

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

January 11, 2022

Senator Ned Claxton, Chair
Representative Michele Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 867 - An Act To Prohibit Mandatory COVID-19 Vaccinations for 5 Years To Allow for Safety Testing and Investigations into Reproductive Harm (*carry-over*)

Senator Claxton, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

Thank you for the opportunity to weigh in on LD 867, *An Act To Prohibit Mandatory COVID-19 Vaccinations for 5 Years To Allow for Safety Testing and Investigations into Reproductive Harm*, and the potential impact of the proposed legislation, if enacted. The Maine Center for Disease Control and Prevention within DHHS (Maine CDC) strongly opposes this legislation.

This bill seeks to adopt a five-year moratorium on mandatory COVID-19 vaccinations. The proposed moratorium would go into effect from the date of a vaccine's first emergency use authorization by the United States Department of Health and Human Services, Food and Drug Administration (FDA) and would immediately implement a moratorium and suspend COVID-19 vaccine requirements by the state in place at this time.

At this time in early January 2022, COVID-19 infections have reached the highest levels of the pandemic. Maine CDC is receiving thousands of positive COVID-19 lab results per day. Public health leaders around the nation and around the world recognize COVID-19 vaccine as a safe and effective tool against SARS COV-2. Maine's best defense against this disease is vaccination.

Vaccine Testing and Safety

Vaccines are tested rigorously for safety and effectiveness prior to being licensed by the US Food and Drug Administration (FDA) and are among the safest medical products in use. Following licensing, the Centers for Disease Control's (CDC) Advisory Committee on Immunization Practices (ACIP) makes specific recommendations for the incorporation of the vaccine into the age-appropriate routine immunization schedule after an in-depth review of vaccine-related data, including data on disease epidemiology, vaccine efficacy and effectiveness, vaccine safety, feasibility of program implementation, and economic aspects of immunization policy. Following the licensure by FDA, and often along with recommendations by the ACIP, vaccines are continuously monitored for safety by CDC and FDA and studies are on-going while vaccines are being. The FDA is the agency responsible for taking regulatory action if a safety problem exists and the CDC has an important role in protecting the public's health.

The US CDC has a comprehensive approach to vaccine safety. They engage in public health surveillance, investigate possible adverse events and initiate timely communication by working with partners to determine the appropriate response.

The United States has a robust vaccine safety monitoring infrastructure that is comprised of multiple systems:

- Vaccine Adverse Event Reporting System (VAERS)
 - Collaboration between CDC and FDA
 - US national frontline spontaneous (passive) reporting system to detect potential vaccine safety problems
- Vaccine Safety Datalink (VSD)
 - Collaboration between CDC and managed health plans
 - Large-linked database system used for active surveillance and research
- Clinical Immunization Safety Assessment (CISA) Project
 - Collaboration between CDC and academic centers
 - Expert collaboration which conducts individual clinical vaccine safety assessments and clinical research

The Public's Health and Safety

COVID-19 vaccine requirements for Maine's *Designated Healthcare Facilities* were first put into place August 2021 by emergency rule which was succeeded by a routine technical rule change which became effective November 10, 2021, making this an on-going requirement for certain healthcare workers ([10-144 CMR chapter 264](#)). The decision to add COVID-19 to Maine's list of diseases for which immunization is required is within the scope of authority and expertise of the Department and in line with action taken at the national and international levels (22 MRS § 802). LD 867 proposes a delay of any mandatory COVID-19 vaccination to allow for safety testing and investigations into reproductive harm specifically, removing all COVID-19 vaccine mandates, including those in place for healthcare workers who serve some of Maine's most vulnerable populations more susceptible to and more in danger from complications resulting from COVID-19. If enacted, Maine could potentially see an increase in the number of unvaccinated healthcare workers, increasing the risk for healthcare worker exposure to and transmission of this disease. This not only puts the employee at risk for disease, but also their colleagues and their patients.

Any delay in COVID-19 vaccination requirements would increase the risk of exposure to and severity of the deadly, vaccine-preventable disease as case counts continue to soar across the globe. For our State, LD 867 threatens all Mainers, not just the unvaccinated. When someone chooses not to vaccinate, that decision can jeopardize the health and safety of our whole community, especially the most vulnerable among us. Those who are unable to be vaccinated, such as young infants and people with compromised immune systems, are at high risk from disease complications, leaving them especially dependent on those around them to get vaccinated. Similar to public health policies in place for other communicable diseases, mandates are often necessary. The scientific evidence is overwhelming, sound, and supported by the professional medical community. Vaccinations are safe and effective means of controlling disease spread and lessening the severity of COVID-19 infection. Furthermore, it is as important to consider the short and long-term effects of COVID-19 infection on individuals' quality of life and healthcare system capacity.

This bill also notes that a 5-year moratorium is needed to allow for investigations of reproductive harm. There is no evidence to suggest that COVID-19 vaccines adversely impact fertility. Both the American College of Obstetricians and Gynecologists (ACOG) and the American Society of Reproductive Medicine (ASRM) recommend COVID-19 vaccination while pregnant. A recent study published in ASRM's Fertility & Sterility F&S Reports, concluded that is no difference in fertility in either those who were vaccinate or contracted COVID-19 illness versus those never exposed.

On the other hand, early studies indicate that COVID infections may negatively affect fertility in men, supporting the importance of COVID vaccination. Furthermore, an unvaccinated woman who contracts COVID-19 while pregnant, or after a recent pregnancy, is more likely to become severely ill with COVID-19 compared to the general public. Pregnant women who contract COVID-19 are also at increased risk for preterm birth as well as transmitting COVID-19 to their infants.

In summary, the **Maine CDC strongly opposes the passage of LD 867** and respectfully asks the Committee to vote ought not to pass on this legislation. This bill could result in delaying critical vaccination efforts in Maine at a time when we are seeing a life-threatening pandemic sweep through not only Maine, but the entire world. The COVID-19 vaccine is crucial for protecting the health and lives of Maine people, safeguarding Maine's healthcare capacity and limiting the spread of the virus.

Sincerely,
DocuSigned by:

Nirav Shah

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Nirav D. Shah, M.D., J.D., Director
Maine Center for Disease Control and Prevention