AIM Conference - Navigating State Legislative Sessions

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About NCSL

• Bipartisan membership organization
  • All 50 states, District of Columbia and U.S. territories
    • 7,386 legislators
    • All legislative staff (30,000+)

• Goals:
  • To improve the quality & effectiveness of legislatures
  • To promote policy innovation and communication among legislatures
  • To ensure states, D.C. and territories a strong, cohesive voice in the federal system
How NCSL Strengthens Legislatures

**Policy Research**
NCSL provides trusted, nonpartisan policy research and analysis

**Connections**
NCSL links legislators and staff with each other and with experts

**Training**
NCSL delivers training tailored specifically for legislators and staff

**State Voice in D.C.**
NCSL represents and advocates on behalf of states on Capitol Hill

**Meetings**
NCSL meetings facilitate information exchange and policy discussions
Health related bills have increased more than two-fold since 2018
2023 Introduced Bills in State Legislatures
Health Policy A-Z!
NCSL Vaccine Related Legislation Tracking

• **NCSL State Public Health Legislation Database** - tracks vaccine related legislation introduced by states
  - 2023 – 740+ bills
  - 2022 – 590+ bills
  - 2021 – 800+ bills

• Database contains vaccine related bills in five categories:
  - Access to vaccines
  - Insurance and Workforce
  - Registries and Reporting
  - Vaccine Requirements
  - Other (e.g. minor consent for vaccination)
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Vaccine Related Legislation Trends

Top introduced legislation topics regarding **vaccine requirements** in 2022-2023:

- Prohibition of vaccine mandates by employer, business or government entity (mainly COVID vaccine)
- Anti-discrimination for vaccine status (mainly COVID vaccine)
- Prohibition of COVID-19 vaccine for school entry
Vaccine Related Legislation Trends

• Approximately 13% of vaccine related bills tracked in 2023 enacted/adopted (98)

• Top vaccine topics for bills passed in 2023:
  o Pharmacist/pharmacy tech authorization to administer vaccines (approx. 24)
  o Prohibition of COVID-19 vaccine mandates and vaccine status anti-discrimination (approx. 11)
Vaccine Related Legislation Trends

Potential Hot Topics for Vaccine Related Legislation in 2023

• At least nine states introduced bills regarding reporting of vaccine adverse events in 2022-2023; most require creating a new state reporting system.

• Exclusion of certain vaccines (usually COVID-19) from school entry requirements.

• Bills from five states (CT, ME, MS, NY and WV) to reinstate religious and/or philosophical/personal exemptions for school entry (5 states currently do not allow for such exemptions CA, CT, ME, NY, WV).

Status as of October 2023

• North Dakota HB 1207 enacted – requires the state HHS Department to display link on website to the federal VAERS with instructions on how to report an adverse event.

• Florida SB 252 restricts educational institutions from requiring COVID-19 vaccines; Kansas HB 2285 restricted the Secretary of Health from requiring COVID-19 vaccination for children in childcare or schools (vetoed)

• Bills in four states (CT, ME, MS, and WV) failed. New York SB 118 and SB 1484 still pending (introduced in January)
States With Religious and Philosophical Exemptions From School Immunization Requirements

• Exemptions from School Immunization Requirements webpage (routinely updated)

• Brief on Respiratory Virus Season – Preparing for the Season’s 3 Main Respiratory Viruses (2023)

• Brief on IIS – Lawmakers Turn to Data Systems to Guide Vaccine Decision-Making (2023)

• Childhood Vaccination in Post-Pandemic America Podcast (2023)
Vaccine Related Research Request Topics (2021-2023)

• COVID-19:
  o Mandates regarding schools, employers, government
  o Vaccine safety and efficacy
  o Natural immunity exemptions
  o Vaccine discrimination
  o Vaccine passports

• Vaccine adverse events
• Future pandemic preparedness
• Immunization information systems
• School immunization policies
• Minors consent for vaccination
Tips for Engaging with State Legislatures and Providing Information

- **Research the legislature** – they’re all vastly different from state to state
  - Size - 13 seats in D.C. to 424 seats in New Hampshire; Are legislators part-time or full-time? How long do they meet? How many constituents do they serve – 3,000 to 1 or more than a million?

- **Get to know the legislators and form key contacts**
  - Which committee(s) covers your issues? Who is knowledgeable about your issues?
  - Around 20% are new legislators each year – consider information for newer legislators

- **Frame the message**
  - Costs/benefits, return on investment, fiscal impacts and/or efficiencies gained
  - Note best practices and what other states are doing
  - Humanize the issue – how does it affect people in their state
  - Don’t just educate on issues but let them know what legislative options they have
  - Provide one-pager, fact sheets and/or frequently asked questions (bulleted talking points)

- **Learn what legislators in your state are interested in**
  - Current topics of interest – WORKFORCE shortages; health care and drug costs; Medicaid
Questions?
Overview

01 ASTHO’s Support for Immunization Programs
02 2023 Vaccine Policy Trends
03 Tips for Navigating Session
ASTHO’s Support for Immunization Programs
Helping Health Agency Staff Navigate the Policy Process

**Peer Networks**

ASTHO facilitates 14 Peer Networks, bringing together health agency staff to share their expertise, learn best practices, and develop sound policy in their area of specialization.

State Health Policy facilitates two of these networks:
- State/Territorial Legislative Liaisons
- Public Health Lawyers

**Capacity Building**

ASTHO builds member capacity through learning opportunities available to health agency staff and developing resources synthesizing evidence-based public health policy and practice.

In addition to supporting ASTHO-wide capacity building efforts, State Health Policy leads our Health Policy Update and Legislative Prospectus Series.

**Technical Assistance**

ASTHO provides a range of technical assistance to members. In the policy space, ASTHO is available to support agencies navigating legislative session along with emerging policy questions.
COVID-19 Immunization Data Exchange, Advancement and Sharing (IDEAS)

- With support from ONC, the Association of State & Territorial Health Officials (ASTHO) is hosting the IDEAS Learning Community
- The learning community convenes state health agency leaders, their staff, and HIE partners to advance and achieve sustainable change in immunization information system & HIE partnership and data sharing
- State grantees receive financial awards and technical assistance to advance data sharing. The learning community will also support peer-to-peer learning and dissemination of promising practices
Read the full reports: bit.ly/3nt7Q9P
2023 Vaccine Policy Trends
Themes from 2023 Sessions

Public Health Authority for Routine Childhood Immunizations

- At least 6 states considered bills to shift authority for determining which routine childhood immunizations for school entry from the health department to the legislature. None passed.
- At least 5 states passed laws relating to school entry vaccine requirements.
  - California now requires advising parents to have their child immunized against HPV
  - Tennessee removed vaccine requirements for homeschooled children not enrolled in interscholastic sports
  - Arkansas and Florida now prohibit requiring COVID-19 vaccines for school entry.
  - Washington, D.C. removed its COVID-19 vaccine requirement for school enrollment
Themes from 2023 Sessions

Non-medical Exemptions

• At least 8 states considered expanding non-medical exemptions to school vaccination requirements with at least 2 states passing laws.
  • Montana requires school communication about vaccine requirements include information about the state's nonmedical exemptions.
  • Idaho now requires licensed daycare facilities to describe non-medical exemptions on all vaccine-related parental communications.
Courts Consider State Vaccine Exemption Laws

• In April 2023 federal Southern District of Mississippi court held that Mississippi law requires a religious exemption to its school vaccination requirement.

• August 2023 the Second Circuit Court of Appeals upheld a 2021 Connecticut law removing non-medical exemptions from the school immunization requirements.
Issues on the Horizon

Shifts to Non-Medical Exemptions
• Parental rights groups are active in many state legislatures, advocating for greater ability for parents to exempt their children from routine school immunization requirements.

Legislation Related to Vaccine Technology
• At least one state considered a bill to completely ban mRNA vaccines entirely.

Judicial Scrutiny of Public Health Prioritization
• In June 2023 SCOTUS denied cert in *Roberts v. McDonald*, which questioned public health prioritization of COVID therapeutics. Alito and Thomas issued a dissent statement which was skeptical of the state’s authority to prioritize distribution of the treatment based on a person’s race.
State Bills Relating to Vaccines in Schools and Provider Scopes of Practice

All 50 states and the District of Columbia require vaccinations for school entry. Since the emergence of the COVID-19 vaccine, a debate has emerged around compulsory vaccinations for school-age children and parental rights. In some states, COVID-19 vaccines become the newest battleground for anti-vaccine efforts, most broadly, leading to the introduction of bills during the 2023 legislative session seeking to restrict the use of — or expand exemptions to — school requirements. At the same time, state legislatures continued to introduce bills expanding vaccination access by changing the scope of practice for providers like nutritionists, pharmacists, dentists, and dental hygienists, and others to allow them to administer vaccinations.

This longitudinal dataset captures legislation addressing school entry vaccination requirements, non-medical exemptions to school vaccination requirements, the realignment of authority to determine vaccination requirements for schools, and expansions to provider scope of practice to administer vaccines between January 1, 2021, and May 22, 2023, in all 50 US states and the District of Columbia.

This dataset was created in collaboration with the Association of State and Territorial Health Officials as a part of the Act for Public Health initiative. Act for Public Health provides direct support to public health departments and others through legal technical assistance, research, and resources to track litigation and legislation that impacts their ability to protect the communities they serve. Act for Public Health is a partnership that includes Arnold & Porter, the Public Health Law Center at Mitchell Hamline School of Law, the Network for Public Health Law, Public Health Law Center, and the Center for Public Health Law Research at Temple University’s Beasley School of Law.
Tips for Navigating Legislative Session
Build a Team of Teams

Policy Team

As subject matter experts, AIM members can help inform the policy team on how policy proposals may impact operations, population vaccination rates, and more.

Immunization Team

The policy team is often comprised of key leaders in your agency, like your Health Official, Senior Deputy, Legislative Liaison and Attorney. This team can help identify when legislative proposals are likely to advance.

Community Leaders

Engaged community members can help shape vaccine policy. As public health leaders you can equip community advocates with information about your jurisdiction so they can engage with policymakers.
Communicate & Collaborate

• Sessions move quickly, staying in communication among teams and with policymakers is crucial.

• Policymakers come from a wide range of backgrounds, be sure to explain why a policy/program is beneficial to public health.

• Collaborating with policymakers and among teams can result in stronger policy outcomes.
Contacting ASTHO

Maggie Davis, JD, MA | mdavis@astho.org

Technical Assistance Requests | ask@astho.org
LESSONS LEARNED FROM WA STATE IMMUNIZATION POLICY WORK

Michele Roberts, MPH, MCHES
Assistant Secretary for Prevention and Community Health
Measles

So frickin cold you'll die if you leave your house
2019 Legislative Response to Measles Outbreak

- Weekend of January 12-13: 11 suspect measles cases in Clark County

- January 14: First Day of Legislative Session

- Two bills introduced
  - SB 5841 – removes personal belief exemptions for all vaccines for childcare and K-12
  - Introduced by a Republican from Clark County
    - Status: Died

  - HB 1638 – removes personal belief exemptions for just MMR vaccine childcare and K-12, adds a MMR vaccination requirement for childcare workers and volunteers
  - Introduced by a Democrat from Clark County
    - Status: Passed both houses and Governor signed into law
Amendments Abound

Dozens of amendments introduced, including:

• Medical exemption allowed if sibling has had an adverse reaction to any vaccine
• Parent input considered for medical exemption
• Child Care excluded from bill (so would only apply K-12)
• Secretary of Health civilly liable

https://app.leg.wa.gov/billsummary?BillNumber=1638&Year=2019&Initiative=false
Impact of MMR Exemption Change

1. EHB 1638 associated with increases in kindergarten MMR completion rates, but impact likely partially offset by increases in religious exemptions

2. Differences exist between public and private schools and vary geographically

3. Eliminating personal belief exemptions while allowing other exemption types for the MMR vaccine only may be an effective approach to increase MMR coverage
Upcoming 2024 Legislative Work

• Agency request legislation to update the definition of vaccine in state law
  • Definition is too narrow to support RSV product being added to universal purchase
    "Vaccine" means a preparation of killed or attenuated 24 living microorganisms, or
    fraction thereof, that upon administration 25 stimulates immunity that protects against
    disease and is an immunization approved by the federal food and drug administration as
    safe and effective and recommended by the advisory committee on immunization
    practices of the centers for disease control and prevention for administration to children
    under the age of nineteen years.

• This definition was chosen to:
  • Strike out narrow language that excludes current immunization practices
  • Add the term “immunization” and retain reference to ACIP recommendation to align with
    Affordable Care Act (ACA) statutes (42 U.S.C. §300gg–13 and 29 CFR § 2590.715-2713)
  • Increase alignment with VFC’s September 29th, 2023 programmatic definition of vaccine
  • Align with Washington state’s Office of the Insurance Commissioner rules use of
    “immunization” and ACIP recommendations (WAC 284-43-5640 and WAC 284-43-5642)
Building Support

- Official request to Governor’s Office
- Framing
  - Technical fix
  - Not a mandate, no changes to requirements
- Cost savings
- RSV risk
- Equity and parent choice
- Provider support
- Stakeholder meetings
- Legislator meetings
- Fact sheets and communication materials
Lessons Learned

1. Build strong relationships with your agency policy leads
   a. Understand political landscape
   b. Roles and responsibilities – can change depending on situation and scope

2. Tailor messages to the audience
   a. Higher level
   b. Focus on health impact to people
   c. What are drivers (good and bad)

3. Phone a friend! Figure out your go-to peers in other states

4. Join forces

5. Focus on your partners, parents who do vaccinate and policy makers – inoculate against misinformation

6. Clearly and concisely share accurate information (again and again and again...)

7. Be thoughtful about when & how you engage; Always take the high road.

8. Have a plan to ground yourself and take breaks
Partnerships

A crisis* isn’t the right time to be exchanging business cards.

*or a legislative session 😊
Questions?
Contact

Michele Roberts, MPH, MCHES
Assistant Secretary for Prevention and Community Health

Michele.Roberts@doh.wa.gov
A Look Ahead - Tips to Prepare for the 2024 Legislative Session

- Anticipate substantial interest in vaccine-related legislation, especially mandates, exemptions, ‘anti-discrimination due to vaccine status’, vaccine safety, IIS Opt-In, and minor consent.

- Be on guard for spillover of politicization from COVID to routine vaccines.

- Brief your State Health Officer, PIO, Legislative Liaison, and Governor’s Office.

- Develop agency policy and messaging in advance on anticipated issues, if possible, and in accordance with your state process. Share with stakeholders as appropriate.
Where can I find the rules?


Your state or local Legislative Liaison
AIM is Here to Help

- Peer to Peer Dialogue
- Trend Analysis
- Bill Analysis, Talking Points & Draft Testimony
- Customizable Fact Sheets
- Legislative Analysis & Individual Consultation
Partners and Trusted Sources

- Healthcare providers (including federally funded safety net and in-home care providers)
- Health insurance issuers and plans
- Employers
- Educators
- Unions and professional organizations
- Organizations serving minority populations and people with disabilities
- Community and faith-based groups
- Organizations serving tribal nations
- State and local government
AIM Resources

https://www.immunizationmanagers.org/Policytoolkit

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