Arizona Mandatory School Vaccination Laws

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University of Arizona
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Outline

- Introduction to the Network for Public Health Law
- Overview of Mandatory Childhood Vaccine Laws
- Focus on Arizona
- Recent Litigation in California
- AAP & Refusal to Vaccinate
What is the Network?

It is a national initiative of the Robert Wood Johnson Foundation, launched in 2010, to advance law as a tool to improve public health.
National Scope with Local Expertise

» We cover the entire United States
» Five Regional Offices provide local and state support
» Assistance online and by phone
Five Regions

National Coordinating Center/Northern Region
» Public Health Law Center at William Mitchell College of Law

Eastern Region
» The University of Maryland School of Law working with the John Hopkins Bloomberg School of Public Health

Mid-States Region
» University of Michigan School of Public Health

Southeastern Region
» University of North Carolina Gillings School of Global Public Health working with the National Health Law Program

Western Region
» Sandra Day O’Connor College of Law at Arizona State University
We Provide Public Health Legal Support

At no cost, the Network provides:

» Practical legal assistance
» Resources, training and tools
» Opportunities to build connections

*With a single point of entry to experts on a wide-range of topics, it’s practical, reliable and seamless.*
Legal Technical Assistance

Legal assistance can include:

» Strategizing about potential legal options
» Help finding experts, resources and tools
» Support to develop, implement and enforce legislation, statutes or regulations

Networkforphl.org/assistance

Technical assistance does not include providing legal advice or representation.
Who Can Use the Network?

Anyone committed to public health can join the Network for free:

- Local, state, tribal and federal public health officials
- Public health practitioners
- Attorneys
- Policy-makers
- Advocates

Networkforphl.org/join
Visit Networkforphl.org for:

- Resources, such as fact sheets, tables of state laws, legal briefs and primers, and more
- Monthly webinar series
- Public health lawyer directory
- Library of legal assistance questions and answers
- Conferences and other training opportunities
- Network newsletter: Network Report
Lead, Connect, Innovate: Strategies for Achieving Health Equity
September 15 - 17 | Washington, D.C.

Overview of Mandatory Childhood Vaccination Laws
Estimated Annual Morbidity of Smallpox: 

20th Century (Prevaccine era) - 29,005

2010 - 0

94.0% of American kindergarteners received 2 doses of the MMR vaccine last school year.

Outbreaks

In Texas and beyond, hot spots for vaccine refusers alarm officials

JoNet Aleccla, NBC News
Aug. 31, 2013 at 4:04 AM ET

Thanks to Doubts About Vaccines, Texas Church Has Measles Outbreak

by Kristina Chew | August 30, 2013 | 2:30 pm

New Jersey mumps outbreak linked to nightclub

By Kevin Conlon, CNN
updated 8:19 PM EDT, Thu September 5, 2013
Measles Outbreak in U.S. Tops 150 Cases

NHL mumps outbreak rare, but 'could happen anywhere'

Mumps Outbreak In Idaho Spreads To Washington State
Confirmed: Disneyland Measles Outbreak Linked to Low Vaccination Rates

By Cari Nierenberg, Contributing Writer  |  March 16, 2015 11:22am ET

Vaccine refusal helped fuel Disneyland measles outbreak, study says
Nebraska Mumps Outbreak

» Outbreak began May 2016 in Midland University, Fremont, NE

» 42 confirmed cases as of July 20th

» Vaccine usually given in 2-dose series, but the outbreak poses potential 3rd dose recommendations

Sources: [http://outbreaknewstoday.com/nebraska-more-mumps-reported-linked-to-midland-university-outbreak-90426/](http://outbreaknewstoday.com/nebraska-more-mumps-reported-linked-to-midland-university-outbreak-90426/)
Measles Case in Miami, Florida

» Case reported June 16th in an unvaccinated child

» Child withdrawn from school the first day symptoms appeared

» Medical epidemiologist estimates 100 people potentially exposed

Arizona Measles Outbreak

As of July 27, 2016

» First two cases reported May 26th in Eloy, Arizona Detention Center
» Disease spread from inmates to guards
» Pinal County: 17 cases
» Maricopa County: 1 case
» Total: **22 confirmed cases**

http://outbreaknewstoday.com/arizona-measles-outbreak-increases-to-18-cases-32074/
50 States—Medical
47 States—Religious
18 States—Philosophical

(Includes changes in CA & VT effective 7/1/2016)
States With Highest Rates:

» Oregon (6.4%)

» Illinois, Vermont (6.1%)

» Idaho, Michigan (5.9%)

Median

» 1.8%

States With Highest Rates:

» Oregon (7.1%)
» Idaho (6.4%)
» Vermont (6.2%)
» Michigan (5.9%)

Median

» 1.8%

Source: Oregon Health Authority. Religious Exemption Rates by County (map).
States With Highest Rates:

- Idaho (6.5%)
- Vermont (6.1%)
- Oregon (6.0%)

Arizona


Median

- 1.7%
New Exemption Laws
Provider Declaration
I declare that:

• I have discussed the benefits and risks of immunizations with the parent/legal guardian as a condition for exempting their child.

• I am a qualified MD, ND, DO, ARNP or PA licensed under Title 18 RCW.

• The information provided on this form is complete and correct.

7. Print Provider Name and Credential (MD, ND, DO, ARNP, PA)

8. Provider Signature and Date

___/___/____
Washington Nonmedical Exemptions

5.7% 2009-2010
* New Exemption Law-2011
4.2% 2011-2012
3.5% 2012-2013
3.6% 2013-2014
3.5% 2014-2015

Table. Proposed State Legislation Related to Childhood Vaccine Exemptions From January 1 to July 15, 2015

<table>
<thead>
<tr>
<th>States (Bill No.)</th>
<th>Passed</th>
<th>Failed to Pass</th>
<th>Under Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eliminate vaccine exemptions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philosophical</td>
<td>Vermont (H 98)</td>
<td>Main (LD 606), Minnesota (HF 393),</td>
<td>Pennsylvania (HB 883/SB 696),</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vermont (S 87)</td>
<td>Washington (HB 2009)</td>
</tr>
<tr>
<td>Religious</td>
<td></td>
<td>North Carolina (SB 346), Texas (HB 2006),</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rhode Island (S 381)</td>
<td></td>
</tr>
<tr>
<td>Both philosophical and religious</td>
<td>California (SB 277)</td>
<td>Oklahoma (SB 830), Vermont (H 212)</td>
<td></td>
</tr>
<tr>
<td>Restrict vaccine exemptions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical</td>
<td>Delaware (HB 91), West Virginia (SB 286)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical</td>
<td></td>
<td>Maine (LD 471), Minnesota (SF 380)</td>
<td>Illinois (SB 1776), New Jersey (S 1147/A 1931), New York (A 7016/S 4733)</td>
</tr>
<tr>
<td>Philosophical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious</td>
<td>Connecticut (HB 6949), Illinois (SB 1410)</td>
<td>New Mexico (HB 522)</td>
<td></td>
</tr>
<tr>
<td>Both philosophical and religious</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expand vaccine mandates</td>
<td>Indiana (SB 461), Louisiana (HB 342),</td>
<td>Nebraska (LB 18), Nevada (SB 117),</td>
<td>New York (A 791C/S 4324A),</td>
</tr>
<tr>
<td></td>
<td>Montana (HB 158), Ohio (SB 121)</td>
<td>Virginia (SB 1083/HB 2194), Texas (SB 1114/HB 3875), Texas (SB 298)</td>
<td>Pennsylvania (SB 797)</td>
</tr>
<tr>
<td>Require/expand vaccine tracking/data sharing</td>
<td>Idaho (S 1121), Missouri (SB 341),</td>
<td>Maryland (SB 598), New Hampshire (SB 130)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>South Dakota (HB 1059)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Require exemption and/or vaccination rates be publicly available</td>
<td>Oregon (SB 895)</td>
<td>Arizona (HB 2466), Texas (HB 2474/SB 547)</td>
<td>Michigan (SB 261/SB 260/SB 259)</td>
</tr>
<tr>
<td>Establish vaccine exemptions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philosophical</td>
<td></td>
<td>Mississippi (HB 130/SB 2800), Montana (HB 158), New York (S 1536)</td>
<td>Massachusetts (S 317)</td>
</tr>
<tr>
<td>Religious</td>
<td></td>
<td>West Virginia (HB 2556)</td>
<td></td>
</tr>
</tbody>
</table>

a Bill passed the state legislature but was not yet signed by the governor as of July 15, 2015.
b Montana HB 158 was originally introduced to establish a philosophical exemption, which was later stricken, and the bill passed adding varicella to the vaccine requirements.
Focus on Arizona
Religious Beliefs Exemption Form

For Childcare, Preschool and Head Start Programs

Arizona Department of Health Services (ADHS) strongly supports immunization as one of the easiest and most effective tools in preventing diseases that can cause serious illness and even death. ADHS also respects the rights of parents who are raising their child in a religion whose teachings are in opposition to immunization to make the decision not to vaccinate their child.

Place an “X” in the box to the left of each disease listed to exempt your child from the vaccine. Initial and date the box on the right.

1. Diphtheria (DTaP), D, Td, Tdap, Td: I have been informed that by not receiving this vaccine, my child may be at increased risk of developing diphtheria if exposed to this disease. Serious symptoms and effects of this disease include: heart failure, paralysis (can’t move parts of the body), breathing problems, coma, and death.

2. Tetanus (DTaP), D, Td, Tdap, Td: I have been informed that by not receiving this vaccine, my child may be at increased risk of developing tetanus if exposed to this disease. Serious symptoms and effects of this disease include: “lockjaw” of the jaw, difficulty in swallowing and breathing, seizures (jerking and staring), painful tightening of muscles in the head and neck, and death.

3. Pertussis (Whooping Cough) (DTaP, Tdap): I have been informed that by not receiving this vaccine, my child may be at increased risk of developing pertussis (whooping cough) if exposed to this disease. Serious symptoms and effects of this disease include: severe coughing fits that can cause vomiting and exhaustion, pneumonia, seizures (jerking and staring), brain damage, and death.

4. Polio: I have been informed that by not receiving this vaccine, my child may be at increased risk of developing polio if exposed to this disease. Serious symptoms and effects of this disease include: paralysis (can’t move parts of the body), meningitis (infection of the brain and spinal cord covering), permanent disability, and death.

5. Measles, Mumps, Rubella (MMR): I have been informed that by not receiving this vaccine, my child may be at increased risk of developing measles, mumps, and/or rubella if exposed to these diseases. Serious symptoms and effects of measles include: pneumonia, seizures (jerking and staring), brain damage, and death. Serious symptoms and effects of mumps include: meningitis (infection of the brain and spinal cord covering), painful swelling of the testicles or ovaries, sterility, deafness, and death. Serious symptoms and effects of rubella include: rash, arthritis, and muscle or joint pain. If a woman gets rubella while she is pregnant, she could have a miscarriage or her baby could be born with serious birth defects such as deafness, heart problems, and mental retardation.

6. Haemophilus Influenzae type b (Hib): I have been informed that by not receiving this vaccine, my child may be at increased risk of developing Hib if exposed to this disease. Serious symptoms and effects of this disease include: meningitis (infection of the brain and spinal cord covering), pneumonia, severe swelling in the throat that makes it hard to breathe, infections of the blood, joints, bones, and covering of the heart, and death.

7. Hepatitis B: I have been informed that by not receiving this vaccine, my child may be at increased risk of developing hepatitis B if exposed to this disease. Serious symptoms and effects of this disease include: jaundice (yellow skin or eyes), liver problems, such as scarring and liver cancer, and death.

8. Hepatitis A: I have been informed that by not receiving this vaccine, my child may be at increased risk of developing hepatitis A if exposed to this disease. Serious symptoms and effects of this disease include: jaundice (yellow skin or eyes), “nausea” illness, hospitalization, and death.

9. Varicella (Chickenpox): I have been informed that by not receiving this vaccine, my child may be at increased risk of developing varicella (chickenpox) if exposed to this disease. Serious symptoms and effects of this disease include: severe skin infections, pneumonia, brain damage, and death.

Due to my religious beliefs, I request an exemption for my child from the required vaccine doses selected above. I am aware that if I change my mind in the future, I can rescind this exemption and obtain immunizations for my child. Initial:

- I am aware that additional information about vaccine preventable diseases, vaccines and reduced or no cost vaccination services is available from my local county health department and Arizona Department of Health Services (www.azhs.gov/phs/immunization.htm).
- I am aware that in the event the state or county health department declares an outbreak of a vaccine-preventable disease for which I cannot provide proof of immunity for my child, he or she may not be allowed to attend childcare for up to 3 weeks or until the risk period ends.

Child's Name __________________________ Date of Birth (month/day/year) ________________

Parent/Guardian Signature __________________________ Date (month/day/year) ________________

Arizona law requires that childcare facilities and preschools use this official ADHS form, signed and completed by the child’s parent/guardian, to document a religious beliefs exemption to immunization.

# Religious Beliefs Exemption Form

For Childcare, Preschool and Head Start Programs

Arizona Department of Health Services (ADHS) strongly supports immunization as one of the easiest and most effective tools in preventing diseases that can cause serious illness and even death. ADHS also respects the rights of parents who are raising their child in a religion whose teachings are in opposition to immunization to make the decision not to vaccinate their child.

Place an “X” in the box to the left of each disease listed to exempt your child from the vaccine. Initial and date the box on the right.

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<tr>
<th>Disease</th>
<th>Description</th>
<th>Initials</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td><strong>Diphtheria (DTaP, DT, Tdap, Td):</strong></td>
<td>I have been informed that by not receiving this vaccine, my child may be at increased risk of developing diphtheria if exposed to this disease. Serious symptoms and effects of this disease include: heart failure, paralysis (can’t move parts of the body), breathing problems, coma, and death.</td>
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<td>Date</td>
</tr>
<tr>
<td><strong>Tetanus (DTaP, DT, Tdap, Td):</strong></td>
<td>I have been informed that by not receiving this vaccine, my child may be at increased risk of developing tetanus if exposed to this disease. Serious symptoms and effects of this disease include: “locking” of the jaw, difficulty in swallowing and breathing, seizures (jerking and staring), painful tightening of muscles in the head and neck, and death.</td>
<td>Initials</td>
<td>Date</td>
</tr>
<tr>
<td><strong>Pertussis (Whooping Cough) (DTaP, Tdap):</strong></td>
<td>I have been informed that by not receiving this vaccine, my child may be at increased risk of developing pertussis (whooping cough) if exposed to this disease. Serious symptoms and effects of this disease include: severe coughing fits that can cause vomiting and exhaustion, pneumonia, seizures (jerking and staring), brain damage, and death.</td>
<td>Initials</td>
<td>Date</td>
</tr>
<tr>
<td><strong>Polio:</strong></td>
<td>I have been informed that by not receiving this vaccine, my child may be at increased risk of developing polio if exposed to this disease. Serious symptoms and effects of this disease include: paralysis (can’t move parts of the body), meningitis (infection of the brain and spinal cord covering), permanent disability, and death.</td>
<td>Initials</td>
<td>Date</td>
</tr>
<tr>
<td><strong>Measles, Mumps, Rubella (MMR):</strong></td>
<td>I have been informed that by not receiving this vaccine, my child may be at increased risk of developing measles, mumps, and/or rubella if exposed to these diseases. Serious symptoms and effects of measles include: pneumonia, seizures (jerking and staring), brain damage, and death. Serious symptoms and effects of mumps include: meningitis (infection of the brain and spinal cord covering), painful swelling of the testicles or ovaries, sterility, deafness, and death. Serious symptoms and effects of rubella include: rash, arthritis, and muscle or joint pain. If a woman gets rubella while she is pregnant, she could have a miscarriage or her baby could be born with serious birth defects such as deafness, heart problems, and mental retardation.</td>
<td>Initials</td>
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</tr>
</tbody>
</table>
# Personal Beliefs Exemption Form

**Kindergarten – 12th Grade Only**

Arizona Department of Health Services (ADHS) strongly supports immunization as one of the easiest and most effective tools in preventing diseases that can cause serious illness and even death. ADHS also respects the rights of parents to decide whether or not to vaccinate their child.

By state law, A.R.S. §15-787 a child will not be allowed to attend school unless proof of immunization or a completed exemption form is submitted to the school. This information is provided to ensure that parents are informed about the risks of not vaccinating.

Place an “X” in the box to the left of each disease listed to exempt your child from the vaccine. Initial and date the box on the right.

<table>
<thead>
<tr>
<th>Disease</th>
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<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diphtheria (DTaP, DT, Td, Td):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tetanus (DTaP, DT, Td):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pertussis (Whooping Cough) (DTaP, Tdap):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Polio (IPV):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measles, Mumps, Rubella (MMR):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hepatitis B:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Varicella (Chickenpox):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meningococcials:</td>
<td></td>
<td></td>
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</table>

Due to my personal beliefs, I request an exemption for my child from the required vaccine doses selected above. I am aware that if I change my mind in the future, I can rescind this exemption and obtain immunizations for my child.

- I am aware that additional information about vaccine-preventable diseases, vaccines, and reduced or no-cost vaccination services is available from my local county health department and Arizona Department of Health Services (www.maricopa.gov/immunization/).
- I am aware that, in the event the state or county health department declares an outbreak of a vaccine-preventable disease for which I cannot provide proof of immunity for my child, he or she may not be allowed to attend school for up to 3 weeks or until the risk period ends.

**Child’s Name:**

**Date of Birth:**

**Parent/Guardian Name:**

**Date:**

ADHS Immunization Program Office
http://www.azdhs.gov/phs/immunization/
July 1, 2013
Personal Beliefs Exemption Form
Kindergarten – 12th Grade Only

Arizona Department of Health Services (ADHS) strongly supports immunization as one of the easiest and most effective tools in preventing diseases that can cause serious illness and even death. ADHS also respects the rights of parents to decide whether or not to vaccinate their child.

By state law, (A.R.S. §15-873) a child will not be allowed to attend school until either proof of immunization or a completed exemption form is submitted to the school. The information below is provided to ensure that parents are informed about the risks of not vaccinating.

Place an “X” in the box to the left of each disease listed to exempt your child from the vaccine. Initial and date the box on the right.

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<tr>
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<td>I have been informed that by not receiving this vaccine, my child is at increased risk of developing diphtheria if exposed to this disease. Serious symptoms and effects of this disease include: heart failure, paralysis (can’t move parts of the body), breathing problems, coma, and death.</td>
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<td></td>
</tr>
<tr>
<td>Tetanus (DTaP, DT, Tdap, Td)</td>
<td>I have been informed that by not receiving this vaccine, my child is at increased risk of developing tetanus if exposed to this disease. Serious symptoms and effects of this disease include: “locking” of the jaw, difficulty in swallowing and breathing, seizures (jerking and staring), painful tightening of muscles in the head and neck, and death.</td>
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<tr>
<td>Pertussis (Whooping Cough) (DTaP, Tdap)</td>
<td>I have been informed that by not receiving this vaccine, my child is at increased risk of developing pertussis (whooping cough) if exposed to this disease. Serious symptoms and effects of this disease include: severe coughing fits that can cause vomiting and exhaustion, pneumonia, seizures (jerking and staring), brain damage, and death.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Polio (IPV)</td>
<td>I have been informed that by not receiving this vaccine, my child is at increased risk of developing polio if exposed to this disease. Serious symptoms and effects of this disease include: paralysis (can’t move parts of the body), meningitis (infection of the brain and spinal cord covering), permanent disability, and death.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measles, Mumps Rubella (MMR)</td>
<td>I have been informed that by not receiving this vaccine, my child may be at increased risk of developing measles, mumps, and/or rubella if exposed to these diseases. Serious symptoms and effects of measles include: pneumonia, seizures (jerking and staring), brain damage, and death. Serious symptoms and effects of mumps include: meningitis (infection of the brain and spinal cord covering), painful swelling of the testicles or ovaries, sterility, deafness, and death. Serious symptoms and effects of rubella include: rash, arthritis, and muscle or joint pain. If a woman gets rubella while she is pregnant, she could have a miscarriage or her baby could be born with serious birth defects such as deafness, heart problems, and mental retardation.</td>
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</tbody>
</table>
“Pupils who lack documentary proof of immunization shall not attend school during outbreak periods of communicable immunization-preventable diseases as determined by the department of health services or local health department.”

A.R.S. § 15-873(C)

(Emphasis added.)
Recent Litigation in California
California’s SB277

Effective July 1, 2016

Abolished Personal Belief Exemption for CA’s school vaccination requirement

» Includes religious and philosophical beliefs
» One of the nation’s strictest vaccine laws

States with No Religious Exemption
Lawsuit filed for injunction to suspend SB277

» 10 plaintiffs: individuals (parents) and non-profit organizations

» Defendants: CA Department of Education, health departments, and school districts

» Constitutional arguments: Freedom of religion, right to education, and parental rights/informed consent
American Academy of Pediatrics: Refusal to Vaccinate
AAP’s “Refusal to Vaccinate” Form

Child’s Name ____________________________ Child’s ID# ____________________________

Parent’s/Guardian’s Name ____________________________

My child’s doctor/nurse, ____________________________, has advised me that my child (named above) should receive the following vaccines:

<table>
<thead>
<tr>
<th>Recommended</th>
<th>Declined</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hepatitis B vaccine</td>
<td></td>
</tr>
<tr>
<td>Diphtheria, tetanus, acellular pertussis (DTaP or Tdap) vaccine</td>
<td></td>
</tr>
<tr>
<td>Diphtheria tetanus (DT or Td) vaccine</td>
<td></td>
</tr>
<tr>
<td><em>Haemophilus influenzae</em> type b (Hib) vaccine</td>
<td></td>
</tr>
<tr>
<td>Pneumococcal conjugate or polysaccharide vaccine</td>
<td></td>
</tr>
<tr>
<td>Inactivated poliovirus (IPV) vaccine</td>
<td></td>
</tr>
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<td>Measles-mumps-rubella (MMR) vaccine</td>
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<td></td>
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<tr>
<td>Influenza (flu) vaccine</td>
<td></td>
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<tr>
<td>Meningococcal conjugate or polysaccharide vaccine</td>
<td></td>
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<tr>
<td>Hepatitis A vaccine</td>
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<tr>
<td>Rotavirus vaccine</td>
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<tr>
<td>Human papillomavirus (HPV) vaccine</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>
Questions