

Talking Points for LD 798

- **What does this bill do?**
 - LD 798 strengthens the safety of schools and daycares by ensuring that children who attend are up-to-date on certain immunizations.
 - The bill does this by only allowing medical reasons for not immunizing; religious and philosophical exemptions would no longer be permitted.
 - LD 798 does NOT therefore mandate immunization for all.
- **Why this bill now?**
 - Community immunity is required to keep certain diseases from appearing and/or spreading.
 - Maine's immunity rates are dropping to levels that have caused outbreaks in our communities. See: "[Safer Schools Through Community Immunity](#)," an overview document about the problems non-medical exemptions are causing in Maine, available in the [Maine Immunization Coalition's Google Drive folder](#).
- **To whom does LD 798 apply?**
 - This bill is designed to protect all our communities and therefore all private and public elementary and secondary school as well as special education programs will be included.
 - Additionally daycares, universities, and colleges will become protected.
 - Certain health care facilities will also be included, including people working at a licensed nursing facility, residential care facility, Intermediate Care Facility for the Mentally Retarded [sic], multi-level health care facility, hospital, or home health agency.
- **What vaccines are included in LD 798?**
 - Students will be required to be protected from diphtheria, tetanus, measles, mumps, rubella, polio, chicken pox, and meningococcal meningitis.
 - Healthcare workers may require additional immunizations.
 - Of note, students are not required to be protected against Hepatitis A, Hepatitis B, Human Papilloma Virus (HPV), Haemophilus Influenza B (HiB), Rotavirus, Tuberculosis (TB), and Influenza (Flu).
- **How will LD 798 be implemented?**
 - This will be determined by the Department of Education and the Department of Health and Human Services through rulemaking.
- **Medical exemptions will be protected. What are they?**
 - Medical exemptions are decided upon between patients and their physicians.
 - A complete list of medical exemptions can be found at <https://www.maine.gov/sos/cec/rules/05/071/071c126.docx> but generally includes:
 - History of anaphylaxis
 - Known altered immunodeficiency (e.g. cancer)
 - Severe reactions after vaccines (e.g. encephalopathy)
 - Pregnancy
 - Guillan-Barre Syndrome
- **How many parents are opting out now?**

- In 2004/2005, 3.25% of Maine’s kindergarteners were unvaccinated for non-medical reasons. See: <https://www.maine.gov/dhhs/mecdc/infectious-disease/immunization/providers/documents/maine-immunization-report.pdf>
- This number has steadily risen, and in 2017/2018 5% of Maine’s kindergarteners were unvaccinated for non-medical reasons. See: <https://www.maine.gov/dhhs/mecdc/infectious-disease/immunization/publications/2018/2017-School-Immunization-Report.pdf>
- In 2018, of the 5.3% of Maine kindergarteners not immunized, only 0.3% are because of medical reasons. See report in bullet point above for more information.
- In 2018, 4.5% (1,747/39,006) of kindergarten, first, and seventh grade Maine students currently reported non-medical exemptions. Data available at: <https://www.maine.gov/dhhs/mecdc/infectious-disease/immunization/publications/2017-2018-School-Vaccination-Rates.pdf>
- **Why is vaccine hesitancy on the rise?**
 - Vaccine hesitancy refers to delay in acceptance or refusal of vaccines despite availability of vaccination services. Vaccine hesitancy is complex and context specific varying across time, place and vaccines. It includes factors such as complacency, convenience and confidence.
 - To learn more about the anti-vaccine movement, see:
 - This New York Times article from January about the anti-vaccine efforts: <https://www.nytimes.com/2019/01/19/opinion/vaccines-public-health.html>, and
 - This World Health Organization overview of vaccine hesitancy and ways to respond to it, available at: https://www.who.int/immunization/programmes_systems/vaccine_hesitancy/en/.
- **What about IEPs and Free and Appropriate Public Education (FAPE) requirements of the Individuals with Disabilities Education Act (IDEA)?**
 - An Individualized Educational Plan (IEP) is a plan or program developed to 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.
 - Each student who qualifies for IEP services does so under the IDEA.
 - Bills like LD 798 may preclude children who receive special education from enrolling in public school, and has been argued (unsuccessfully) in some states as denying their right to FAPE in the least restrictive environment, a potential violation of the IDEA. See the following link for more information: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5593235/>
 - LD 798 addresses this concern for balancing state authority to protect the public’s health with mandates under the IDEA law by allowing the Department of Education to ensure students with IEPs continue to receive appropriate services and accommodation.
- **Are vaccines safe?**
 - Yes. Please visit the Maine Immunization Coalition’s [Google Drive folder](#) for a trusted resources and documents on this topic, including information on the long process vaccines undergo to come to production (“[Process for Vaccines to Become Approved](#)”),

how vaccines are continually monitored for safety (“[Vaccine approval and monitoring process](#)”). See the Children’s Hospital of Philadelphia resource information on the common ingredients in vaccines (<https://media.chop.edu/data/files/pdfs/vaccine-education-center-vaccine-ingredients.pdf>) as well as their series of Q&A sheets for more information: <https://www.chop.edu/centers-programs/vaccine-education-center/resources/vaccine-and-vaccine-safety-related-qa-sheets>.

- If you have specific questions and would like to contact a content expert, please reach out to Kalie Hess (khess@mepca.org) with your request.
- **What are schooling options for parents who cannot obtain a medical exemption?**
 - Unfortunately, parents who choose to not immunize will need to find alternative schooling options for their children.
 - This action is necessary to prevent outbreaks like that in Washington State that have turned into a state of emergency, costing over \$200,000 in public resources. Learn more about how this has affected families with children, immunocompromised people, as well as government, at the following link: https://www.washingtonpost.com/national/health-science/it-will-take-off-like-a-wildfire-the-unique-dangers-of-the-washington-state-measles-outbreak/2019/02/06/cfd5088a-28fa-11e9-b011-d8500644dc98_story.html?utm_term=.dcf3d6f4dac8
- **What about religious freedom?**
 - The major world religions accept immunization as a life-saving scientific advancement.
 - See resource “[Religious Views of Vaccination At-a-Glance](#)” for more information on the views of specific religions on the issue of immunization, located in the Maine Immunization Coalition’s [Google Drive folder full of resources](#).
- **Constitutionality of Immunization in schools**
 - Immunization requirements for school entry are constitutional.
 - Immunizations have been part of school requirements for decades.
 - Only 17 states, including Maine, allow for philosophical exemptions from school immunization requirements.
 - See “[Legality of Limiting Exemptions for School Entry](#)” in the Maine Immunization Coalition’s [Google Drive folder full of resources](#) for sources and more information on this subject.