



AMERICAN ATHEISTS

The Honorable Senator Joseph Rafferty
The Honorable Representative Michael Brennan
Chairpersons, Joint Committee on Education and Cultural Affairs
Maine State Legislature
2 State House Station
Augusta, Maine 04333

Re: OPPOSE ME LD 51, LD 1098, and LD 1209, Testimony from American Atheists regarding bills relating to protecting young people and employees through vaccination

Dear Senator Rafferty, Representative Brennan, and Members of the Joint Committee on Education and Cultural Affairs:

American Atheists, on behalf of its constituents in Maine, writes in opposition to ME LD 51, LD 1098, and LD 1209, three bills that will put young people in Maine in danger of contracting preventable diseases by creating a religious exemption to vaccine requirements and expanding the exemption requirements. Vaccination is a vital public health issue, and we support vaccination requirements based on public health and medical best practices for the benefit of all children. Therefore, we strongly urge you to reject these reckless and harmful bills.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of providers and institutions.

These bills would increase the number of vaccination exemptions which allow parents and employees to summarily waive the vaccination requirements. Public health experts believe that no exception should be made to neutral immunization requirements intended to protect public health. Specifically, non-essential exemptions to immunization requirements endanger all in order to accommodate the religious or philosophical beliefs of a few. Such exemptions are unacceptable from both a public health and moral perspective. Successful population immunity to disease depends upon a significant level of vaccination, as high as 95% for some diseases.¹ Because some people are unable to receive vaccination for medical reasons, it is therefore inappropriate and dangerous to allow for arbitrary compliance by the rest of the population. This is the reason that every state has laws requiring immunization to attend public school. These

¹ Salathe, Marcel. (Feb. 3, 2015). *Why a few unvaccinated children are an even bigger threat than you think*. Washington Post. Available at https://www.washingtonpost.com/posteverything/wp/2015/02/03/why-a-few-unvaccinated-children-are-an-even-bigger-threat-than-you-think/?utm_term=.69e466010275.

concerns are even more so true for nursery schools, where staff are very likely to have contact with children who have not yet received their full course of vaccination.

Creating a loophole in Maine's vaccination requirements will put all at risk, more specifically children. Children are at significant risk for contracting debilitating and potentially deadly infectious diseases. Children exempt from immunization requirements are more than 35 times more likely to contract measles² and nearly 6 times more likely to contract pertussis (whooping cough),³ compared to immunized children. According to the CDC, the opt-out rate for vaccination in Maine is 5.3%, which is more than double the national average of 2.2%.⁴ Tragically, this difference is responsible for a public health epidemic: Maine has one of the highest rates of pertussis in the country and skyrocketing rates of chickenpox.⁵

In 2020, more than 2,000,000 pediatric cases of COVID-19 were reported in the United States, with one in nine of those cases requiring hospitalization or medical care. According to the CDC, although most children with COVID-19 experience mild illness, some children develop serious illness that leads to hospitalization, use of invasive mechanical ventilation, and death.⁶ More than half of children with COVID-19 will experience a mild case, and may be asymptomatic carriers, placing the community at a higher risk of infection. Misinformation about COVID-19 has been rampant throughout the public, and one the vaccine has been tested and is approve for use in children, it is imperative that state governments encourage vaccination amongst children. Creating non-medical vaccination exemptions will place the entire community at risk, especially those most vulnerable to the disease.

History illustrates that outbreaks often occur in communities that are unsupportive of vaccination. For example, measles is a vaccine-preventable disease that has plagued multiple religious communities known to be either hesitant to vaccinate or completely against vaccination.⁷ However, lawmakers have a responsibility to protect all, regardless of their religion

² Salmon DA, Haber M, Gangarosa EJ, Phillips L, Smith NJ, Chen RT. (1999). *Health consequences of religious and philosophical exemptions from immunization laws: individual and societal risk of measles*. JAMA. 1999;282:47-53.

³ Feikin DR, Lezotte DC, Hamman RF, Salmon DA, Chen RT, and Hoffman RE. (2007). *Individual and Community Risks of Measles and Pertussis Associated With Personal Exemptions to Immunization*. JAMA 2007;284:3145-3150.

⁴ Mellersen JL, Maxwell CB, Knighton CL, Kriss JL, Seither R, Black CL. (2018). *Vaccination Coverage for Selected Vaccines and Exemption Rates Among Children in Kindergarten — United States, 2017–18 School Year*. MMWR Morb Mortal Wkly Rep 2018;67:1115–1122. DOI: <http://dx.doi.org/10.15585/mmwr.mm6740a3>.

⁵ McDermott, Deborah. (June 22, 2018). Whooping cough outbreak reported in Maine Schools. Bangor Daily News Health. Available at <https://bangordailynews.com/2018/06/22/health/whooping-cough-outbreak-reported-in-maine-schools/>; Farwell, Jackie. (June 2, 2015). Maine seeing record cases of chickenpox among children. Bangor Daily News Vital Signs. Available at http://vitalsigns.bangordailynews.com/2015/06/02/public-health/maine-seeing-record-cases-of-chickenpox-among-children/?_ga=2.191006698.1145664563.1552410552-1313092682.1552410552.

⁶ Centers for Disease Control and Prevention. (n.d.). *Coronavirus disease 2019 (covid-19)*. Centers for Disease Control and Prevention. Available at: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

⁷ See, e.g., Genes, N. (June 20, 2006). *Measles in Boston: Collision of Church and State, Science and Journalism*. Medgadget. Available at http://medgadget.com/2006/06/measles_in_bost.html; WebMD. (August 1, 2006). *Vaccination Fear Causes Measles Spate*. CBS News. Available at http://www.cbsnews.com/2100-500368_162-1857987.html.

or lack thereof. No person should be subject to harm or illness based on the religious beliefs of their caretakers, classmates, or employees.

Finally, we note that religious and philosophical exemptions are not required by the US Constitution. A number of states, including California, Mississippi, and West Virginia do not allow for these types of religious exemptions. As the US Supreme Court has made clear, “The right to practice religion freely does not include liberty to expose the community or child communicable disease, or the latter to ill health or death.... 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 reached the age of full and legal discretion when they can make that choice for themselves.”⁸

We strongly urge you to reject ME LD 51, LD 1098, and LD 1209 to protect Maine. If you should have any questions regarding American Atheists’ opposition for this legislation, please contact me at bwilliams@atheists.org.

Sincerely,



Brittany Williams
State Policy Counsel
American Atheists

⁸ *Prince v. Massachusetts*, 321 U.S. 158 (1944).