



Fact Based Responses to:

Representative Andres Vargas's FAQ Document, Pertaining to H.3999: An Act Relative to Vaccination and Public Health

What does HD.3999 do?

Vargas says:

An act relative to vaccination and public health, simply removes the **religious** vaccination exemption for children entering schools in Massachusetts. The bill **does not make vaccines mandatory**. If a parent voluntarily chooses not to vaccinate their children, they can do so, but must find non-traditional schooling for them. The bill is a sentence long stating:

“Section 15 of chapter 76 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the third paragraph.”

Canary Party Response

For bill clarification, the third paragraph of Section 15 of chapter 76 of the General Laws reads, ‘In the absence of an emergency or epidemic of disease declared by the Department of Public Health, no child whose parent or guardian states in writing that vaccination or immunization conflicts with his sincere religious beliefs shall be required to present said physician's certificate in order to be admitted to school’. Removing the third paragraph is discriminatory and removes a child’s right to an education based on religious beliefs.

"Non-traditional schooling" is not a reasonable option for those from socio-economically disadvantaged backgrounds. This bill discriminates against those with sincerely held religious beliefs who cannot afford to opt-out of public education.

This bill also discriminates against children with special needs, who depend on specialized educational services that cannot be replicated in a "non-traditional" setting. Children with special needs and their parents are at higher risk of depression and suicide, therefore specialized education services and support are essential to their well-being.

Canary Party Response CONT.

Education is fundamental to life-long success, productivity, and health. The right to a public education is enshrined in the Massachusetts Constitution. This bill is coercive and, in practice, makes vaccination mandatory for those parents that need public education services.

Why is H.3999 removing the religious exemption?

Vargas says:

There is an outbreak of measles cases in the United States, reaching a 25-year high. It directly correlates with continued growth of the number of vaccination exemptions. As of June 2019, there have been over 1,000 cases nationwide, for a disease that was once eradicated.

There are also two active cases in Massachusetts this year. The state has pockets of schools with extraordinarily high rates of unvaccinated students with some over 25%. This creates an extreme risk for students and individuals that are unable to receive vaccinations due to medical reasons out of their control, such as weak immune systems.

The religious exemption requires a "sincere religious belief." However, religious exemptions are at a 5x high in Massachusetts since the 1980's, despite there being no change in the state's religious demographics. Instead, people are taking advantage of the lax regulation of the exemption to push medical misinformation onto their children, which in turn puts other children and individuals with compromised immune systems at risk.

Canary Party Response

Measles was never "eradicated" in the U.S. This is misinformation. It was considered "eliminated" in 2000, which is an epidemiological term that means 'an absence of continuous disease transmission for 12 months'. MA has high rates of vaccination (ex. 99% of 7th graders have 2 doses of the MMR) and meets levels for herd immunity. It is highly unlikely there will be an outbreak of vaccine preventable illness in this state.

Canary Party Response CONT.

MA had two cases of measles in 2019, two in 2018, zero in 2017, and one in 2016. The population of MA is almost 7 million. There is no public health emergency or epidemic. Neither of the two recent cases were in school-aged children and both were related to international travel. There was no transmission beyond the initial cases. Furthermore, when there is a case of vaccine-preventable illness in a school, those children not vaccinated for that illness are barred from school for an appropriate period of time (often 2-3 weeks) in order to prevent transmission. This is called 'school exclusion'.

There are a handful of schools that have higher rates of exemptions. The MA Dept. of Public Health clearly states that the majority of those that use religious exemptions do so for one or a few vaccines "and are otherwise immunized". Rates of religious exemptions do not correspond to rates of failure to receive the MMR vaccine. Data do not support the idea that religious exemptions play a primary role in measles outbreaks. According to a study published in JAMA in 2016, the majority of measles cases evaluated were unrelated to nonmedical exemptions. Likewise, recent data from New York City indicate that 78.5% of cases occurred in individuals not enrolled in k-12 schools and, therefore, had no relationship to religious exemptions. Likewise, in nearby Rockland County, 60% of cases occurred in people who were not school-aged and thus did not have religious exemptions.

MA residents should also be aware that the CDC recommends that most immunocompromised children and adults receive all vaccines on the MA schedule except the MMR and Varicella (Chickenpox) vaccines. While measles and varicella represent a risk to the immunocompromised because they cannot receive these vaccines, the risk of common illnesses (viral respiratory infections, strep throat, the common cold etc.) is vastly greater than the risk from measles or varicella.

Since the 1980s, the number of vaccines required for school attendance in MA has DOUBLED and includes vaccination for Hepatitis B, which is a disease transmitted by IV drug use or sexual activity and not casually contagious within schools. So, while religious demographics have not changed, the vaccine schedule has.

What is the Constitutionality of H.3999?

Vargas says:

The bill is 100% constitutional and for over a century the courts have ruled that removing religious exemptions for vaccines does not violate the First Amendment.

Currently, Mississippi, West Virginia, California, Maine, and most recently New York have removed religious exemptions.

Courts, including the **Supreme Court** of the United States, have continued to find that “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.” (quoting [Prince v. Massachusetts, 321 U.S. 158, 166-67 \(1944\)](#))

Canary Party Response

This bill conflicts with the MA State Constitution, which prohibits discrimination for school attendance based on religious beliefs. It is also at odds with the Individuals with Disabilities Education Act of 2004 (IDEA), which provides for a public education for those with disabilities.

New York is already facing challenges to the legality and constitutionality of their recent removal of religious exemptions. Other challenges will follow in other states. With respect to Prince vs. MA, children with fewer vaccines (the vast majority of those with religious exemptions in our state) are not a priori infected with illness so they are not, simply by virtue of being unvaccinated, “exposing” a community to illness. Furthermore, we do not discriminate against children and families that do, routinely, expose others to communicable illness. For example, children with repeated strep infections or frequent bronchitis are not barred from school by virtue of having an increased risk of transmitting illness. They are asked to go home when they are ill, similar to school exclusion policies for vaccine preventable illness.

Which vaccines are required under DPH regulations for students to enter school?

Vargas says:

Hib, DTap, Polio, Hepatitis B, MMR, and Varicella. All are currently required.

Canary Party Response

New vaccines can be added for school attendance at any time, even vaccines for illnesses that are not readily communicable at school, such as Hepatitis B. If a parent following their moral conscience and sincerely held religious beliefs decides to

Canary Party Response Cont.

forego even one vaccine, their children will be barred from school. There are over 270 vaccines currently in development. Many of these will have no relevance to school-based transmission of illness; similar to the Hepatitis B vaccine.

What if I have a genuine medical concern regarding vaccination?

Vargas says:

You will not be affected by this bill. The bill does not affect medical exemptions in any way, and anyone who has a medical concern should speak to their doctor about a potential medical exemption. This includes allergies. This bill simply removes the religious exemption.

According to state law, a doctor may give a medical exemption when they are of the opinion that “the physical condition of the child is such that his health would be endangered by such vaccination or by any of such immunizations.”

Canary Party Response

In practice, medical exemptions to vaccination are extremely difficult to obtain. They are typically based on only 4 types of vaccine reactions (“contraindications”) designated by the CDC. Parents cannot get exemptions for the hundreds of other vaccine reactions listed on package inserts (manufacturers are only required to list reactions which they have reason to believe are connected to the vaccine), including things like seizures, deafness, paralysis and nerve damage.

For example, your child could have a life-threatening skin reaction, called Stevens-Johnson syndrome, from a vaccine and not be able to obtain a medical exemption for other mandated vaccines. Another example: if your child died from a vaccine-related reaction (rare, but there is a MA family that was compensated for their child’s vaccine-related death), you could not expect to receive medical exemptions for that child’s siblings. Family history of adverse vaccine reactions are not considered valid contraindications to vaccination by the CDC. One can reasonably imagine that this fact would relate directly to one’s moral conscience and spiritual beliefs regarding the care of their children.

Canary Party Response CONT.

The Health and Medicine Division (HMD) of the National Academies of Science, Engineering and Medicine (formerly called the Institute of Medicine/IOM) is an independent, nonprofit organization that works outside of government to provide unbiased and authoritative advice to decision makers and the public. In both 2011 and 2013, the IOM found serious gaps in the research regarding which children were susceptible to vaccine reactions.

The 1986 National Childhood Vaccine Injury Act describes vaccines as “unavoidably unsafe”. The US has paid out over \$4.1 billion to over 6000 people for compensation related to serious vaccine injury and death. Even families that have won compensation claims from the U.S. government, would not be able to obtain medical exemptions for other family members.

Will I or my children be mandated to take the flu shot with this bill?

Vargas says:

No. Only the aforementioned vaccines are required, and only upon school enrollment.

Canary Party Response

New vaccines can be added for school attendance at any time, including the flu shot.

Who supports removing the religious exemptions for vaccinations?

Vargas says:

There are several organizations, including the MA Chapter of the American Academy of Pediatrics, the March of Dimes, the [Massachusetts Medical Society](#), the [Boston Globe](#), and more.

Canary Party Response

It is not up to medical organizations to decide who gets to go to school in Massachusetts. It is not up to medical organizations to decide the limits of personal and religious freedoms. It is the job of the legislature to balance religious and personal liberties along with public health concerns. This can only be considered with an understanding of the social and personal costs of removing the right to a public education for those following their moral and religious conscience.

The executive director of the Catholic Action League of Massachusetts has described this legislation as “morally problematic” and has said, “Our tradition has always been that people should be accommodated for their sincerely held religious beliefs.....our foundational liberty — our freedom of religion — is in some way being devalued and ignored.” If this bill moves forward, religious leaders of all denominations will begin to speak out.

Thomas Jefferson, gives us further consideration on issues of conscience and their relationship to faith:

“It behooves every man who values liberty of conscience for himself, to resist invasions of it in the case of others; or their case may, by change of circumstances, become their own. It behooves him, too, in his own case, to give no example of concession, betraying the common right of independent opinion, by answering questions of faith, which the laws have left between God and himself.” – 1803

“But our rulers can have authority over such natural rights only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to God.” – 1782