



# AMERICAN ATHEISTS

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March 13, 2019

The Honorable Sen. Rebecca Millet  
The Honorable Rep. Victoria Kornfield  
Joint Committee on Education and Cultural Affairs  
Cross Building, Room 208  
100 State House State  
Augusta, Maine 04333

**Re: SUPPORT for ME LD 798, Testimony from American Atheists regarding a bill relating to protecting young people through vaccination**

Dear Senator Millet, Representative Kornfield, and Members of the Joint Committee on Education and Cultural Affairs:

American Atheists, on behalf of its constituents in Maine, writes to thank you for considering LD 798, an important bill that will protect young people in Maine from preventable diseases by repealing loopholes which prevent some children from receiving vaccination. Vaccination is a vital public health issue, and we support vaccination requirements based on public health and medical best practices for the benefit of all children. Therefore, we strongly urge you to swiftly pass this essential bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of providers and institutions.

LD 798 updates Maine’s law pertaining to vaccinations that students must receive before attending public school. Current Maine law allows a parent to opt their child out of the vaccination requirement if they possess a “sincere religious belief that is contrary to the immunization requirement... or an opposition to the immunization for philosophical reasons.”<sup>1</sup> This bill would remove these loopholes which allow parents to summarily waive the vaccination

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<sup>1</sup> 20-A MRSA 6355(3); *see also* 20-A MRSA 6359(3)(B) and 22 MRSA 802(4-B)(B).

requirements. However, the bill would still allow for an exemption to the vaccination requirements in cases where the vaccination would be medically inadvisable.<sup>2</sup>

Moreover, LD 789 would correct a loophole that allows staff at nursery schools to avoid public health requirements pertaining to communicable disease based on their “sincerely held religious or philosophical beliefs.”<sup>3</sup>

Non-essential exemptions to immunization requirements endanger all children in order to accommodate the religious or philosophical beliefs of a few. Such exemptions are unacceptable from both a public health and moral perspective. Successful population immunity to disease depends upon a significant level of vaccination, as high as 95% for some diseases.<sup>4</sup> Because some people are unable to receive vaccination for medical reasons, it is therefore inappropriate and dangerous to allow for arbitrary compliance by the rest of the population. This is the reason that every state has laws requiring immunization to attend public school. These concerns are even moreso true for nursery schools, where staff are very likely to have contact with children who have not yet received their full course of vaccination.

The current loophole in Maine’s vaccination requirements put children at significant risk for contracting debilitating and potentially deadly infectious diseases. Children exempt from immunization requirements are more than 35 times more likely to contract measles<sup>5</sup> and nearly 6 times more likely to contract pertussis (whooping cough),<sup>6</sup> compared to immunized children. According to the CDC, the opt-out rate for vaccination in Maine is 5.3%, which is more than double the national average of 2.2%.<sup>7</sup> Tragically, this difference is responsible for a public health epidemic: Maine has one of the highest rates of pertussis in the country and skyrocketing rates of chickenpox.<sup>8</sup>

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<sup>2</sup> Although we feel that medical practitioners can better speak to the proven safety of vaccination, we note that any purported linkages between vaccination and autism have been thoroughly debunked. Vaccine Myths Debunked. Public Health. Available at <https://www.publichealth.org/public-awareness/understanding-vaccines/vaccine-myths-debunked/>.

<sup>3</sup> 22 MRSA 8402(3)(A).

<sup>4</sup> Salathe, Marcel. (Feb. 3, 2015). *Why a few unvaccinated children are an even bigger threat than you think*. Washington Post. Available at [https://www.washingtonpost.com/posteverything/wp/2015/02/03/why-a-few-unvaccinated-children-are-an-even-bigger-threat-than-you-think/?utm\\_term=.69e466010275](https://www.washingtonpost.com/posteverything/wp/2015/02/03/why-a-few-unvaccinated-children-are-an-even-bigger-threat-than-you-think/?utm_term=.69e466010275).

<sup>5</sup> Salmon DA, Haber M, Gangarosa EJ, Phillips L, Smith NJ, Chen RT. (1999). *Health consequences of religious and philosophical exemptions from immunization laws: individual and societal risk of measles*. JAMA. 1999;282:47-53.

<sup>6</sup> Feikin DR, Lezotte DC, Hamman RF, Salmon DA, Chen RT, and Hoffman RE. (2007). *Individual and Community Risks of Measles and Pertussis Associated With Personal Exemptions to Immunization*. JAMA 2007;284:3145-3150.

<sup>7</sup> Mellerson JL, Maxwell CB, Knighton CL, Kriss JL, Seither R, Black CL. (2018). *Vaccination Coverage for Selected Vaccines and Exemption Rates Among Children in Kindergarten — United States, 2017–18 School Year*. MMWR Morb Mortal Wkly Rep 2018;67:1115–1122. DOI: <http://dx.doi.org/10.15585/mmwr.mm6740a3>.

<sup>8</sup> McDermott, Deborah. (June 22, 2018). Whooping cough outbreak reported in Maine Schools. Bangor Daily News Health. Available at <https://bangordailynews.com/2018/06/22/health/whooping-cough-outbreak-reported-in-maine-schools/>; Farwell, Jackie. (June 2, 2015). Maine seeing record cases of chickenpox among children. Bangor Daily News Vital Signs. Available at <http://vitalsigns.bangordailynews.com/2015/06/02/public-health/maine->

History illustrates that outbreaks often occur in communities that are unsupportive of vaccination. For example, measles is a vaccine-preventable disease that has plagued multiple religious communities known to be either hesitant to vaccinate or completely against vaccination.<sup>9</sup> However, lawmakers have a responsibility to protect all youth, regardless of their religion or lack thereof. No young person should be subject to harm or illness based on the religious beliefs of their caretakers or their classmates.

Finally, we note that the religious and philosophical exemptions in Maine's vaccination law are not required by the US Constitution. A number of states, including California, Mississippi, and West Virginia do not allow for these types of religious exemptions. As the US Supreme Court has made clear, "The right to practice religion freely does not include liberty to expose the community or child communicable disease, or the latter to ill health or death.... Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they reached the age of full and legal discretion when they can make that choice for themselves."<sup>10</sup>

Thank you for considering this vital, life-saving bill. We strongly urge you to pass LD 798 to protect Maine's children. If you should have any questions regarding American Atheists' support for this legislation, please contact me at 908.276.7300 x309 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Sincerely,



Alison Gill, Esq.  
Vice President, Legal and Policy  
American Atheists

cc: All members of the Maine Joint Committee on Education and Cultural Affairs

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[seeing-record-cases-of-chickenpox-among-children/?\\_ga=2.191006698.1145664563.1552410552-1313092682.1552410552](http://www.theatlantic.com/health/archive/2006/06/seeing-record-cases-of-chickenpox-among-children/?_ga=2.191006698.1145664563.1552410552-1313092682.1552410552).

<sup>9</sup> See, e.g., Genes, N. (June 20, 2006). *Measles in Boston: Collision of Church and State, Science and Journalism*. Medgadget. Available at [http://medgadget.com/2006/06/measles\\_in\\_bost.html](http://medgadget.com/2006/06/measles_in_bost.html); WebMD. (August 1, 2006). *Vaccination Fear Causes Measles Spate*. CBS News. Available at [http://www.cbsnews.com/2100-500368\\_162-1857987.html](http://www.cbsnews.com/2100-500368_162-1857987.html).

<sup>10</sup> *Prince v. Massachusetts*, 321 U.S. 158 (1944).