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# HOUSE OF REPRESENTATIVES

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## *Testimony opposing*

**LD 51 An Act to Restore Religious and Philosophical Exemptions to Immunization Requirements**

**LD 869 An Act to Protect Education Access by Prohibiting a Mandate for Schoolchildren for a COVID-19 Vaccine or a Vaccine Under an Emergency Use Authorization**

**LD 1098 An Act to Restore Religious and Philosophical Exemptions Regarding Immunization Requirements**

**LD 1148 An Act to Prohibit COVID-19 Vaccine Mandates for Students Enrolled in Public Institutions of Learning**

**LD 1209 An Act to Reinstate the Religious and Philosophical Vaccine Exemptions for Private Schools and Virtual Public Charter Schools**

**LD 1228 An Act to Prohibit Certain Higher Education Institutions from Requiring Vaccines Approved Under Emergency Use Authorization for Admission or Attendance**

**April 3, 2023**

Senator Rafferty, Representative Brennan, and other distinguished Education and Cultural Affairs committee members, thank you for today's hearing. I'm Sam Zager, representing House District 116 (Part of Portland), and also a practicing primary care family physician, here to respectfully oppose several bills that would reduce vaccination rates.

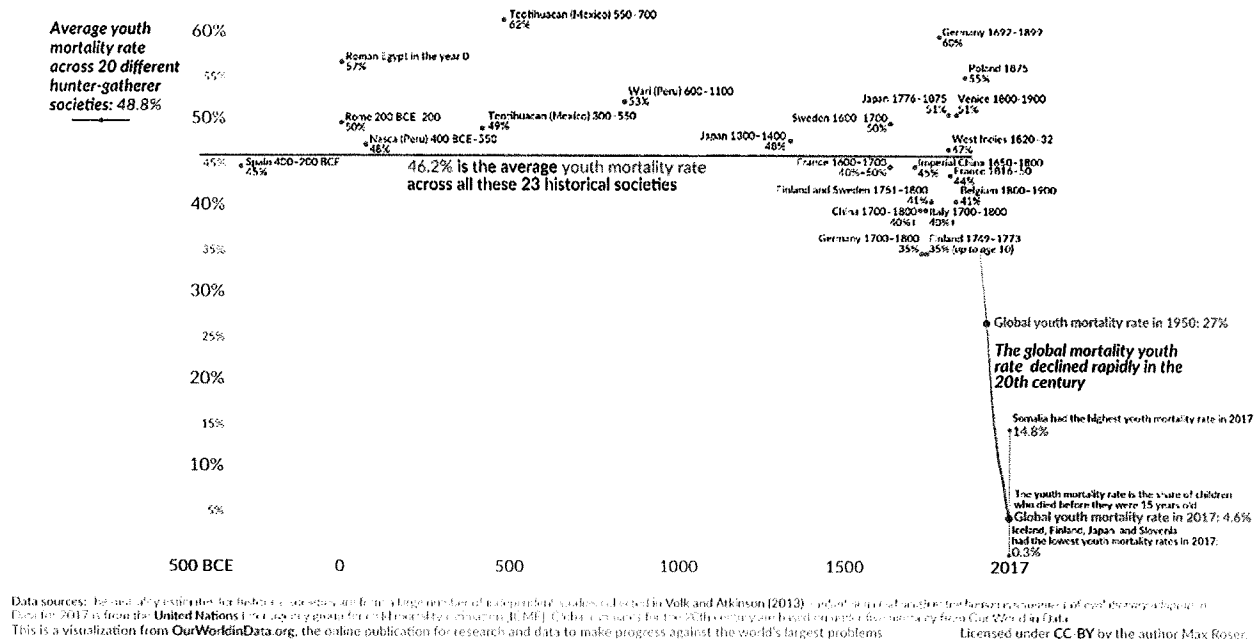
I've also had countless conversations with patients at various places on the vaccination attitude spectrum, and I attended the hearing on LD 798 that went past midnight. So I have a respect and appreciation for the principles that underlay these bills. I understand the notion of patient autonomy and choice (as it applies to this issue and others). I've sat with and advocated for people who have suffered heartbreaking, but fortunately rare, adverse medical outcomes. I very much respect the legislators who brought forth these bills, and agree with them on other issues, but I disagree on the policy in these bills for the following reasons.

1. Vaccines are among the most effective innovations in human history, when it comes to reducing human suffering. They are one of the key watershed inventions since the 1700s, that have tremendously improved life expectancy, especially in childhood. To illustrate how far we've come, consider this graph, showing the mortality rate of children.<sup>1</sup>

## Youth mortality over the last 2400 years

Shown is the share who died as infants or children before reaching the end of puberty (younger than 15)

Our World  
in Data



The average death rate among children 0-15 years old was nearly 50% for millennia. But since the Age of Enlightenment, when people started to apply the scientific method to the addressable and sometimes even solvable problem of infectious disease in childhood, the childhood death rate plummeted. Now, worldwide it's 4.6%, and in the United States it's 0.7%.<sup>2</sup> Iceland, Finland, Japan, and Slovenia, have the lowest rate at 0.3%. Vaccines are a huge part of how humanity has been capable of a 99% reduction in childhood death. 99%. On humanitarian grounds, I don't think we should unilaterally surrender to viruses and bacteria that could kill people in our generation or any future generation.

2. We have struck a balance between the rights of an individual with the rights of others in a population. The US Supreme Court in *Jacobson vs Massachusetts* (1905) held that a state may impose a vaccination requirement for the overall public good, and that court has not deemed it worthy of reconsideration. The Supreme Court in *Prince vs Massachusetts* (1944) maintained that the right to free exercise of religion was *not* absolute, as in laws requiring compulsory vaccination. Justice Wiley B. Rutledge wrote in the majority opinion, "Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves."

<sup>1</sup> <https://ourworldindata.org/child-mortality-in-the-past>

<sup>2</sup> <https://www.statista.com/statistics/1041693/united-states-all-time-child-mortality-rate/>

3. Reducing vaccination rates, even in a modern industrialized nation like the United States, is very costly in dollars. In the wake of a measles outbreak in Washington State, a few years ago, Secretary of Health Dr John Weisman pointed out that vaccines save about \$16 for every dollar spent.<sup>3</sup> Furthermore, the public costs of under-vaccination are increasing. Children's Hospital Colorado estimated that under-vaccinated children cost that state \$55 million during a recent outbreak.<sup>4</sup>; it was a significant increase from just two years prior, as vaccination rates dropped. This would apply to college-age folks who serve as disease-transmitters, just like it applies to younger students.

Another estimate comes from a much larger, system-wide study in the very reputable peer-reviewed journal *Health Affairs* in 2016.<sup>5</sup> It estimated that the total economic burden of illnesses with childhood vaccines was \$8.2 billion annually. Maine's portion would be \$33 million each year, but perhaps more because our vaccination rates are among the worst in the country. And this study may have underestimated the potential costs of undervaccination.

4. Maine voters overwhelmingly reaffirmed what the Legislature passed as LD 798 when it came up for referendum in March 2020. The margin was nearly 3-to-1.

For all these reasons, I support the current law regarding medical exemptions, and oppose these bills which would weaken protections.

Thank you very much for your time and consideration.

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<sup>3</sup> <https://www.help.senate.gov/imo/media/doc/Wiesman.pdf>

<sup>4</sup> <https://www.denverpost.com/2019/02/06/anti-vax-colorado-vaccines-children-costs/>

<sup>5</sup> <https://www.healthaffairs.org/doi/10.1377/hlthaff.2016.0462>