



A.2371/S.2994 (Dinowitz/Hoylman)

AN ACT to repeal subdivision 9 of section 2164 of the public health law, relating to exemption from vaccination due to religious beliefs

The New York State Association of County Health Officials (NYSACHO) and the New York State Public Health Association (NYSPHA) support repealing all non-medical exemptions from vaccination requirements for children.

New York State laws require children to receive certain immunization in order to attend public, private or parochial schools. Section 2164 of the public health law currently allows for medical and religious exemptions. These non-medical exemptions result in lower overall vaccination rates, which pose a threat to the health both children and adults who are medically unable to be vaccinated. Declines in vaccination rates are allowing for the reestablishment of diseases that were once largely eradicated in the United State, such as mumps and measles.

In 2000, due to the public health success of strong immunization requirements and adherence, the United States declared the elimination of measles transmission. Since that time, due to global trends in vaccine refusals, there have been new outbreaks in the U.S., with disease imported by infected travelers. In 2015, the “Disneyland outbreak” led to over 150 cases in seven states. Investigators believe the 2015 outbreak began by a single theme park visitor infecting 39 others. As a result, California eliminated “personal belief” exemptions.

Currently, Rockland County, NY and New York City are combatting significant measles outbreaks. These outbreaks, which started in the fall of 2018, have resulted in illness and hospitalizations, as well as lost days of school and work, and, in some cases, the imposition of social distancing orders, due to the need to halt transmission of disease among unvaccinated individuals. The outbreaks occurred in communities with higher rates of non-medical exemptions. A 2013 outbreak in the Bronx in a community with high rates of non-medical exemptions cost the New York City Department of Health and Mental Hygiene close to \$400,000, with health department staff spending over 10,000 hours in working to stop the spread of the disease. Health care providers and individuals also incurred additional costs due to treatment and lost workdays.

The Centers for Disease Control and Prevention recommends an immunization rate of 95% in order to maintain herd immunity, but according to 2017-2018 State data, 467 public and private schools in New York had immunization rates below 85%. This included 323 schools below 70%. Rates were much lower in private schools, with 88% of these schools reporting immunization rates of 85% or less, including 311 private schools with rates of less than 70%.

Vaccination rates are lower across Europe than in the United States, and Europe had four times more measles cases in 2017 compared to 2016. The likelihood of an infected person traveling to the United States, specifically to New York City is high, as was the case in both the New York City and Rockland County outbreaks. Maintaining high vaccination rates and thus, herd immunity protects the public from life-threatening diseases such as measles.

Non-medical exemption from vaccination requirements weakens protections against vaccine-preventable diseases. The recent outbreaks show how quickly diseases such as measles can spread in unvaccinated populations, and the challenges in implementing the measures needed to halt their spread once exposure occurs.

This legislation is sound public policy, based in science and in the experiences in our state, country and other nations of the proven effectiveness of high vaccination rates, as well as the human toll when vaccines are not given or available. As a society, we routinely weigh the ethical balance of protecting individual rights against protecting our communities at large. Both statute and case law have continually upheld that the weight of this choice must lean towards protecting the community as a whole when personal choice puts the lives of others at risk. The societal benefits of these public health policy decisions are cost-effective and improve length and quality of life, be it through restrictions on where you can use tobacco products, strict drunk-driving laws, or school vaccination requirements.

Eliminating non-medical exemptions is a policy whose time has come. Families in New York State are living with the health consequences of non-medical exemptions, suffering due to illness, loss of work, loss of educational opportunities and other restrictions that are necessary to interrupt and end the transmission of communicable disease. NYSACHO and NYSPHA strongly support this legislation and recommend that it be enacted into law immediately.

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