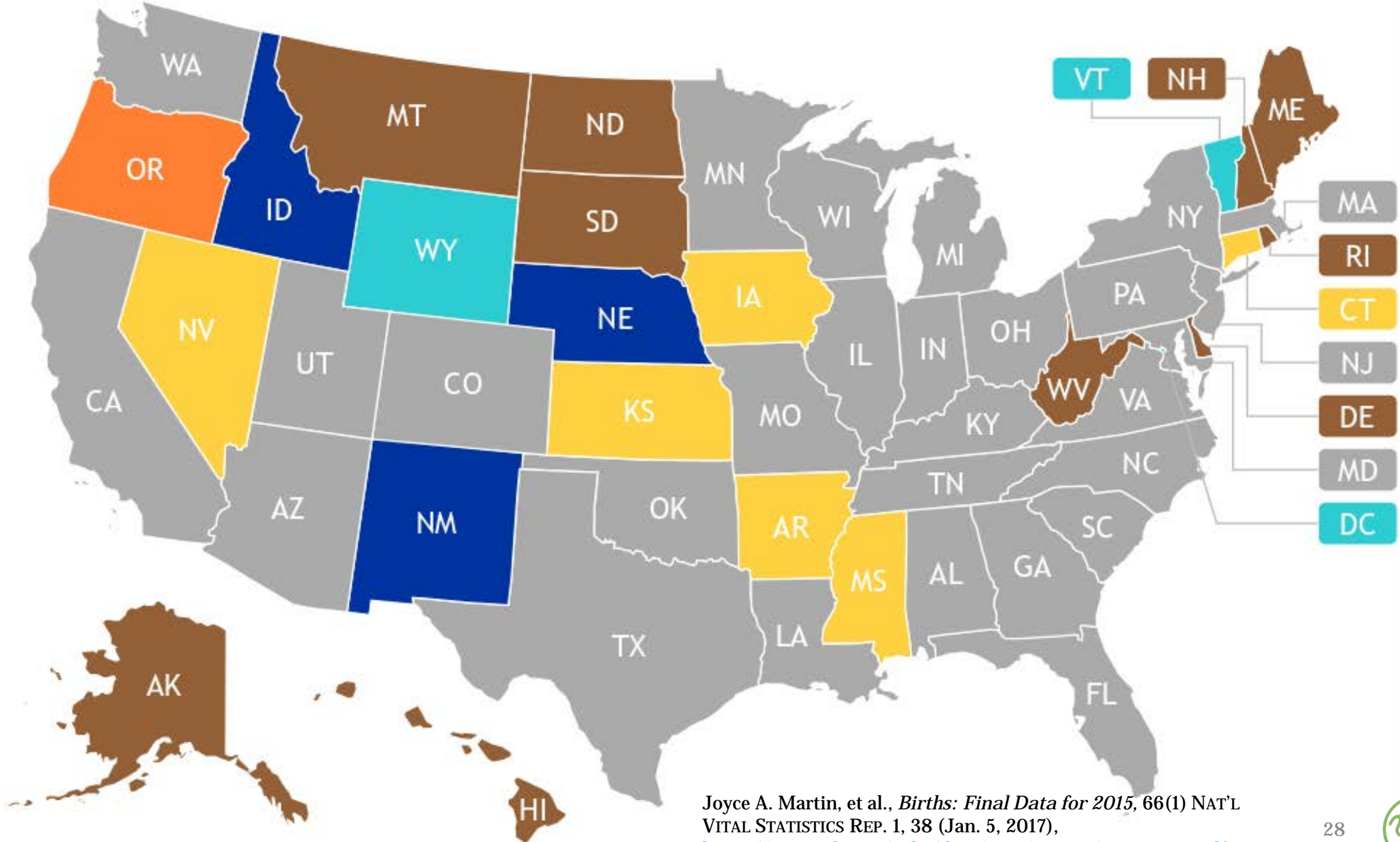
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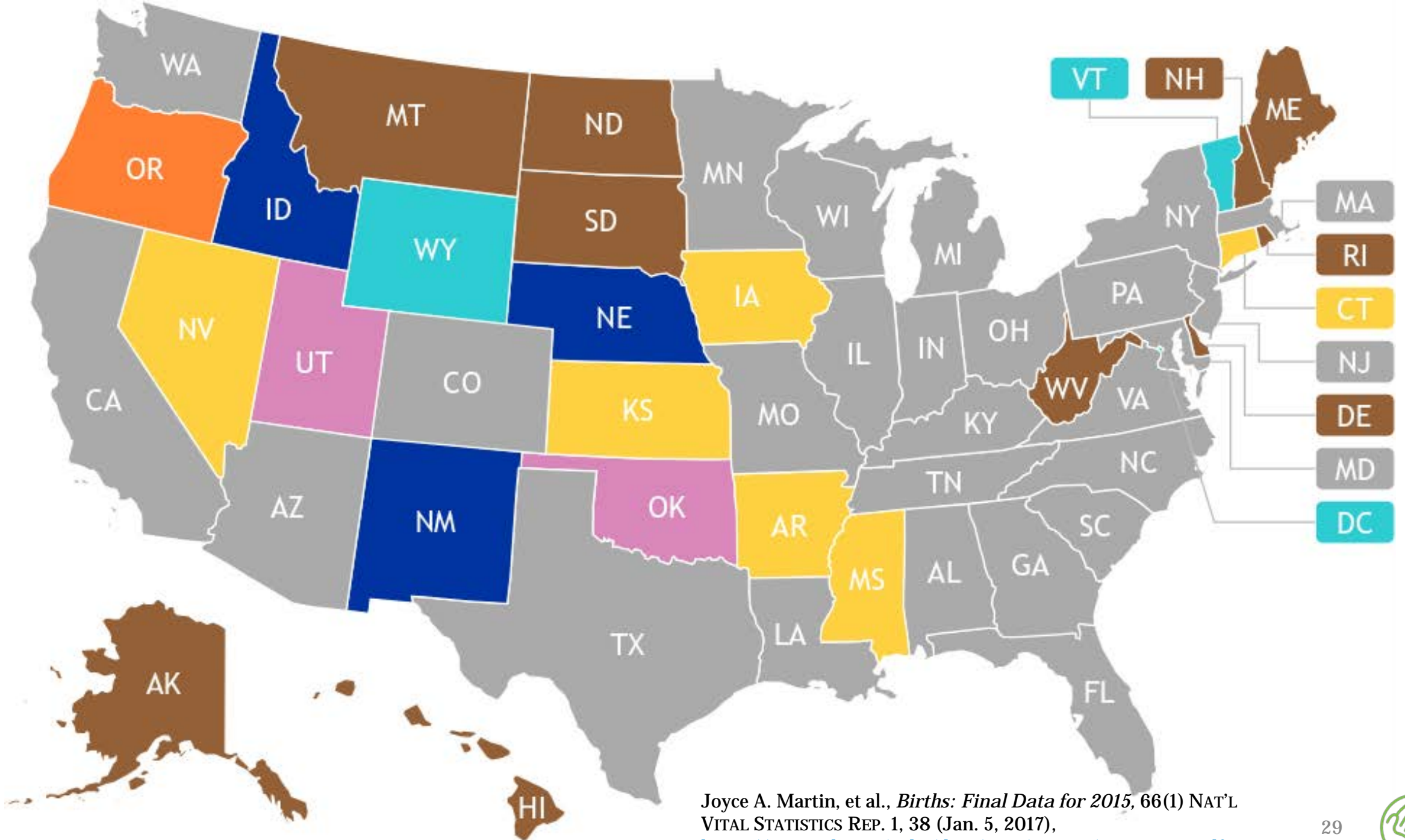
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DUELING MESSAGES AT THE CAPITOL

Anti-Vaccine Advocates



Pro-Vaccine Advocates



EVERYONE HAS A ROLE

	Providers	Public Sector	Private Sector	Community
Education to improve awareness and client demand	✓	✓	✓	✓
Using combination interventions such as information systems and standing orders to improve immunization rates	✓	✓		
Increase activity engagement of vaccine supporters in the community through social media, writing, calling legislators to support pro vaccine legislation	✓	✓	✓	✓
Identify legislation through evidence based science to drive high immunization rates and lower VPD incidence	✓	✓	✓	✓
Vocal and visible presence during Legislative Session	✓	✓	✓	✓



WHAT CAN I DO?

Got 5 Minutes?	✓	Learn the legislative process
	✓	Call your legislator and ask them for their support on pro-immunization issues
	✓	Tweet your support for immunizations to Texas legislators
Got 10 Minutes?	✓	Send an email or letter to your legislator asking for their support on immunization issues. Get help from TIP's legislative portal on issues and what to write.
	✓	Share your stories, alerts, and updates via social media
Want To Do More?	✓	Visit legislators in district and Capitol offices with Immunize Texas
	✓	Organize a letter writing campaign with friends
	✓	Write an op-ed for your local newspaper



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Thank You!

ALLISON N. WINNIKE, J.D.

President & Chief Executive Officer

The Immunization Partnership

awinnike@immunizeUSA.org



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