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Testimony of the Maine Center for Disease Control and Prevention
Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

In Opposition to LD 1382, *An Act to Establish the Guiding Public Health Principles of Focused Protection for Pandemics of a Highly Infectious Respiratory Disease*

Hearing Date: April 24, 2023

Senator Baldacci, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, my name is Dr. Isaac Benowitz, and I am the State Epidemiologist and Chief Medical Officer at the Maine Center for Disease Control and Prevention (Maine CDC) in the Department of Health and Human Services. I am here today to provide testimony in strong opposition to LD 1382, *An Act to Establish the Guiding Public Health Principles of Focused Protection for Pandemics of a Highly Infectious Respiratory Disease*.

This bill establishes principles of focused protection for a pandemic of a highly infectious respiratory disease for public health authorities to follow. It addresses population health, needs of certain populations, and balancing priorities across multiple diseases. It describes the importance of considering short-term and long-term consequences, of transparency in communications, and of respecting individual autonomy.

The Maine CDC applies widely-accepted best practices related to population health, prevention and transparent communications in our infectious disease control work. Our existing legal authority provides necessary discretion to take prompt action to protect the public's health using the best available evidence, coupled with community engagement to ensure we understand and account for the community's needs.

The Maine CDC strongly opposes all points in LD 1382. This bill hampers existing authorities to control highly infectious respiratory diseases including measles, influenza, tuberculosis, and emerging conditions, by requiring specific types of evidence and considerations prior to implementing actions to protect the public's health. Meeting the specific requirements within the proposed legislation will delay or completely stop Maine CDC's response, potentially resulting in the loss of lives.

For your consideration, the Maine CDC offers the following comments on the most concerning proposals of LD 1382 that will impact the Department's authority to establish procedures for the control, detection, prevention, and treatment of communicable, environmental, and occupational diseases, including during times of an emergency that threatens the health of the State's population (22 MRS § 802).

- Lines 27-31 of the proposed legislation, if enacted as law, will eliminate Maine CDC's ability to require vaccinations in certain settings such as schools, healthcare facilities, and correctional facilities. Maine CDC has great respect for personal autonomy, and only imposes requirements in settings where they are needed to protect the health of vulnerable populations. In the community setting outside of these congregate settings, an individual can decide whether to get a vaccine without posing the same level of risk of harm to vulnerable members of society or preventing others from learning in schools or healing in healthcare facilities.
- Lines 18-21 inhibits Maine CDC from making public health recommendations that affect services or activities that some community consider essential by requiring that the public health advice address the needs of each population in the State within the cultural, religious, geographic, and other contexts of the population. LD 1382 further states if a population in the State believes that places of worship are essential, then the public health advice should consider places of worship as essential in determining the advice. When issuing State advisories, the Maine CDC cannot ignore information about infectious disease risk for a certain group of people merely because that group views an activity as essential; it is also necessary to factor the level of risk to the health, safety and economic needs for the State as a whole. Maine CDC advisories regarding public health risks consider the federal interpretation of 'essential' to encompass a range of operations and services that are typically essential to continue critical infrastructure operations.

In summary, the Maine CDC opposes LD 1382 in order to preserve core public health authority to respond to highly infectious respiratory infections, on a statewide level. The Committee is asked to recognize Maine's highly successful response to COVID-19 which would not have been possible if this legislation had been in place.

Thank you for your consideration of this matter and for the opportunity to provide testimony today. I can address questions from the Committee, and I will be available to participate in the work session.