



IMMUNIZATION

A CORNERSTONE OF PUBLIC HEALTH



LEGISLATIVE OVERVIEW SERIES: 2022 PUBLIC HEALTH SPOTLIGHT

INTRODUCTION

Vaccination is one of public health's most powerful and cost-effective tools to prevent disease, disability, and death among children and adults. All states and territories require children to be vaccinated against certain diseases (e.g., measles) to enroll in school. These vaccination requirements always include a medical exemption and at least 44 states and Washington, D.C. also grant a religious or personal belief exemption.¹ Beyond childhood vaccinations, some states require immunizations for healthcare workers and private employers may require vaccinations as a condition of employment.

With the 2021-2022 influenza season coinciding with the ongoing COVID-19 pandemic, public health efforts to ensure vaccination for both COVID-19 and flu are important to prevent severe illness from overwhelming the healthcare system.² Each year millions of Americans receive a flu vaccine. During the 2020-2021 flu season 58.6% of children between six months and 17 years old and 50.2% of adults received



As HHS reported in October 2021, COVID-19 vaccinations prevented an estimated 100,000 hospitalizations and 39,000 deaths among American seniors.⁹

the flu vaccine.³ While effectiveness varies, recent studies show vaccination reduces the risk of flu by 40-60%.⁴ Getting an annual flu vaccine not only reduces the risk of illness and death, but also lowers the risk of hospitalization and time away from school or work. For these and a variety of other public health-related reasons, CDC recommends an annual flu vaccination for everyone six months of age and older.

LEGISLATIVE TRENDS

REDUCING BARRIERS TO ACCESS

The COVID-19 vaccine distribution effort revealed systemic inequities in vaccine access, including barriers to internet access for scheduling vaccination appointments, availability of paid time off to account for potential vaccine side effects, and difficulty in traveling to a vaccination site.⁵ During the 2021 legislative sessions, states improved access to vaccination by expanding the providers authorized to prescribe and administer vaccines.

At least 22 states enacted laws expanding the scope of practice of medical professionals to increase the vaccination workforce. At least 16 states expanded the scope of practice of pharmacists to prescribe or administer certain vaccines and six states (California, Indiana, Minnesota, New Jersey, West Virginia, and Wisconsin) now authorize dentists to administer certain vaccines. Empowering more professionals to administer vaccinations will help improve access and expand vaccine coverage.

SCHOOL REQUIREMENTS

States and territories establish vaccination requirements for students enrolling in K-12 education, with all 50 states and Washington, D.C. requiring students be immunized against diphtheria, measles, mumps, rubella, pertussis, polio, tetanus, and varicella.⁶ Additionally, 24 states require college or university students receive the meningococcal ACWY vaccine⁷ and 15 states and Washington, D.C. require certain college and university students receive the Hepatitis B vaccine.⁸

In 2021, Connecticut removed its religious exemption for all school vaccinations, now requiring any new student enrolling in Connecticut schools to adhere to the vaccination requirement or provide evidence of a medical contraindication to being immunized. In contrast, Kentucky enacted a bill adding a religious belief exemption to any vaccination requirement during an epidemic.



A growing number of states, including California, New York, Virginia, and Washington, now offer voluntary digital vaccine verification systems allowing residents to obtain proof of their vaccination.

Despite longstanding school vaccination requirements, at least 16 states considered bills during the 2021 legislative sessions to prohibit schools from requiring the COVID-19 vaccination as a condition of enrollment. At least six states (Arizona, Arkansas, Oklahoma, New Hampshire, Tennessee, and Utah) enacted laws prohibiting public schools from requiring students to receive the COVID-19 vaccine. However at least two jurisdictions—Washington, D.C. and New York—introduced legislation to require FDA-approved COVID-19 vaccines for students.

EMPLOYER REQUIREMENTS

For years, many states have required healthcare workers to be immunized against certain diseases. Recently, a significantly wider range of employers have required a COVID-19 vaccine as part of a coordinated effort to end the pandemic. Although several states implemented COVID-19 vaccine requirements for healthcare workers and public employees through executive action, at least 21 state legislatures considered bills limiting the ability of employers to require a COVID-19 vaccine as a condition of employment. At least three states (Alabama, Arkansas, and Iowa) enacted laws requiring employers to grant medical and religious exemptions to a COVID-19 vaccination requirement. Additionally, Iowa's law provides for any employee terminated based on their COVID-19 vaccination status to receive unemployment benefits.

LOOKING AHEAD

ASTHO expects more states to consider laws changing their existing vaccination requirements and exemptions from those requirements. Specifically, states are likely to consider:



- Legislation establishing or prohibiting COVID-19 vaccination requirements or verification of vaccination status.
 - Removing or expanding exemptions for existing vaccination requirements, including religious, philosophical, and natural immunity exemptions.
 - Expanding the scope of practice for medical professionals to administer vaccinations.
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