

Testimony in opposition to LD 51, LD 1098, LD 1209, LD 1288, LD 1148, LD 869

April 3rd, 2023

Senator Rafferty, Representative Brennen, and Honorable Members of the Joint Committee on Education and Cultural Affairs:

My name is Northe Saunders. I'm a leader of Maine Families for Vaccines, the organization that supported the passage of LD 798 in 2019 to remove non-medical exemptions to vaccines required for school entry. We also successfully stopped the People's Veto referendum to overturn that legislation in 2020. That referendum, in which every registered Maine voter had the opportunity to cast a ballot, was one of the most lopsided in our State's history, with 72.8% of Maine voters opposed to overturning this legislation.

I help organize Maine Families for Vaccines for one reason. I have a young family with three children aged 7, 6, and 3. When I first testified in support of LD 798, I had to wait until past midnight for my turn. I spent countless hours in this same room and building, waiting to ensure that this committee knew how much I care about keeping my children and community safe from vaccine-preventable diseases.

When LD 798 passed, my daughter Katharine, who was three then, celebrated on the stairs inside the Statehouse. Our three-year-old knew then that vaccines are safe and effective. When she started Kindergarten this past fall at Longfellow Elementary in Portland, I felt proud of the work that I have done with Maine Families for Vaccines. I had seen the data. I knew the vaccine exemption rate had dropped precipitously, from a high of 6.2% in 2018 to just 1.8% in 2021. The proof was in the science. Our schools were safer from preventable diseases. Parents had to worry less about an outbreak of measles, whooping cough, or chicken pox shutting down their kid's school. Parents have to miss work when kids are out of school. The knock-on effect of a vaccine-preventable disease outbreak can cost hundreds of thousands, if not millions, of dollars. Not only do our kids get sick, our economy also suffers.

Let's not turn the page back. The legislature has already debated this issue. The voters have spoken. Our work here in Maine has inspired other states like New York and Connecticut to pass similar legislation. Maine Families for Vaccines, and our work in 2019, has inspired other states to start their own State Families for Vaccines organizations.

I hope the maxim rings true: As Maine goes, so goes the nation. Our state is a leader in public health on many fronts. All of the vaccine bills under consideration today would increase risk and put our communities in danger. Let's not go backward.

On behalf of Maine Families for Vaccines, our thousands of supporters all across the state, and the voters who overwhelmingly voted to support LD798, I ask for your opposition to all of the vaccine bills being heard today.

Thank you for your consideration and time.

Northe Saunders
Portland
Maine Families for Vaccines

What to know about

MAINE'S CHILDHOOD VACCINE LAW

On March 3, 2020, Maine was the first state in the nation to vote on vaccine laws at the ballot box. LD 798 proposed to eliminate non-medical exemptions to vaccine requirements for school attendance, closing the loopholes that threaten community immunity and leave children at risk for contagious infectious diseases.

LD 798 passed the legislature in 2019 with broad support from parents, physicians, legislators, and the governor. When a veto effort brought the question to our ballot boxes, Maine Families for Vaccines and a coalition of 64 leading organizations launched the No on 1 Campaign to Protect Maine's Children.

The State of Maine ultimately voted to defend public health with a 72.8% majority, winning decisively in every county.

'No' vote – to keep pro-vaccine law – wins by overwhelming margin

The proposal to overturn Maine's new childhood vaccination law was losing badly, with early returns showing the 'no' vote leading 73% to 27%.

BY JOE LAWLOR STAFF WRITER



LD 798/PL 154 protects medical exemptions and leaves the personal decision about immunization between a family and their medical provider (physicians, nurse practitioners, and physician assistants may also provide exemptions). Removing philosophical and religious belief exemptions:

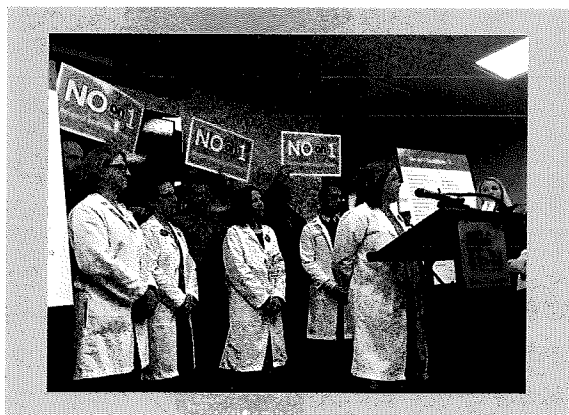
- Ensures a safe learning environment for all children, including those with cancer and other health concerns who cannot receive immunizations
- Results in fewer missed school and work days
- Ensures all students have access to a free public education
- Prevents costly public states of emergency and saves lives

Only five vaccinations are required.

The law requires five vaccinations for school entry, covering eight potentially deadly diseases. The rest, including COVID-19, HPV, and flu, remain optional. Changes to the required vaccine schedule require public hearings and cannot be made without due consideration and support.

Mainers support public health.

95% of Maine families immunize their children for their protection and the health of our communities. However, pockets of low immunization put our health at risk and contribute to serious outbreaks of, and exposures to, preventable diseases including measles, mumps, chicken pox, and pertussis at local daycares, high schools, and even medical clinics.



It's clear: Maine's vaccine law works.

The law went into effect in September of 2020, and data from the annual Annie E. Casey Foundation Kids Count survey shows that exemptions have decreased from 6.2% in 2018 to 1.8% in 2021. This means that more children are protected from deadly diseases including measles, mumps, rubella, polio, chicken pox, tetanus, diphtheria, and pertussis (whooping cough.)

Loopholes in laws put us at risk.

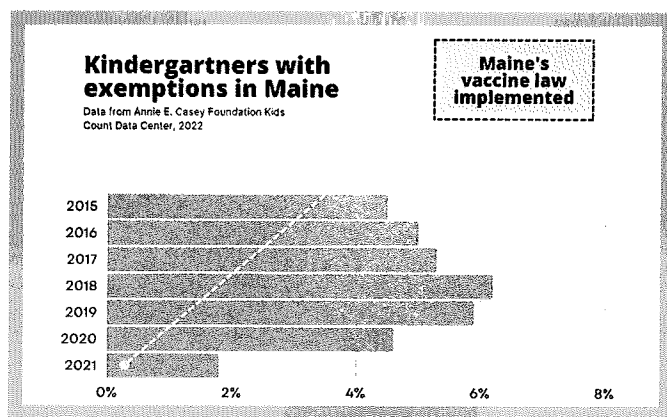
Until Public Law 154 passed in 2020, Maine was one of only 17 states in which families of school-aged children could use the exemption loophole to opt out of school-required immunizations.

Maine had the 4th highest rate of non-medical opt-outs, which put our community immunity below safe thresholds for disease and contributed to exposures and outbreaks of measles, mumps, chicken pox, and pertussis at local daycares, high schools, assisted living facilities, and even medical clinics.

Outbreaks cost time, money, and lives.

The CDC estimates that handling 16 recent outbreaks of measles, with 107 confirmed cases, exposed up to 17,000 people to measles and required up to 83,000 personnel hours from public health officials, at an estimated cost of \$2.7 to \$5.3 million. A 2017 outbreak of measles in Minnesota infected 79 people, mostly children, and cost the state \$2.3 million.

Outbreaks of preventable illness disrupt essential support systems and result in health care costs, lost productivity, and time out of school for vulnerable children who are at risk of contracting a disease and others who might be exposed.



MAINE'S VACCINE LAWS ARE WICKED CONSTITUTIONAL.

The free exercise of religious liberty does not imply the right to put one's children or the community at risk of communicable diseases.

"[A state's] authority is not nullified merely because the parent grounds his claim to control the child's course of conduct on religion or conscience. Thus, [a parent] cannot claim freedom from compulsory vaccination for the child more than for himself on religious grounds. The right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death." SCOTUS: Prince v. Massachusetts, 321 US 158 (1944)

Laws requiring immunization (or a medical exemption) are Constitutional and consistent with the right to a safe education.

All 50 states have policies requiring immunization for school and child care, and all states allow for medical exemptions; these policies have been resoundingly upheld by Federal and State courts.

The Maine Supreme Judicial Court refused to review a district court's decision to declare an unvaccinated infant in circumstances of jeopardy partly because of the mother's "refusal to accept scientific facts" related to vaccines. In finding that Maine had no policy in favor of parental choice, the Maine Supreme Judicial Court recognized that 20-A M.R.S. § 6356 (2014) states that if "a child who has not been immunized against one or more diseases presents a clear danger to the health of others," the child may "be excluded from school during the period of danger or until the child receives the necessary immunizing agent." In re ZS, 121 A.3d 1286, 2015 M.E. 110 (Me. 2015).

Failure to protect children from preventable disease in classrooms may violate the Constitutional and statutory rights of immunocompromised students to equal education.

Without vaccine laws in place, schools become increasingly unsafe for children who are immunocompromised or have other pre-existing health conditions that could qualify as legal disabilities. These families may argue under the Rehabilitation Act, Section 504 or the Americans With Disabilities Act that schools must facilitate an equal access by ensuring a safe environment through mandatory vaccination unless medically inadvisable.


Every child who qualifies for IEP services does so under the Individuals with Disabilities Education Act (IDEA). Maine's existing laws balance public authority to protect the public's health with requirements to accommodate and serve students with IEPs by allowing the Department of Education to ensure that students with IEPs continue to receive accommodations and services.

Banning Covid-19 vaccines denies states power granted by the 10th Amendment.

Maine does not require Covid-19 immunizations for school entry, and all of our vaccine laws preserve valid medical exemptions.

Institutions of learning have an obligation to provide a safe environment for their employees and students. We should not unilaterally disarm by removing a critical state power reserved to us by the 10th Amendment to the U.S. Constitution, one that has been successfully utilized by all states and was affirmed by the Supreme Court over a century ago.

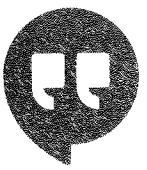
Colleges and schools must continually assess how we balance individual liberty with our responsibility to ensure safe communities. Implementing any kind of ban undermines their authority and hinders their responsibility to protect employees and students.



maine families for vaccines

Facts on faith and immunization

All major religious groups agree: immunization is part of a moral, ethical, and holy obligation to care for ourselves, our families, and the greater community.



The Holy Father wants us all to be very aware that although taking the vaccination is a personal choice, it has consequences that affect not only the individual but also more broadly affects our susceptible neighbors. There are people who cannot take the vaccine or do not yet have access to it that can still be affected by those who refuse to take the vaccine. The general principle of the common good comes down to benevolence, love, care for others, laying down personal priorities for the service of others.

—Cardinal O'Malley

A moral and spiritual matter

In Mark 12:31, Jesus commanded his followers to "love your neighbor as yourself." Failing to protect public health violates that central teaching by putting others at risk for serious illness and death. Judaism regards life as the highest good, and the Torah emphasizes *pikuach nefesh*, the duty to preserve a human life. Protecting public health by getting vaccinated is a sign of faith and a grateful acceptance of the gift of life.

Because it helps to protect others, getting a vaccine is what Muslims call a *fard kifaya*, a collective responsibility. Good intentions under Sharia law include ending suffering and bringing healing, which includes keeping others safe.

Mormons, Episcopalians, Lutherans, and many other Christian denominations endorse vaccines, require them in their schools, and distribute them at their missionary hospitals. Among Buddhists, the Dalai Lama has personally given polio vaccine to children to further the world polio-eradication drive.

Religious leaders urge vaccines

On December 21, 2020, the Vatican's doctrinal office, the Congregation for the Doctrine of the Faith (CDF), issued a statement noting it is "morally acceptable" for Catholics to take vaccines against COVID-19.

The CDF stated: "All vaccinations recognized as clinically safe and effective can be used in good conscience with the certain knowledge that the use of such vaccines does not constitute formal cooperation with the abortion from which the cells used in production of the vaccines derive ... the morality of vaccination depends not only on the duty to protect one's own health, but also on the duty to pursue the common good." (1)

Responsum 5957.10 from the Central Conference of American Rabbis (Reform) states: Jewish tradition would define immunization as part of the mitzvah of healing and recognize it as a required measure, since we are not entitled to endanger ourselves or the children for whom we are responsible by refusing proven medical treatment. (2)

The majority of Islamic Scholars, including the Fiqh Council of North America and the Assembly of Muslim Jurists of America, say that receiving a vaccine during Ramadan does not invalidate the fast. (3)

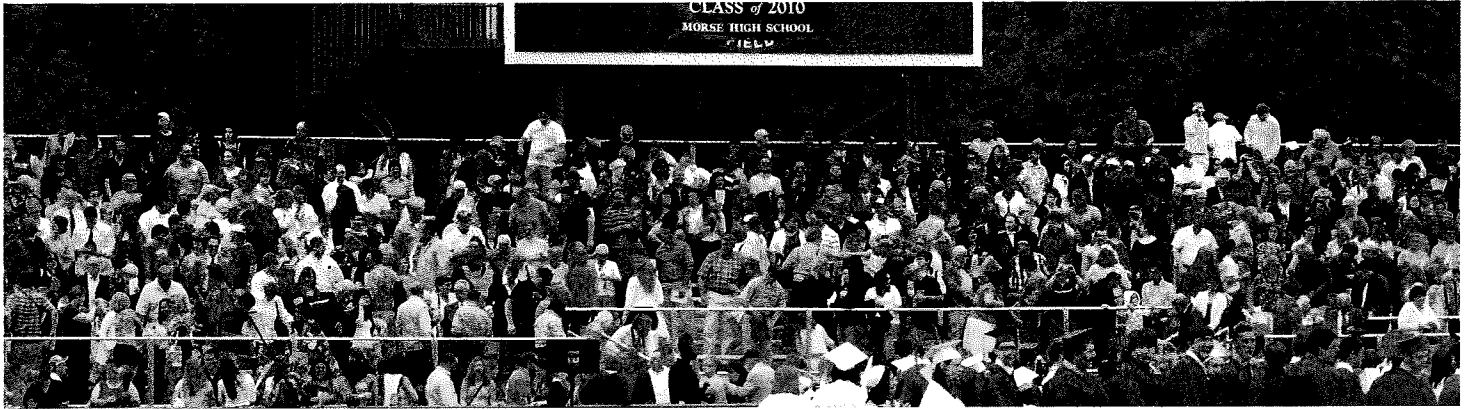
(1) <https://www.cacatholic.org/CCC-vaccine-moral-acceptability>

(2) <https://www.ccarnet.org/ccar-responsa/nyp-no-5759-10/>

(3) <https://amhp.us/covid19-statement/>

Vaccines, IEPs, FAPE & IDEA

Maine's childhood vaccine law protects public health and fulfills our duty to serve and accommodate students with IEPs.



The barrier to children's access to services is the parental choice not to vaccinate, not a state-created impediment that targets children with disabilities.

The state is not refusing to educate these children — they are losing services because their parents are choosing not to vaccinate them.

Parents have, under law, the right to refuse services and continue not protecting their children — but they cannot force the state to waive a legitimate, non-discriminatory requirement for receiving education services any more than parents of non-disabled children can.

Maine's vaccine law (PL 154) allowed children who had existing IEPs at the time of the law's enactment to continue to claim philosophical or religious exemptions to vaccine requirements for school entry. Children with new IEPs after that time must follow Maine's Vaccine Law. Why the grandfathering? To give families the opportunity to plan for their vaccination choices and for their schooling options.

A student's right to education is protected by:

- Free and Appropriate Public Education (FAPE)
- Individuals with Disabilities Education Act (IDEA)

IEPs ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives specialized instruction and related services. A student who qualifies for IEP services does so under IDEA.

Maine's vaccine law does NOT preclude children who receive special education from enrolling in public school, and they are not denied their right to FAPE in the least restrictive environment, a potential violation of the IDEA.