



AIM Conference - Navigating State Legislative Sessions

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(NCSL)

December 6, 2023



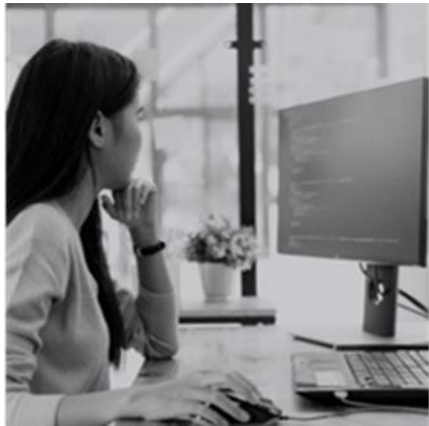
About NCSL



- 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



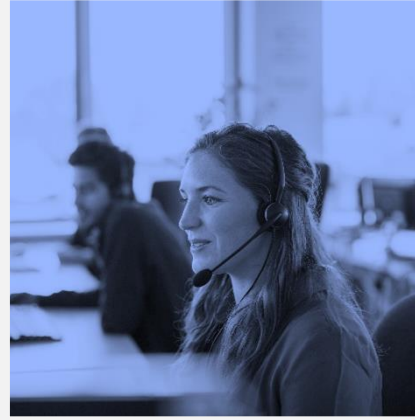
Policy Research

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.

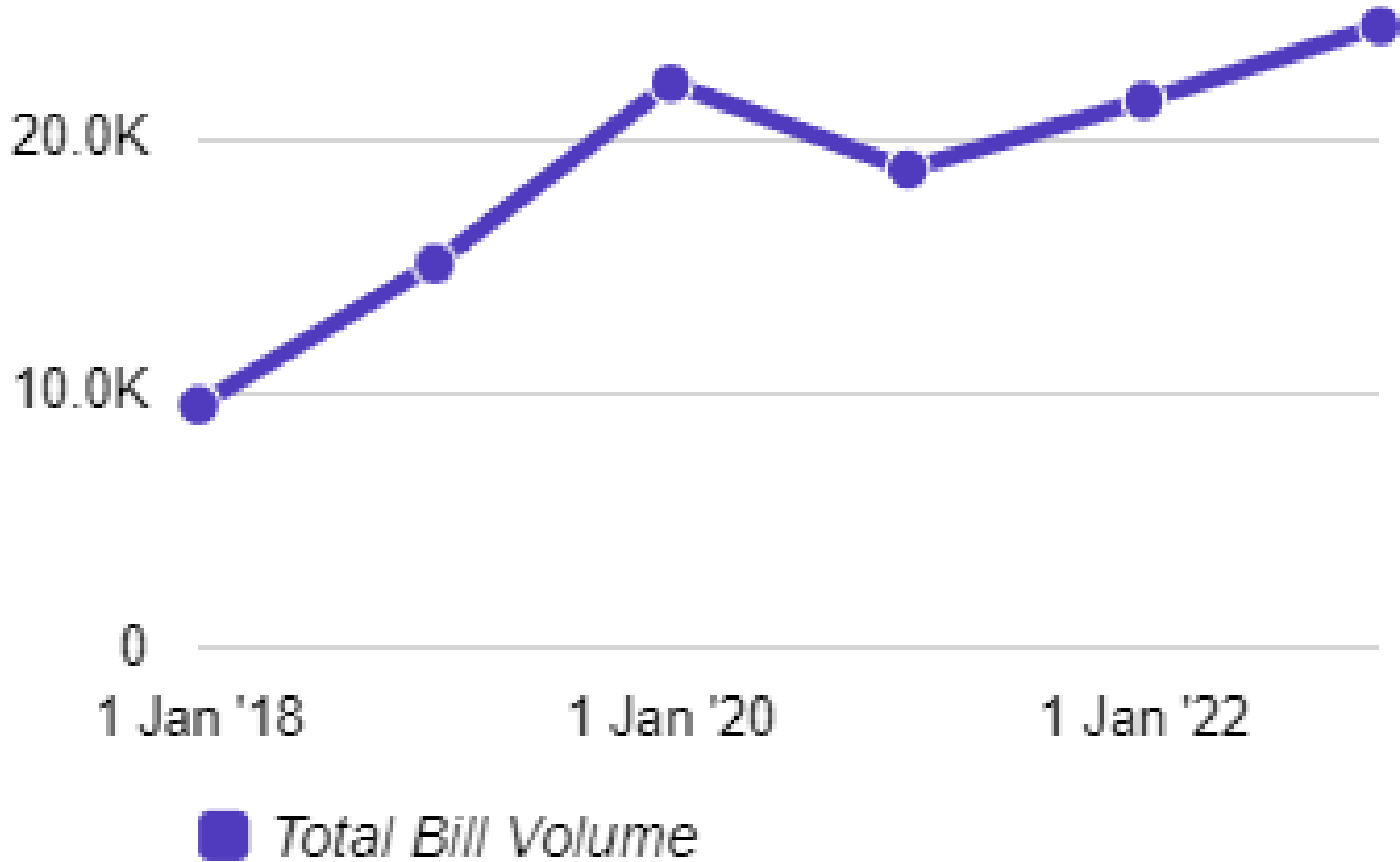
NCSL represents and advocates on behalf of states on Capitol Hill



Meetings

NCSL meetings facilitate information exchange and policy discussions

Total Health Bills by Year



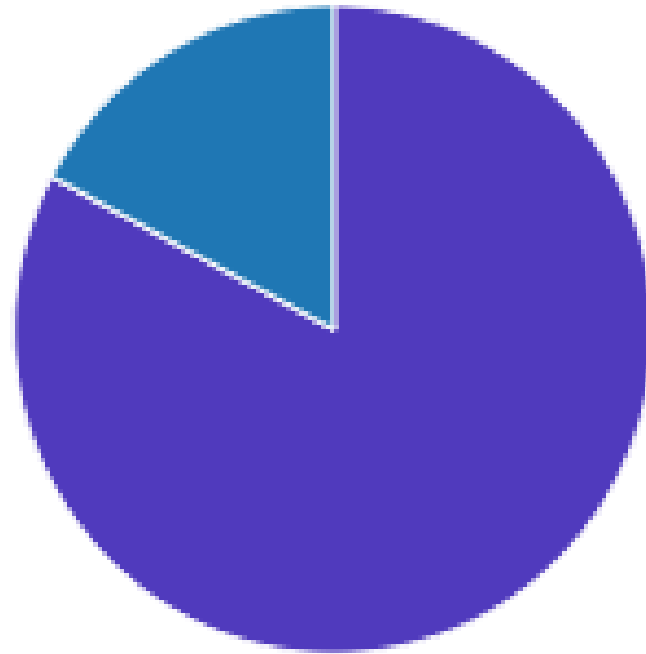
Health related bills have increased more than two-fold since 2018



2023 Total Legislation



2023 Introduced Bills in State Legislatures



 *Total 2023 Legislation*  *2023 Health Bills*



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)

TOPICS	Clear	STATES	Clear
<input checked="" type="checkbox"/> Vaccines: Access		<input checked="" type="checkbox"/> All States	
<input checked="" type="checkbox"/> Vaccines: Insurance and Workforce		<input checked="" type="checkbox"/> Alabama	
<input checked="" type="checkbox"/> Vaccines: Other		<input checked="" type="checkbox"/> Alaska	
<input checked="" type="checkbox"/> Vaccines: Registries and Reporting		<input checked="" type="checkbox"/> Arizona	
<input checked="" type="checkbox"/> Vaccines: Requirements		<input checked="" type="checkbox"/> Arkansas	
		<input checked="" type="checkbox"/> California	

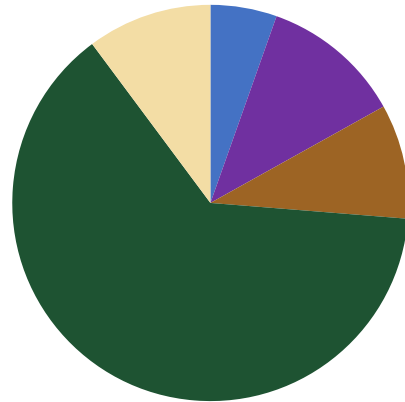
KEYWORD	STATUS	BILL NUMBER	YEAR	AUTHOR
	All		2023	

Search Reset All

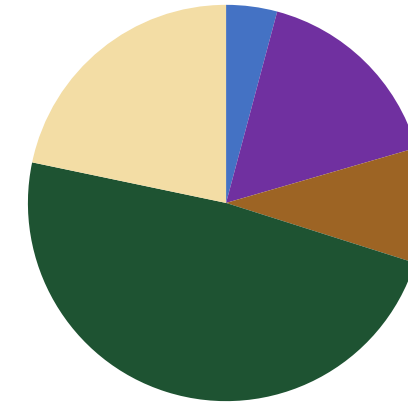
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Vaccine Related Legislation Trends

2022 Introduced Vaccine Legislation Distribution



2023 Introduced Vaccine Legislation Distribution



■ Access ■ Ins./Workforce ■ Registry/Reporting ■ Requirements ■ Other

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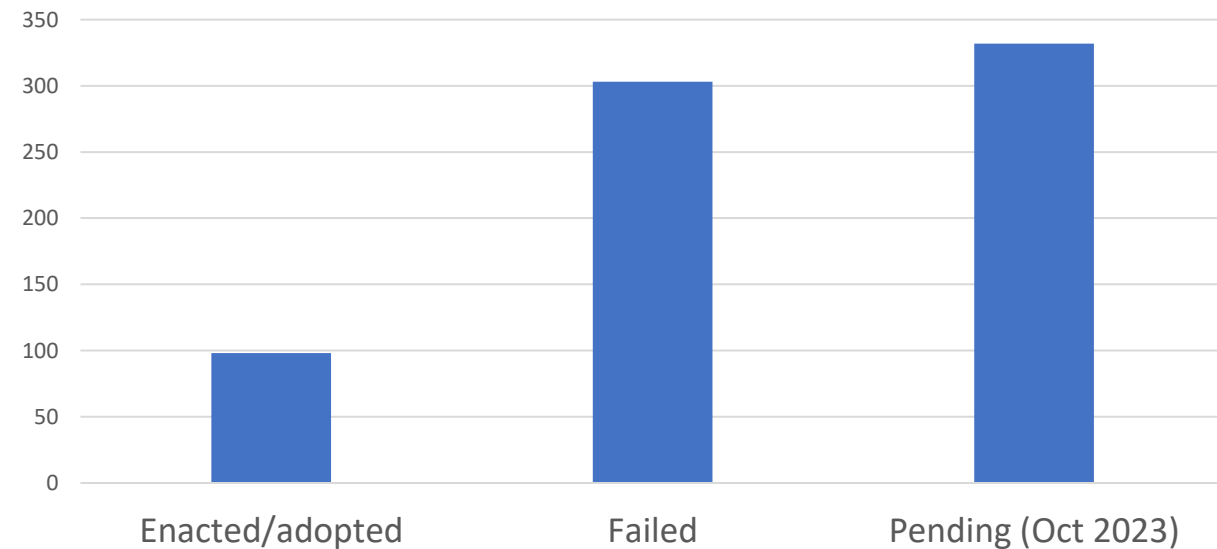
Top introduced legislation topics regarding **vaccine requirements** in 2022-2023:

- 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:**
 - Pharmacist/pharmacy tech authorization to administer vaccines (approx. 24)
 - Prohibition of COVID-19 vaccine mandates and vaccine status anti-discrimination (approx. 11)

2023 Vaccine Related Bill Outcomes



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).

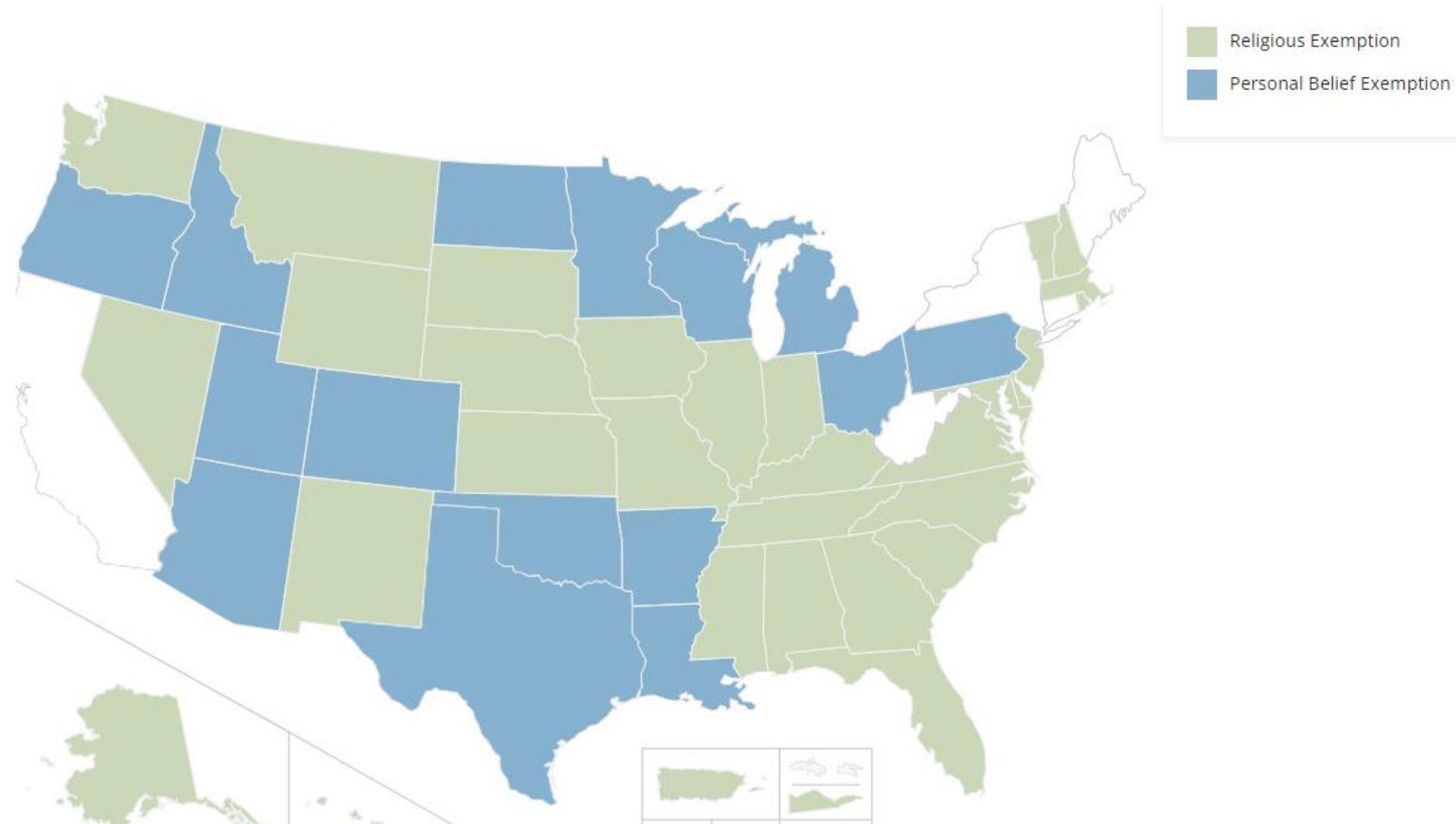
Status as of October 2023

- 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)

Vaccine Related Legislation Trends

States With Religious and Philosophical Exemptions From School Immunization Requirements

<https://www.ncsl.org/health/states-with-religious-and-philosophical-exemptions-from-school-immunization-requirements>



NCSL 2023 Vaccine Related Publications & Podcast

- [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:
 - Mandates regarding schools, employers, government
 - Vaccine safety and efficacy
 - Natural immunity exemptions
 - Vaccine discrimination
 - 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?



Navigating State Legislative Sessions to Support Vaccine Policy

December 2023

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

Capacity Building

Technical Assistance

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

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.

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)

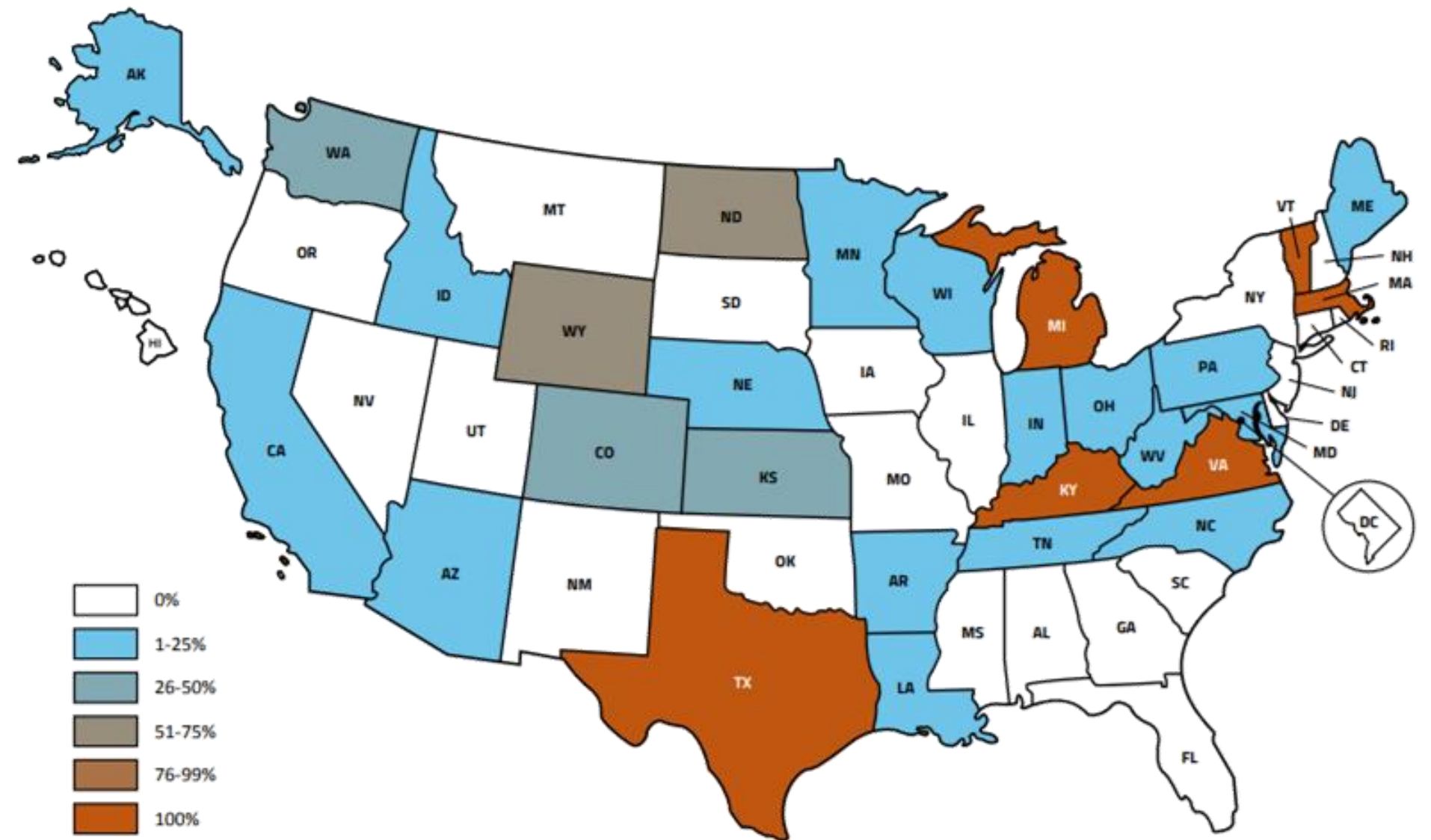
- With support from ONC, the Association of State & Territorial Health Officials (ASTHO) is hosting the **IDEAS Learning Community**
- The learning community convenes state health agency leaders, their staff, and HIE partners to advance and achieve sustainable change in **immunization information system & 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**



Characterizing the IIS & HIE Data Sharing and Legal Landscapes



Percent of Provider Site Connections to IISs Mediated by an HIE, by Jurisdiction, 2020



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.

Legislative Tracking Efforts

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 became the newest battleground for anti-vaccine efforts more 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 midwives, 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 reallocation of authority to determine vaccination requirements for schools, and expansions to provider scope of practice to administer vaccines between January 1, 2023, 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 ChangeLab Solutions, the Public Health Law Center at Mitchell Hamline School of Law, the Network for Public Health Law, Public Health Law Watch, and the Center for Public Health Law Research at Temple University's Beasley School of Law.

CREATED BY: Center for Public Health Law Research Staff
MAINTAINED BY: Center for Public Health Law Research Staff
VALID FROM: January 1, 2023
UPDATED THROUGH: May 22, 2023

- Data
- Codebook
- Protocol
- See all related maps



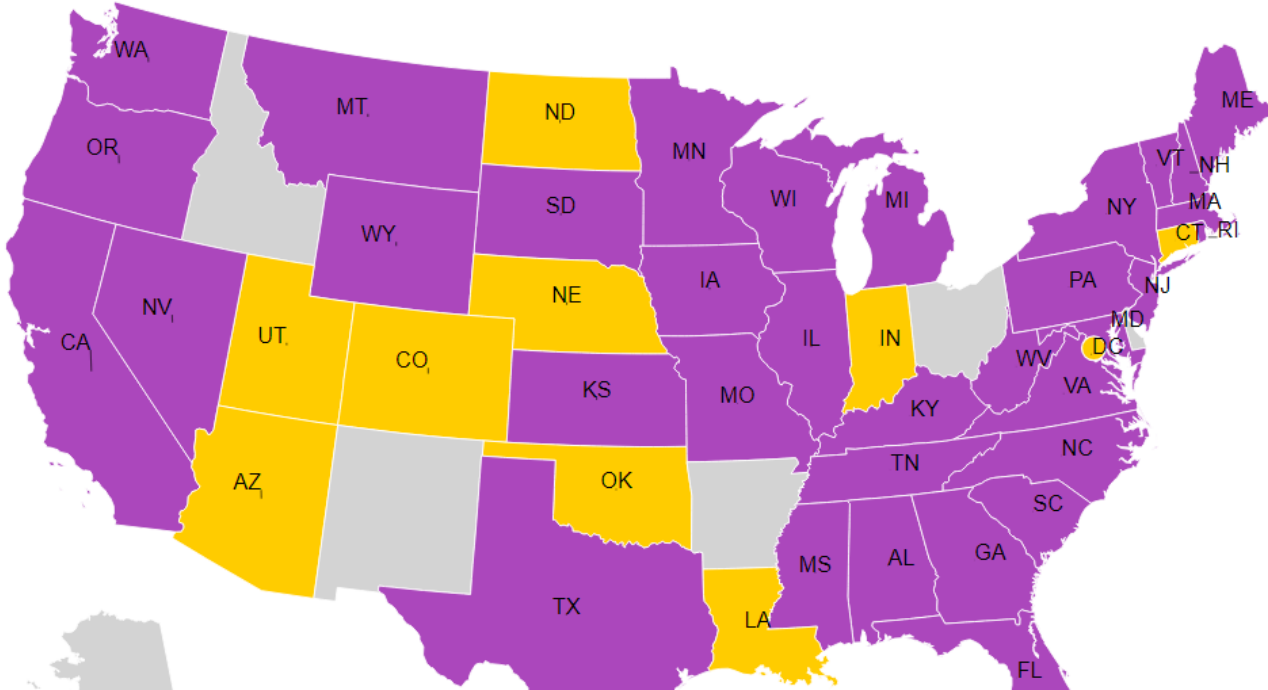
Map Profiles

5/22/23 (196 jurisdictions)

Filter Explore Reset

Criteria:
1. Has this state introduced a bill since January 1, 2023, addressing vaccination within the scope of this dataset? Yes

1. Has this state introduced a bill since January 1, 2023, addressing



Tips for Navigating Legislative Session

Build a Team of Teams

Policy 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.

Immunization 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.

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

*Thank
you*





LESSONS LEARNED FROM WA STATE IMMUNIZATION POLICY WORK

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



Strait of Juan de Fuca

Olympic Mountains

Coastal Region

Grays Harbor
Willapa Bay

Willapa Hills

Columbia River

Apex Spring

Seattle

Tacoma

Olympia

Puget Sound Lowlands

Mt. Baker

Glacier Peak

Cascade Range

Mt. Rainier

Mt. St. Helens

Mt. Adams

Clearwater Highlands

Selkirk Mountains

Grand Coulee Dam

Columbia Basin

Horse Heaven Hills

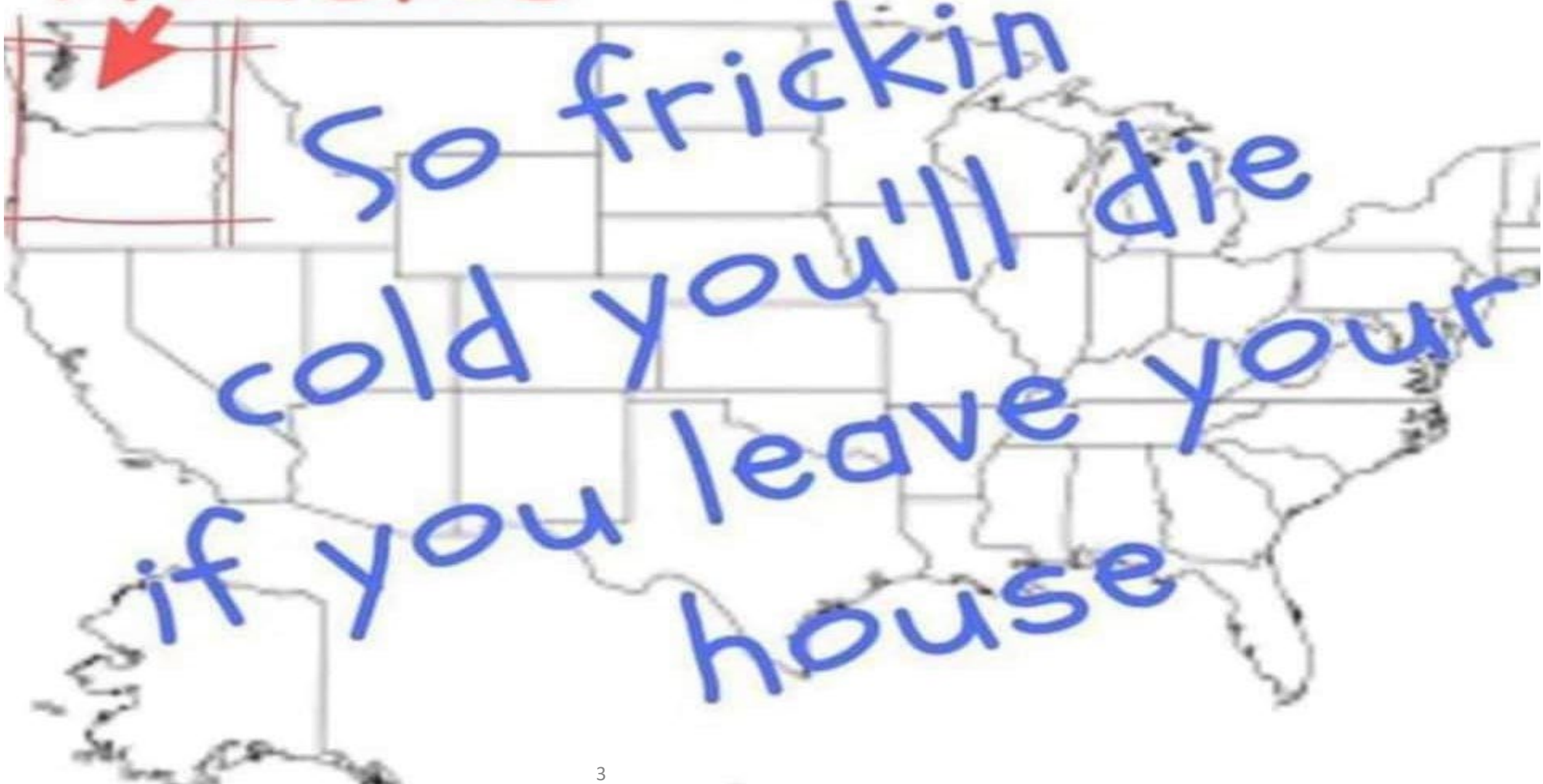
Spokane

Snake River

Oregon

Measles

United States of America
Outbreak Status



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

WASHINGTON STATE DEPARTMENT OF HEALTH

Updating Definition of “Vaccine”

October 2023

The Washington State Department of Health (DOH) is proposing legislation that would update the definition of “vaccine” in the Washington Vaccine Association (WVA) statute ([RCW 70.290](#)). This is in response to the release of a new immunization to protect against Respiratory Syncytial Virus (RSV) in infants and toddlers. This change would allow the new product to be available through the existing universal childhood vaccine program. It does NOT change any other immunization policies or vaccine requirements.

Respiratory Syncytial Virus

RSV is a seasonal, highly contagious virus that affects 97% of children by the age of 2¹. Low-income children of color are at high risk of severe RSV². The virus can be dangerous for many infants:

- **RSV is the leading cause of hospitalization for infants less than a year old.**³ Each year in the United States, an estimated 58,000-80,000 children younger than 5 years are hospitalized due to RSV infection.⁴
- **RSV is the most common cause** of bronchiolitis (inflammation of the small airways in the lungs) and pneumonia in children younger than 1⁵ and it increases long-term risks of developing asthma.⁶
- **Each year RSV leads to approximately 100–300 deaths** in children younger than 5 years old in the United States.⁷

A powerful new tool to protect against RSV

In August 2023, nirsevimab was recommended by the CDC Advisory Committee on Immunization Practices (ACIP). It is a long-acting monoclonal antibody product (*monoclonal antibodies are laboratory-made proteins that mimic the immune system’s ability to fight off harmful pathogens such as viruses*) **shown to reduce the risk of hospitalizations and healthcare visits for RSV in infants by about 80 percent.** It is administered as an injection and provides critical protection from RSV.

Technical Fix

In Washington state, vaccines for children are purchased by the DOH using federal funds from the national Vaccines for Children (VFC) Program, state funds from the Health Care Authority (HCA), as well as state assessments from health plans, insurance companies, and other payers, paid into the Washington Vaccine Association (WVA), an independent administrator. This allows the state to purchase one source of childhood vaccines for all children, regardless of insurance status.

The current statutory definition of “vaccine” (RCW 70.290) is written narrowly: “a preparation of killed or attenuated living microorganisms, or fraction thereof”. Nirsevimab does not meet this definition. The proposed legislation would provide a technical fix to update the definition of “vaccine” and ensure the WVA’s legal authority continues to align with the original intent of the statute to provide recommended vaccines to all children. While this is not a mandate that requires vaccination, this fix will ensure that future ACIP recommended vaccines and immunizing products are eligible to be

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 a breaks

Partnerships

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



*or a legislative session 😊

Questions?

Contact



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@WADeptHealth

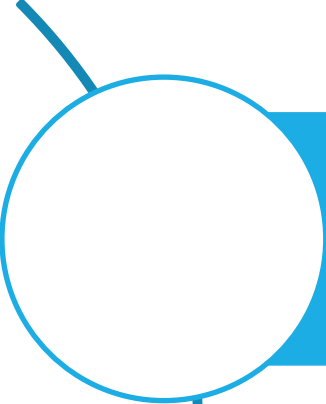


To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email civil.rights@doh.wa.gov.

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?



Centers for Disease Control and Prevention, “Anti-Lobbying Restrictions for CDC Grantees,” July 2012. Available at https://www.cdc.gov/grants/documents/Anti-Lobbying_Restrictions_for_CDC_Grantees_July_2012.pdf



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

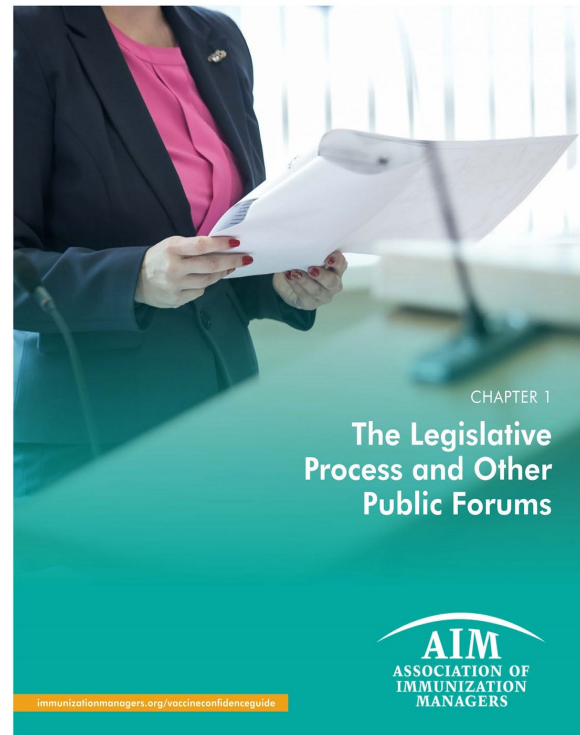
AIM Resources

Connecting the Dots



<https://www.immunizationmanagers.org/Policytoolkit>

Lessons from the Field: PROMOTING VACCINE CONFIDENCE



<https://www.immunizationmanagers.org/Policytoolkit>