

The Politics of Eliminating Nonmedical Vaccination Exemptions

The American Academy of Pediatrics has recently joined the American Medical Association and the American College of Physicians in calling for the elimination of nonmedical exemptions from state school-entry immunization laws. Although these calls have merit and are appealing from a public health perspective, the reality of such regulations are subject to political influence and also face substantial challenges on both legislative and judicial fronts.

There has been a vocal backlash against removing nonmedical exemptions, and some states have even attempted to add exemptions to law. One such state is New York, which introduced a bill to add philosophical exemptions in January 2015. Arkansas succeeded in broadening its vaccine exemption policy by adding philosophical exemptions to the state in 2003. As expected, there has been an increase in vaccination exemptions since that time; fortunately, there has not been the corresponding increase in vaccine-preventable diseases.¹

Three US Supreme Court cases (*Jacobson v Massachusetts*, *Zucht v King*, *Prince v Massachusetts*) have upheld mandatory vaccination law, and lower courts have held against a right to decline vaccinations (*Phillips v City of New York*, *Workman v Mingo County Board of Education*, *Boone v Boozeman*, *Brown v Stone*). Despite this, a state eliminating religious exemptions may have implications under the First

Amendment if the state has a Religious Freedom Restoration Act. In this case, the government would need to prove that there are no less restrictive means to achieve a compelling government interest (prevention of disease) than eliminating religious exemptions.

Yet before a judicial challenge can even be invoked, the legislation must be written, voted, and executed into law. This is perhaps the greatest barrier to removing nonmedical vaccination exemptions. State-level voting patterns have been associated with a variety of health outcomes, including adolescent vaccination coverage.² Any law that removes existing vaccination exemptions will therefore be subject to the political climate of that state, making some states inherently more difficult to achieve the goal of removal of all nonmedical exemptions.

It is not inconceivable that widespread elimination of exemptions could have an opposite effect and give rise to medical exemptions granted by fringe practitioners or an increase in homeschooling, undermining legislative efforts to improve vaccination rates. There are a host of proposed alternatives that require less drastic (and polarizing) legislation, including stricter exemption policies and financial disincentives. Internationally, Australia has recently received attention for limiting child-care benefits for parents who philosophically object to vaccinating their children.³ Domestically, an annual nonmedical exemption fee has been proposed acknowledging the challenges of altering exemption

laws.⁴ Nonmandate approaches may be the path of least resistance to achieve the ultimate public health goal of increased vaccination rates.

Neal D. Goldstein
Department of Pediatrics, Christiana Care Health System

E-mail: ngoldstein@christianacare.org

Joanna S. Suder, Attorney

Brett E. Bendistis, Attorney

CONFLICT OF INTEREST: The authors have indicated they have no potential conflicts of interest to disclose.

The contents are solely the responsibility of the authors and do not necessarily represent the official views of the Delaware Department of Justice.

REFERENCES

1. Safi H, Wheeler JG, Reeve GR, et al. Vaccine policy and Arkansas childhood immunization exemptions: a multi-year review. *Am J Prev Med.* 2012;42(6): 602–605
2. Bernstein S, North A, Schwartz J, Niccolai LM. State-level voting patterns and adolescent vaccination coverage in the United States, 2014. *Am J Public Health.* 2016;106(10):1879–1881
3. News BBC. Australia to stop welfare cash of anti-vaccine parents. April 12, 2015. Available at: www.bbc.com/news/world-australia-32274107. Accessed December 14, 2015
4. Billington JK, Omer SB. Use of fees to discourage nonmedical exemptions to school immunization laws in US states. *Am J Public Health.* 2015;106(2): 269–270

doi:10.1542/peds.2016-4248

The Politics of Eliminating Nonmedical Vaccination Exemptions

Neal D. Goldstein, Joanna S. Suder and Brett E. Bendistis

Pediatrics 2017;139;

DOI: 10.1542/peds.2016-4248 originally published online February 28, 2017;

Updated Information & Services

including high resolution figures, can be found at:
<http://pediatrics.aappublications.org/content/139/3/e20164248>

References

This article cites 3 articles, 0 of which you can access for free at:
<http://pediatrics.aappublications.org/content/139/3/e20164248#BIBL>

Subspecialty Collections

This article, along with others on similar topics, appears in the following collection(s):
Administration/Practice Management
http://www.aappublications.org/cgi/collection/administration:practice_management_sub

Permissions & Licensing

Information about reproducing this article in parts (figures, tables) or in its entirety can be found online at:
<http://www.aappublications.org/site/misc/Permissions.xhtml>

Reprints

Information about ordering reprints can be found online:
<http://www.aappublications.org/site/misc/reprints.xhtml>

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



PEDIATRICS®

OFFICIAL JOURNAL OF THE AMERICAN ACADEMY OF PEDIATRICS

The Politics of Eliminating Nonmedical Vaccination Exemptions

Neal D. Goldstein, Joanna S. Suder and Brett E. Bendistis

Pediatrics 2017;139;

DOI: 10.1542/peds.2016-4248 originally published online February 28, 2017;

The online version of this article, along with updated information and services, is located on the World Wide Web at:

<http://pediatrics.aappublications.org/content/139/3/e20164248>

Pediatrics is the official journal of the American Academy of Pediatrics. A monthly publication, it has been published continuously since 1948. Pediatrics is owned, published, and trademarked by the American Academy of Pediatrics, 141 Northwest Point Boulevard, Elk Grove Village, Illinois, 60007. Copyright © 2017 by the American Academy of Pediatrics. All rights reserved. Print ISSN: 1073-0397.

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™

