

# Law and Policy: Navigating the Legal Landscape

December 11, 2025



Association of  
Immunization  
Managers

# Agenda

- Introductions
- Presentations
  - Richard Hughes IV, JD, MPH
  - Dorit Reiss, LLB, Ph.D.
- Q&A
- AIM and Resources



**Richard H. Hughes IV, JD, MPH**

Partner  
Epstein, Becker & Green



**Dorit Rubinstein Reiss, LLB, Ph.D.**

Professor of Law, James Edgar Hervey  
Chair in Litigation  
UC Law San Francisco



EPSTEIN  
BECKER  
GREEN

# The State of Vaccine Law and Policy in 2025

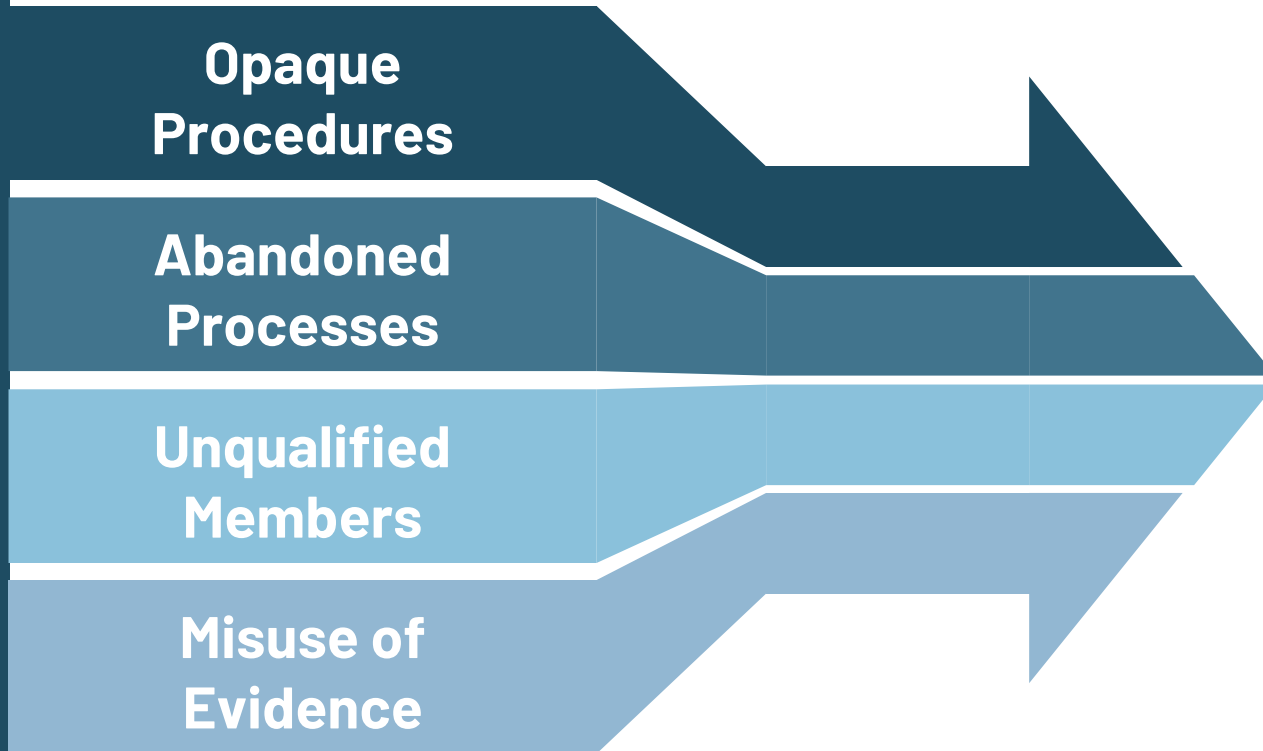
**Presentation for Association of Immunization Managers**

December 10-11, 2025

# We Have Entered A New Era of Government Policies That Are Meant to Undermine Vaccine Coverage, Access and Innovation



# A New, Co-Opted ACIP Poses an Existential Threat to Vaccines



## **Loss of Scientific Integrity**

Decisions lacked transparency and rigor, eroding ACIP's credibility and trust in federal vaccine policy

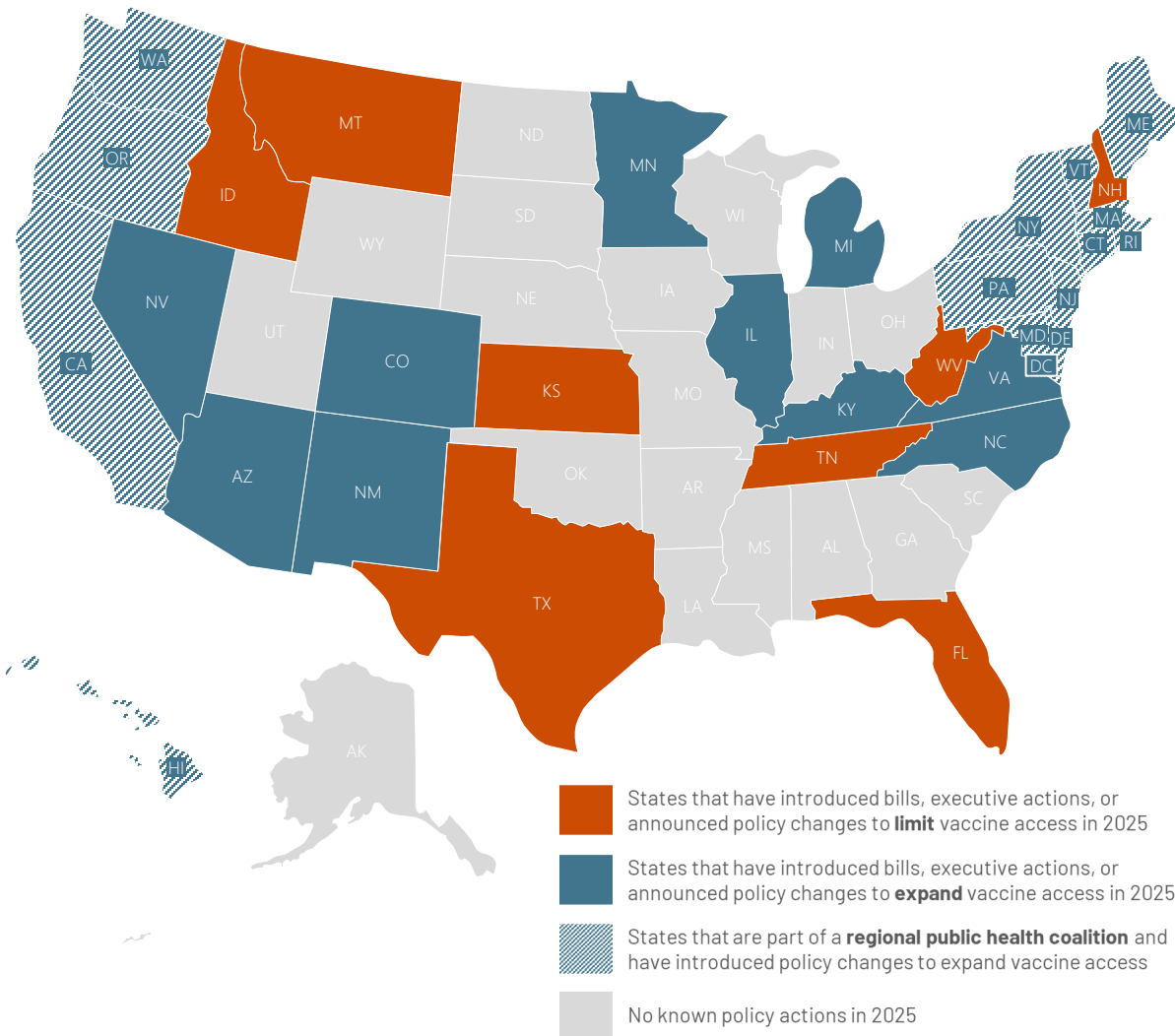
## **A Platform for Mis- and Disinformation**

Anti-vaccine rhetoric is given equal or greater footing with scientific evidence during deliberations

## **Access and Delivery Issues**

The compromised nature of recommendations has fractured standards of care and raised liability concerns

# In Today's Polarizing Vaccine Environment, We're Seeing a Shift in Vaccine Federalism, For Better and For Worse



## A Patchwork of Expansions and Limitations in 2025

- In response to downward pressure on federal vaccine policy, 26 states have moved to **allow pharmacists to administer COVID-19 vaccines without a prescription**, and 4 states have extended this to include other vaccines.
- To help ensure coverage, 13 states have moved to **require state-regulated health insurers to cover COVID-19 vaccines at no cost**, and 4 states have expanded this policy to include all vaccines recommended by the state.
- Twenty-two states have specified **non-federal entities** (e.g. AAP, ACOG, and AAFP) **as sources for vaccine recommendations**, either in addition to or instead of CDC/ACIP.
- At the same time, red states are limiting vaccine access by **expanding exemptions, weakening entry requirements**, shifting authority from health agencies to legislatures, and simplifying opt-out processes for parents.

Sources: (1) KFF, [Tracking State Actions on Vaccine Policy and Access](#), September 24, 2025. (2) KFF, [State Vaccine Requirements for Children](#), 2025.

# Vaccines Are At a Judicial Inflection Point

1

## Federal leadership is pushing an anti-vaccine agenda

*Medical societies have challenged recent actions by HHS Secretary Kennedy, NIH Director Bhattacharya and FDA Commissioner Makary*

2

## VICP is facing an existential threat

*The Vaccine Injury Compensation Program (VICP) and broader liability protections are at risk*

3

## Recent decisions could be a harbinger for what's coming

*Describing vaccines as "forced medical treatment" and considering medical and religious exemptions comparable are just some of the recent examples*

4

## Challenges to further limit vaccine policy are unchecked

*Lawsuits that could advance anti-vaccine viewpoints may not be defended by the administration*

**The Washington Post**  
*Democracy Dies in Darkness*

## Public health groups file lawsuit to stop RFK Jr.'s vaccine changes

The lawsuit seeks to overturn Kennedy's decision in May to end the government's long-standing blanket recommendation for children and pregnant women to receive coronavirus shots.

Updated July 7, 2025

"Slice it how you will, medical exemptions and religious exemptions are on comparable footing when it comes to state asserted interests."

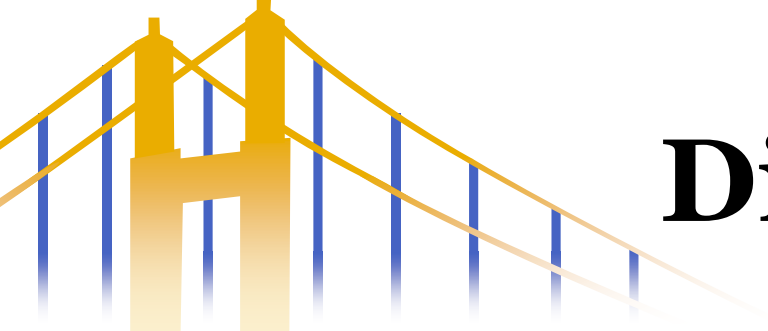
– Justice Neil Gorsuch (dissenting opinion, *Does v. Mills*)



UNIVERSITY OF CALIFORNIA LAW  
SAN FRANCISCO

# **Vaccines Legal Update AIM 2025**

Dorit R. Reiss



# Disclosures:

- The family owns stock (regular) in GSK.
- Served as a volunteer (unpaid) advisor on Moderna's ethics advisory group

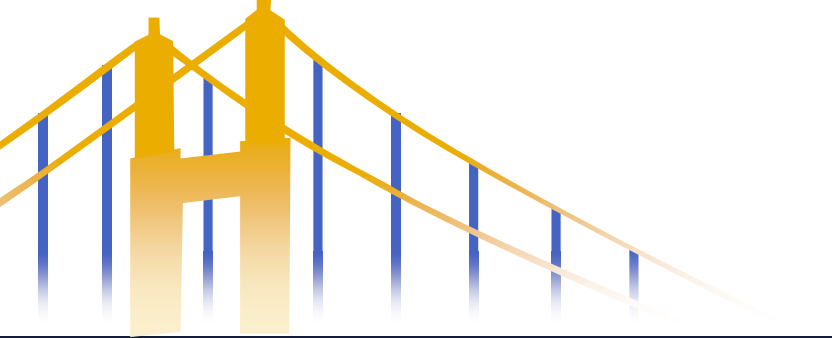
# Presentation Plan:

11

## Structure

- School vaccine mandates generally.
- Exemption struggles update.
- VICP.
- Other litigation.





Children deserve a good education *and* good health. Immunization requirements help protect both.

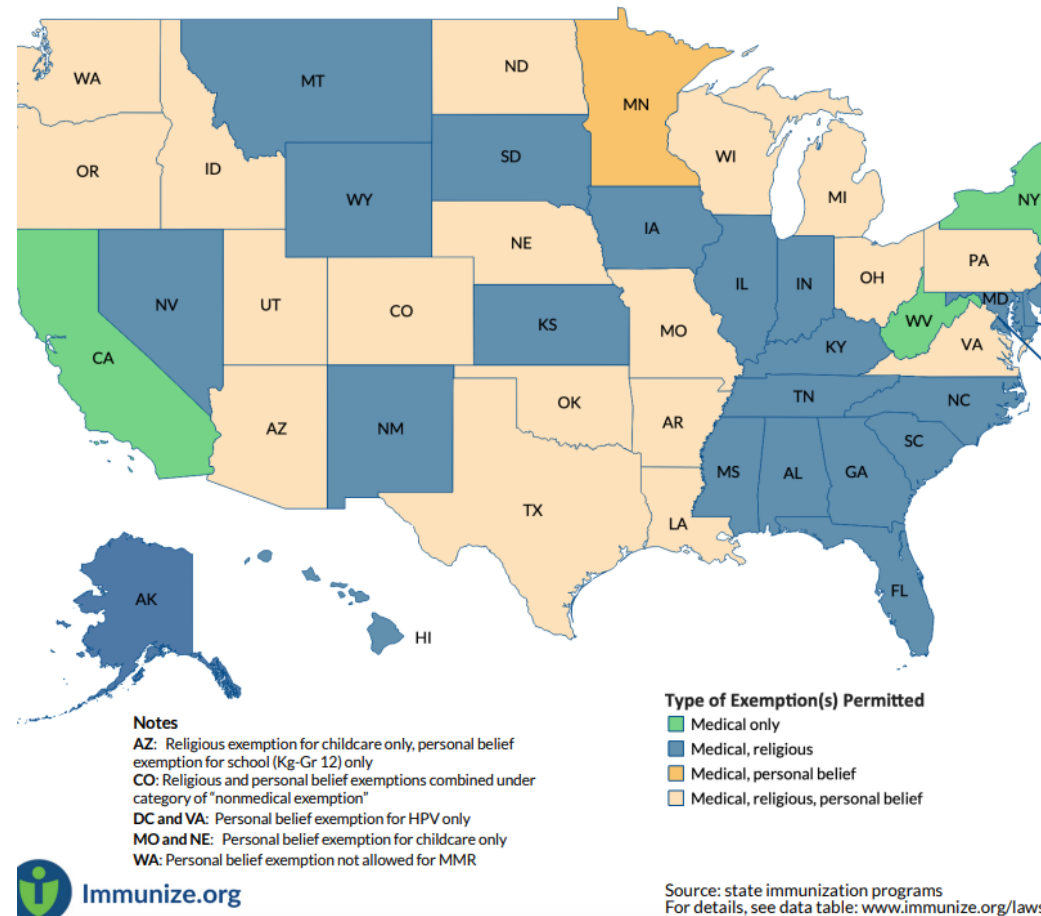


# SCHOOL MANDATE STRUGGLES

# School Immunization Requirements

13

Exemptions Permitted for State Childcare and School (Kg-Gr 12) Immunization Requirements  
March 2023



# State legislation:

14

- Idaho (more below)
- Florida
- Other states
- GRACE act.



A stylized graphic of a bridge with yellow and blue vertical supports and orange and blue diagonal cables, located in the top left corner of the slide.

# Idaho's School Mandate Generally

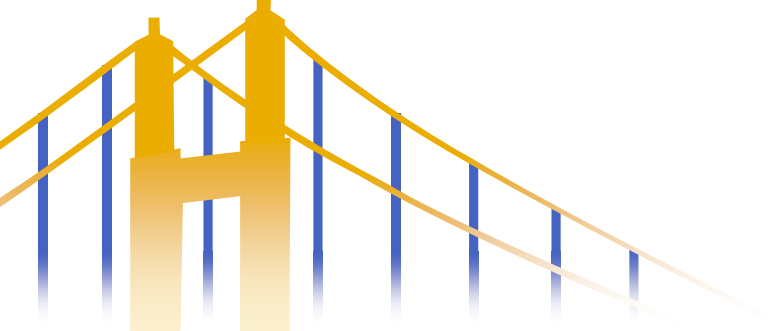
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- § 39-4801-4804 of the Idaho Code.
- Requires DTaP, Hepatitis A and B, Meningococcal, MMR, Polio, varicella.
- Medical and “religious or other grounds” exemptions.
- Providers need to notify parents of exemptions before administering vaccines.
- Schools/daycares need to notify parents of exemptions.

# New legislation:

- Enacted – SB1210.
- Still removed workplace mandates.
- Presented by media and activists as removing school mandates.
- In reality, bill preserved existing school mandates.



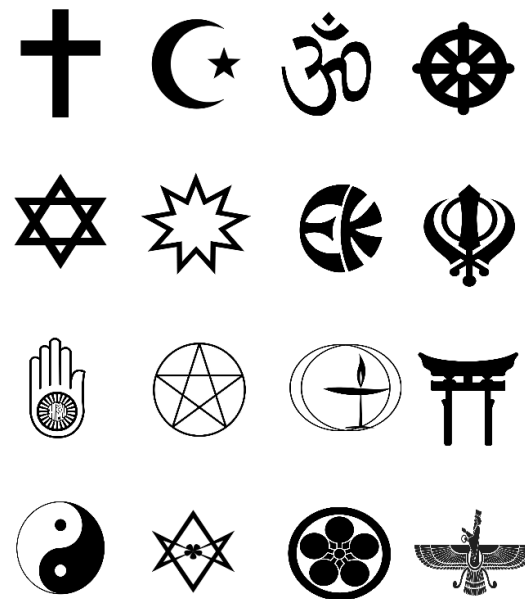
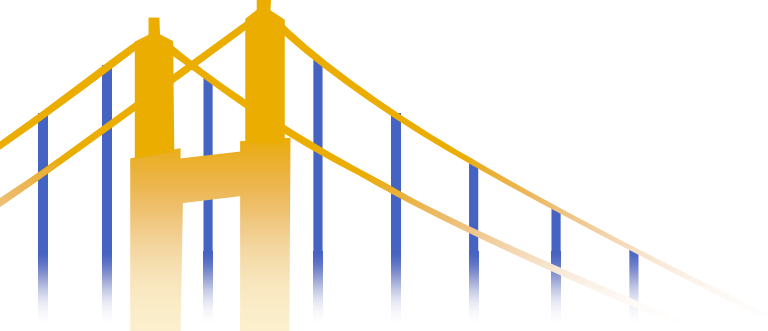


# Key provision in Idaho:

17

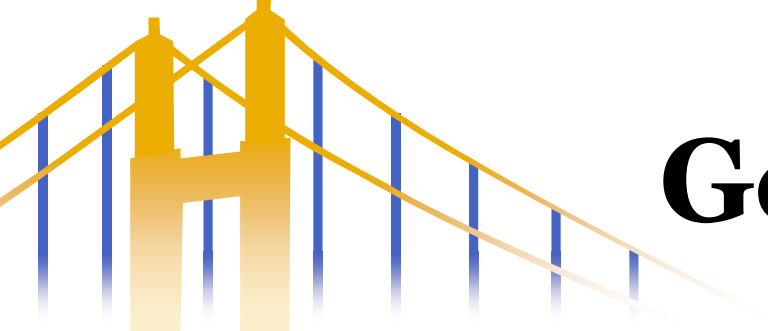
“(4) A school operating in the state or a business subject to chapter 11, title 39, Idaho Code, operating in the state shall not mandate a medical intervention for any person to attend, enter campus or buildings, or be employed, subject to the requirements of the Idaho parental rights act, sections 32-1010 through 32-1015, Idaho Code; sections 39-4801 through 39-4804, Idaho Code; and sections 33-205 and 33-512(7), Idaho Code.”

<https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2025/legislation/S1210E2.pdf>



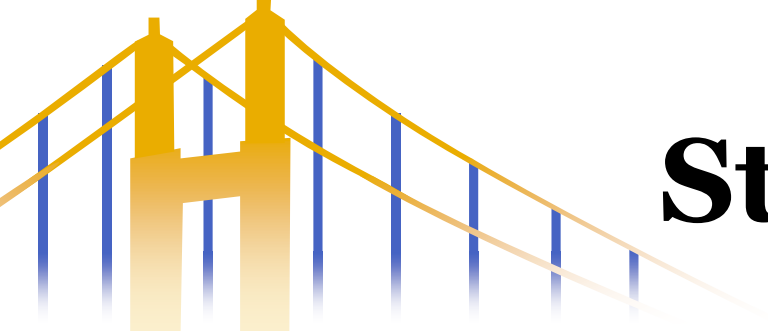
By Pass a Method - Own work, CC BY-SA 3.0,  
<https://commons.wikimedia.org/w/index.php?curid=25255735>

# RELIGION AND VACCINES



# Generally: a recap

- For decades, religious exemptions from vaccine mandates not required.
- 2020-21: Supreme Court tightened protection of religious freedom.
- Question: is religious exemption required?
- Mixed jurisprudence.
- Also: increased pressure against denying religious exemptions.



# Struggles:

- Mississippi
- Connecticut
- California
- New York
- Kansas

No. 25-133

In the  
Supreme Court of the United States



JOSEPH MILLER, ET AL.,  
*Petitioners,*

v.

JAMES V. MCDONALD,  
IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF  
HEALTH OF THE STATE OF NEW YORK, ET AL.,  
*Respondents.*

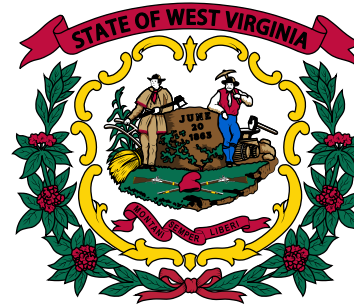
On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Second Circuit

BRIEF OF AMICUS CURIAE  
PHYSICIANS FOR INFORMED CONSENT  
IN SUPPORT OF PETITIONERS

# West Virginia

21

- Never had a religious exemption.
- Legislative battles.
- Governor Morrissey's E.O.
- Litigation & where we are.





# The federal government steps in

22

- Letter to West Virginia providers.
- Letter to providers in all states.
- Issues:
  - Overreach.
  - Misuse.



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**Office for Civil Rights**

Office of the Director • Humphrey Building  
200 Independence Ave, S.W. • Washington, D.C. 202  
Voice: (800) 368-1019 • TDD: (800) 537-7697  
Fax: (202) 619-3818 • [www.hhs.gov/ocr](http://www.hhs.gov/ocr)

September 4, 2025

Vaccines for Children Program Immunization Programs and Participating Providers

**Re: Vaccines for Children Program, 42 U.S.C. § 1396s**

Dear Colleagues:

The U.S. Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) enforces federal civil rights laws which prohibit discrimination in the delivery of health and human services based on race, color, national origin, disability, age, sex, religion, and the exercise of conscience, and also enforces the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security and Breach Notification Rules.

OCR enforces 26 conscience statutes applicable to various funding streams as well as 21 religious nondiscrimination provisions in other federal statutes and regulations, which include a number of grant and block grant programs.<sup>1</sup> Conscience statutes protect the exercise of conscience from discrimination by federal programs, state or local governments, or health care entities that receive certain streams of federal funding. These statutes protect a variety of individuals and entities, including patients, health care workers, health care providers, and health insurance plans. These protections are applicable to specific health programs and cover a range of topics depending on the statute, including abortion, sterilization, assisted suicide, advanced directives, vaccines, and compulsory health services.

These conscience statutes include the federal Vaccines for Children Program (VCP), which

# Medical exemptions in New York

23

- State instituted a supervision process
- Challenges.
- Doe v. Oceanside.
- Anti-vaccine letter.
- Other developments.



A screenshot of a Facebook post by Rita Palma, dated August 18. The post includes an edit stating that documents for a Zoom call have been emailed to registrants. The main content is a flyer for a Zoom call titled "NEW YORK MEDICAL EXEMPTIONS" with the subtitle "EVERYTHING YOU NEED TO KNOW". The call is scheduled for Wednesday, August 20 at 7:30pm ET, featuring Attorney Chad Davenport. The flyer lists two topics: the historic Sarah Doe vs. Oceanside case and the requirements for medical exemptions. The background of the flyer shows a woman in a white shirt and blue jeans walking away from the camera, holding the hand of a young child in a red shirt and blue backpack.

Rita Palma  
August 18 · 🌐

EDIT: The documents that will accompany this zoom have ben emailed to Zoom registrants. If you have not already signed up, please do so. We are recording the zoom and w... [See more](#)

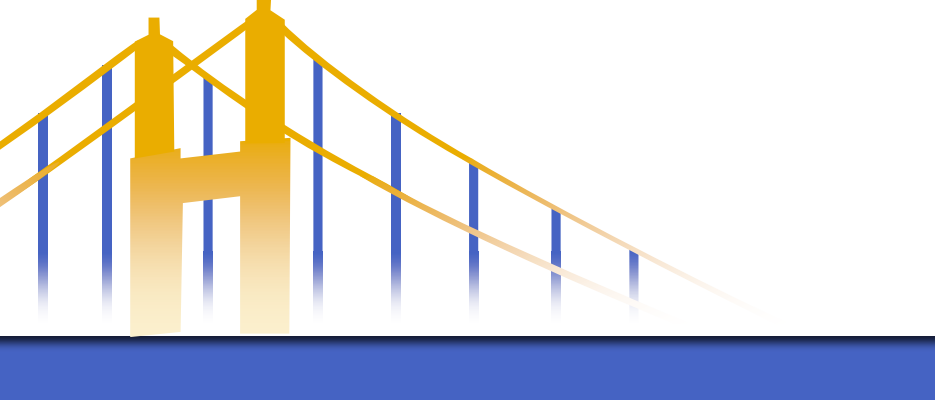
**NEW YORK  
MEDICAL  
EXEMPTIONS**

**EVERYTHING YOU  
NEED TO KNOW**

Wednesday, August 20  
7:30pm ET

Join this community-wide  
Zoom call with Attorney  
Chad Davenport to learn:

- What the historic Sarah Doe vs. Oceanside case outcome means for your family
- What parents must do to obtain a medical exemption



## National Vaccine Injury Program Needs Modernizing

March 8, 2022, 1:00 AM PST



**Renée J. Gentry**  
George Washington University Law School



Getty Images

The federal program established to compensate Americans for vaccine injuries needs amending, says Renée J. Gentry, director of the Vaccine Injury Litigation Clinic at George Washington Law School. The National Vaccine

Bloomberg

# COMPENSATION AND ITS CHALLENGES



# No fault systems:

25

- **Do not show:**

- Negligence
- Product defect
- Other fault

- **Show:**

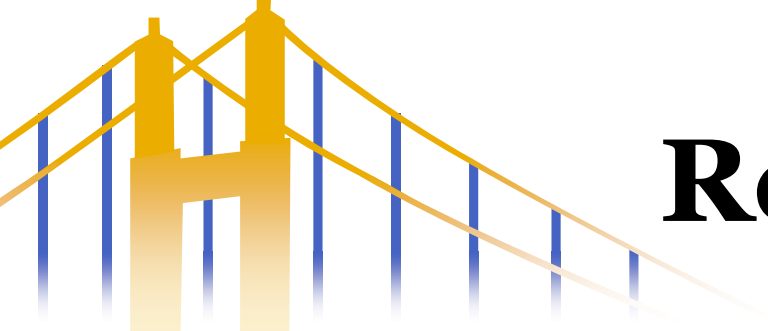
- Causation
- Damages

## Global landscape analysis of no-fault compensation programmes for vaccine injuries: A review and survey of implementing countries

Randy G. Mungwira , Christine Guillard, Adiel Saldaña, Nobuhiko Okabe, Helen Petousis-Harris, Edinam Agbenu, Lance Rodewald, Patrick L. F. Zuber

Published: May 21, 2020 • <https://doi.org/10.1371/journal.pone.0233334>

| Article | Authors | Metrics | Comments | Media Coverage | Peer Review |
|---------|---------|---------|----------|----------------|-------------|
| ⌵       |         |         |          |                |             |



# Reminder: Two Programs -

26

- VICP:
  - Vaccines recommended for children and pregnant people.
  - Relatively easy standard.
  - Limited liability protections
- CIRC:
  - For emergency countermeasures.
  - Hard to meet standard.
  - Strong liability protections (PREP)

# VICP Process:

[https://www.myvaccinelawyer.com/vaccine-injury-lawyer/resources/vaccine/vicp/?utm\\_source=adwords&utm\\_medium=ppc&utm\\_term=vicp&utm\\_campaign=2019-2020+Vaccine+Campaign&hsa\\_acc=6279629756&hsa\\_kw=vicp&hsa\\_grp=179622247634&hsa\\_net=adwords&hsa\\_src=g&hsa\\_ad=739458714957&hsa\\_mt=b&hsa\\_ver=3&hsa\\_cam=6548094361&hsa\\_tgt=kwd-341440681&gad\\_source=1&gad\\_campaignid=22352095387&gbraid=oAAAAADLwlw9aV19kmIM7QJ\\_M7dhhnBG69&gclid=CjoKCQjwzOvEBhDVARIsADHfJJR7fNvQIiY4m3\\_o7HYDJ36yTLJKD3ciH\\_mpnviOCVyJyCVzaUesZNEaArFMEALw\\_wcB](https://www.myvaccinelawyer.com/vaccine-injury-lawyer/resources/vaccine/vicp/?utm_source=adwords&utm_medium=ppc&utm_term=vicp&utm_campaign=2019-2020+Vaccine+Campaign&hsa_acc=6279629756&hsa_kw=vicp&hsa_grp=179622247634&hsa_net=adwords&hsa_src=g&hsa_ad=739458714957&hsa_mt=b&hsa_ver=3&hsa_cam=6548094361&hsa_tgt=kwd-341440681&gad_source=1&gad_campaignid=22352095387&gbraid=oAAAAADLwlw9aV19kmIM7QJ_M7dhhnBG69&gclid=CjoKCQjwzOvEBhDVARIsADHfJJR7fNvQIiY4m3_o7HYDJ36yTLJKD3ciH_mpnviOCVyJyCVzaUesZNEaArFMEALw_wcB)

27



An individual files a petition with the U.S. Court of Federal Claims.



The U.S. Department of Health and Human Services (HHS) medical staff reviews the petition, determines if it meets the medical criteria for compensation and makes a preliminary recommendation.



The parties may begin settlement discussions at this time, or HHS could choose to defend the case if they believe it does not qualify for compensation.



If HHS chooses to defend the case, sometimes the parties will retain medical experts to support their side, and in a rare case, petitioners can go to a hearing in front of a Special Master.



If the case is decided in favor of the petitioner, the Court orders the U.S. Department of Health and Human Services to award compensation.



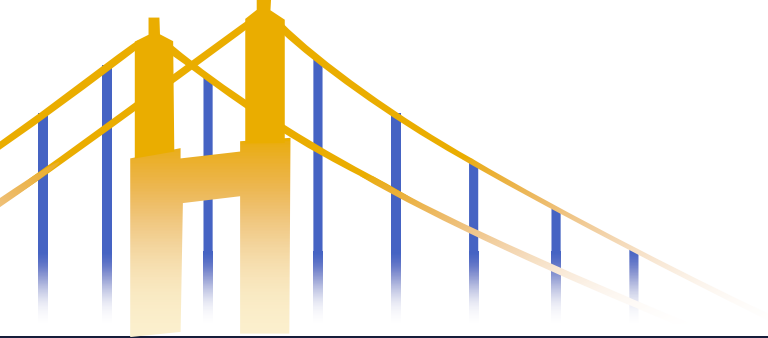
The special master's decision may be appealed and petitioners who reject the decision of the court (or withdraw their petitions within certain timelines) may file a claim in civil court against the vaccine company and/or the health care provider who administered the vaccine.



# Under new administration:

28

- Representative Paul Gosar: bill to remove immunity/statute of limitations.
- States bills on liability.
- Kennedy's steps:
  - Changes to ACIP relevant.
  - Looking to reform systems – details hidden.
  - Rumor: will add autism to table somehow.
  - Question: COVID-19 vaccines.
    - Lawsuit dismissed.



## OTHER LAWSUITS

# The Thomas/Stoller litigation

30

- Who are they?
- What are they claiming?
- Early days yet.
- One concern: government may conceded.

**Dr. Gator**   
@DrJoelGator

**BREAKING** 🇺🇸 : CDC Sued over Childhood Vaccine Schedule

What the Lawsuit Alleges

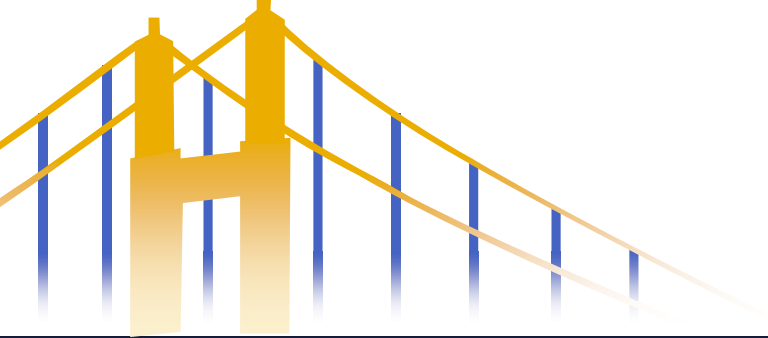
- ✗ No cumulative safety testing
- ✗ No HHS safety reports to Congress
- ✗ Constitutional violations: Silencing docs, Bodily integrity

What Plaintiffs Seek

- ✓ Reclassify all childhood vaccines to Category B → easier exemptions
- ✓ Require vaxxed vs. unvaxxed safety studies
- ✓ Protect doctors who grant exemptions

Filed by Dr. Paul Thomas, Dr. Kenneth Stoller & Stand for Health Freedom. If successful, this case could change medical choice.

**drjoelgator**  · Follow  
Studio City



**Thank you!**

**Questions? Comments?**

**reissd@uclawsf.edu**

**415-5654844**

# Q&A



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# AIM Resources



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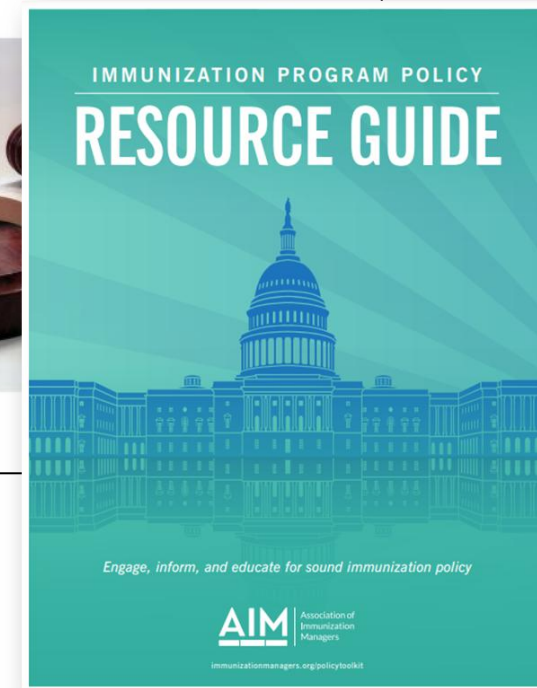
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# AIM Legislative Resources

- Legislative Analysis & Individual Consultation
- Pre-Legislative Session Webinar
- Talking Points and Infographics
- Advocacy Resources
- Resource Guide



# Please Complete: Evaluation

- The AIM Leadership in Action conference aims to serve our members and partners by facilitating idea sharing, leadership training, and connection.
- Please complete the session specific evaluation in the conference app now and be sure to complete the full conference survey on Thursday.
- Our goal is to make next year's conference even better. Thank you!

Complete the  
evaluation for this  
session in the  
**conference app.**



# Thank you!



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