



VaxPollLab

America's New Vaccine Wars: California and the Politics of Mandates

Public Health Update Immunisation Day
Wednesday 15 November 2023

Katie Attwell (book by Mark C. Navin and Katie Attwell)

Acknowledgement of country

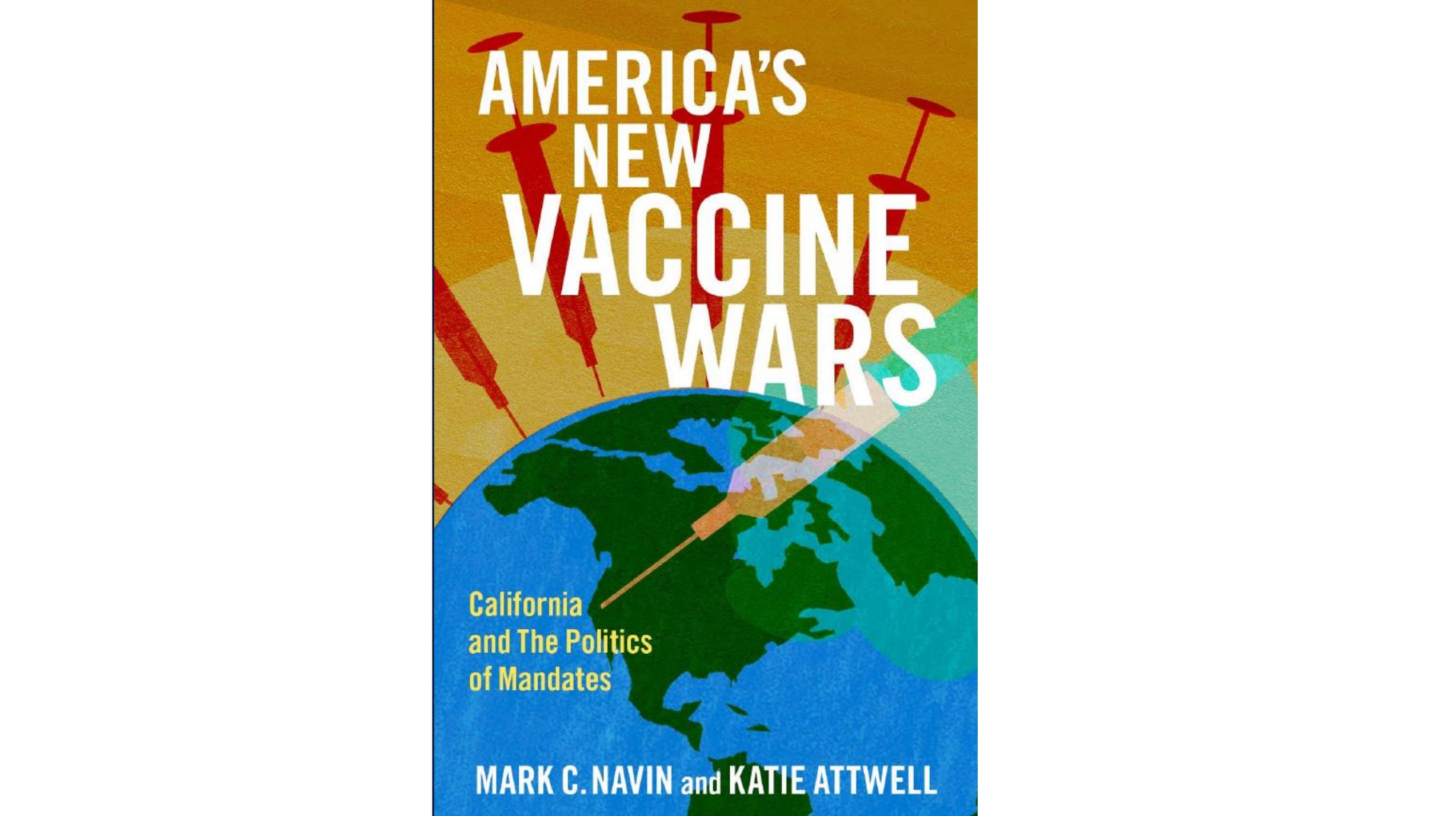
I'm privileged to be on Noongar land today.

Noongar people remain the spiritual and cultural custodians of their land, and continue to practise their values, languages, beliefs and knowledge.



Artist: Dr Richard Barry Walley OAM





AMERICA'S NEW VACCINE WARS

California
and The Politics
of Mandates

MARK C. NAVIN and KATIE ATTWELL

Key Research Questions

Why did California change its vaccination policy in 2015, having already just changed it in 2012 (implemented 2014)?

What were the consequences and impacts of this change?

Methods



- Iterative cataloguing and analysis of events, actors, policy and legislative documents, media coverage and third-party analysis.
- 8 semi-structured key informant interviews 2019-2023.
- Inductive coding in Nvivo 20.

Background: US Vaccination Policy



- America's modern school vaccine mandates were implemented mostly in the 1960s and 1970s.
- Introduced for greater efficiency in promoting vaccination
- President Nixon had refused to reauthorize federal funding
- The rollout of the measles vaccine did not go as well as hoped
- Ubiquitous state-level school entry mandates are cheap and easy.
- Outsource responsibility to families, physicians, and schools.
- Long-standing NMEs made policies non-contentious.
- **Not** introduced to try to overcome vaccine refusal

“[S]chool laws establish a system for immunization, a system that works year in and year out, regardless of political interest, media coverage, changing budget situations, and the absence of vaccine preventable disease outbreaks to spur interest”

Walter Orenstein and Alan Hinman, former Directors of the National Immunization Program (CDC)

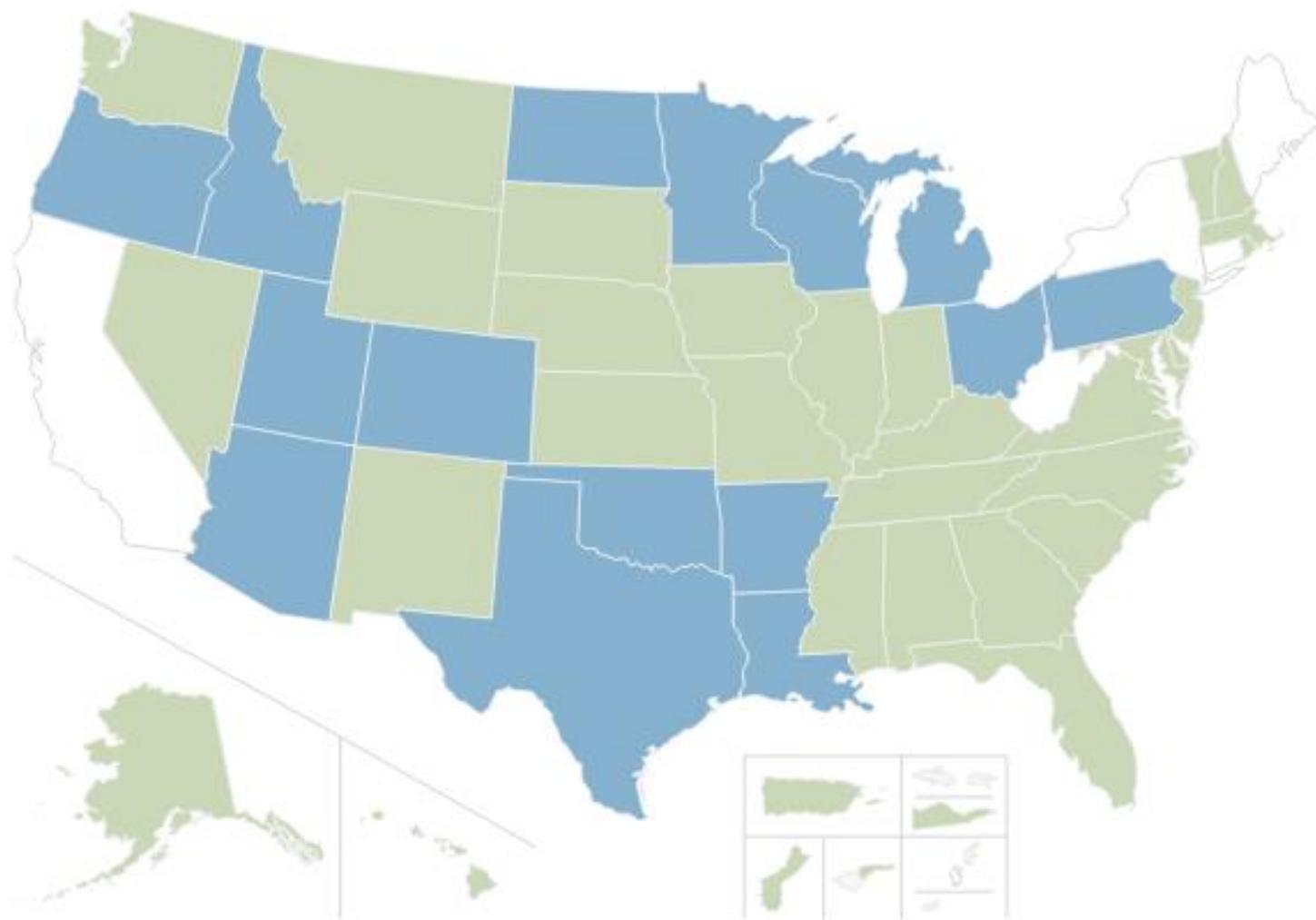
“Some additional stimulus is often needed to provoke action on the part of a basically interested person who has many other concerns competing for attention”

Alan Hinman, former Director of the National Immunization Program (CDC)

Non-Medical State Exemptions from School Immunization Requirements

Switch View ▾

- Religious Exemption
- Personal Belief Exemption



NMEs become problematic

- NMEs have dual effects:
 - Appear to refusers as 'rights'
 - (Later) appear to critics as 'aberration' or 'corruption' of pure policy
- 1990s → many bills to make exemptions easier / harder.
- Sometimes exemptions easier to access than vaccines.
- 2010s: rise of behavioural insights
- 'Tweaks' more evidence informed than ideological – erect barriers with education.

A 2012 tweak to California's law had not done enough

- California implemented a 'mandatory counselling' requirement for anyone who wanted nonmedical exemptions (AB2109)
- But this policy did not reduce exemption rates by much
- Did almost nothing to reduce 'geographic clustering' of committed refusers in some schools / communities
- Tweaks deliver diminishing returns; don't change the behaviour of "I don't want to" (Kris Calvin – AAP-C).



Disneyland Measles Outbreak of 2014-2015



+



Senate Bill 277

- Eliminated nonmedical exemptions
- Unvaccinated children could attend school only if they
 - Had a medical exemption
 - Had a disability (and were protected under Federal law)
- Was the first modern effort to eliminate NMEs in the US
- Was also the first major reform to vaccination laws led not only by public health officials, but a mobilized parent advocacy group:
Vaccinate California

Vaccinate California



Conflict with vaccine refusers defending “rights”



California's success narrative

THE SACRAMENTO BEE

CA vaccine laws have worked, study finds. More kindergarten students start school up to date

BY MICHAEL FINCH II

JULY 02, 2019 07:19 AM, UPDATED JULY 03, 2019 09:57 AM



Los Angeles Times

California's new vaccine law is already a success

EdSource

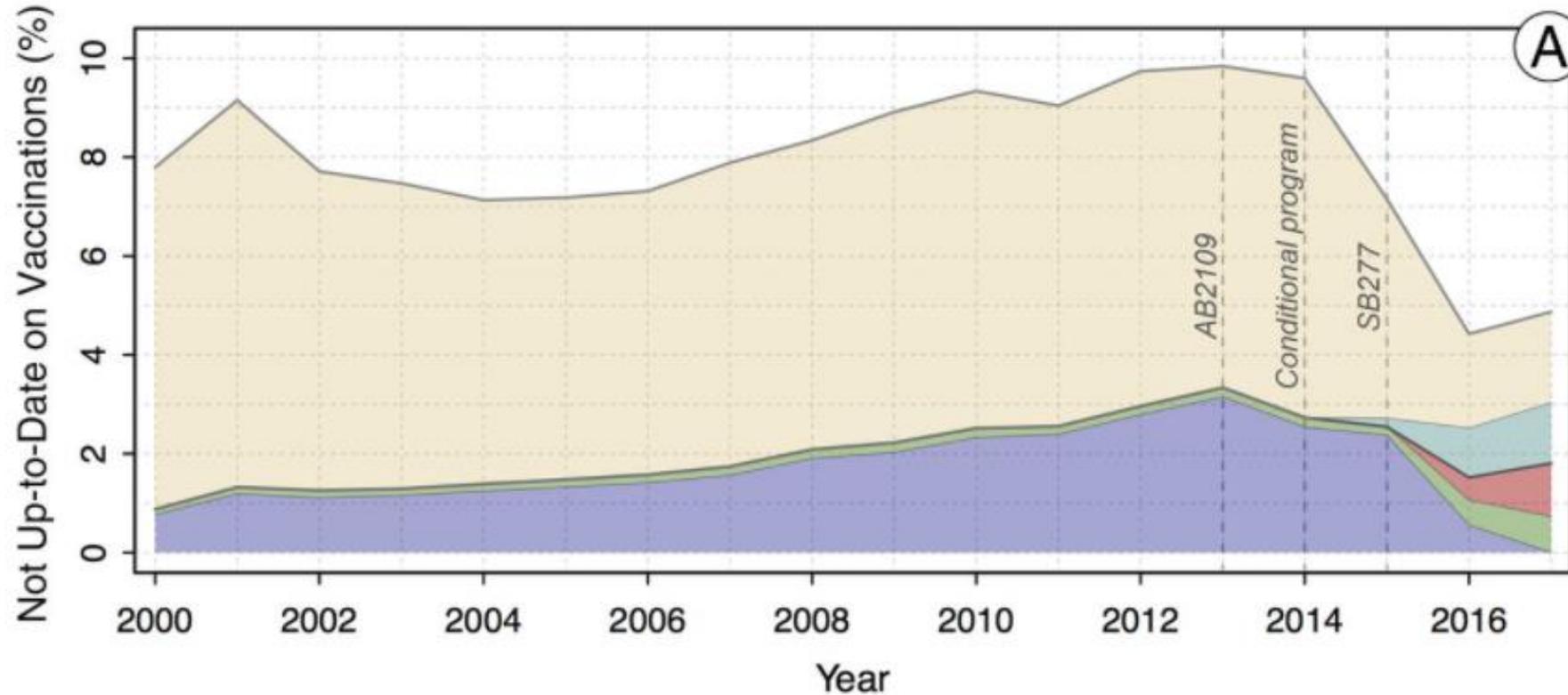
HIGHLIGHTING STRATEGIES FOR STUDENT SUCCESS

California kindergarten vaccination rates reach all-time high in aftermath of new law

Success: changed the social meaning of vaccine refusal



Ongoing Medical Exemption Challenges



Composition of kindergarteners entering school who are not up-to-date on vaccinations. Percentages of students with a personal belief exemption (purple), medical exemption (green), and exempt (red), overdue (blue), and conditional entrance (tan) are provided

Medical Exemptions Bill 2019



- 2019 proposed crackdown to address rising rates of medical exemptions.
- State oversight of physicians granting MEs.
- Refusers once again mobilise to defend 'way of life'; not medical grounds.
- Political compromises result in Bill losing 'teeth', including grandfathering.

Rob Schneider TV Ad Dropped by State Farm Over Comedian's Anti-Vaccine Views

A social media campaign called for the insurance company to ditch the ad



Jessica Biel Weighs In on Vaccine Fight, Drawing Fierce Pushback



Share full article



1.1K



Jessica Biel said she does not oppose vaccination, only state laws that intrude into family decisions about whether to vaccinate. James Devaney/Getty Images

By [Julie Bosman](#), [Patricia Mazzei](#) and [Dan Levin](#)

June 13, 2019

But challenge of governing dissenters

Some vaccine refusers may experience (tightened) vaccine mandates as inconsistent with their **fundamental values** (and, therefore, as **illegitimate**).

“Illegitimacy” can be contagious and is toxic to a political system.

-- It expresses skepticism about the authority of the state

-- Therefore, the state cannot invoke its authority to resolve questions about illegitimacy.



Impacts of CA's vaccination wars

Washington, NY, Maine, Connecticut adopt similar policies.

Major physician organizations have called for states to eliminate religious or philosophical opt-outs (nonmedical exemptions, or waivers)



Cements polarisation on
mandates with no exemptions:
Democrats support
Republicans oppose.



Roll Call: CA SB277 | 2015-2016 | Regular Session



California Senate Bill 277 (*Prior Session Legislation*)

CA State Legislature page for SB277 [↗](#)

Summary

Sponsors

Texts

Votes

Research

Comments

Track

For additional roll call votes on California SB277 please see the [Vote List](#)

Bill Title: Public health: vaccinations.

Spectrum: Strong Partisan Bill (Democrat 27-2)

Status: (*Passed*) 2015-06-30 - Chaptered by Secretary of State. Chapter 35, Statutes of 2015. [[SB277 Detail](#)]

Text: [Latest bill text \(Chaptered\) \[HTML\]](#)

Vote: SB 277 Pan Senate Third Reading By GONZALEZ

Vote	Tally	Democrat	Republican	Other
Yea	46	44	2	-
Nay	31	6	24	1
Not Voting	-	-	-	-
Absent	3	3	-	-
<i>TOTAL</i>	<i>80</i>	<i>53</i>	<i>26</i>	<i>1</i>

Roll Call: CA SB276 | 2019-2020 | Regular Session



California Senate Bill 276 (*Prior Session Legislation*)

CA State Legislature page for SB276 [↗](#)

Summary

Sponsors

Texts

Votes

Research

Comments

Track

For additional roll call votes on California SB276 please see the [Vote List](#)

Bill Title: Immunizations: medical exemptions.

Spectrum: Partisan Bill (Democrat 7-0)

Status: (*Passed*) 2019-09-09 - Chaptered by Secretary of State. Chapter 278, Statutes of 2019. [[SB276 Detail](#)]

Text: [Latest bill text \(Chaptered\) \[HTML\]](#)

Vote: SB 276 Pan Senate Third Reading By GONZALEZ

Vote	Tally	Democrat	Republican	Other
Yea	48	48	-	-
Nay	19	4	15	-
Not Voting	12	9	2	1
Absent	-	-	-	-
<i>TOTAL</i>	<i>79</i>	<i>61</i>	<i>17</i>	<i>1</i>

A Risky Science Communication Environment for Vaccines

Dan M. Kahan

Controversy over childhood vaccinations is an instance of what might be styled the “science communication problem”—the failure of compelling scientific evidence to resolve public dispute over risks and similar facts (1). This problem itself has been the focus of scientific study since the 1970s, when psychologists began to investigate the divergence between expert and public opinion on nuclear power. Indeed, the science of science communication that this body of work comprises can now be used not just to explain controversy over risk but also to predict, manage, and in theory avoid conditions likely to trigger it. The example of childhood vaccinations illustrates these points—and teaches an important practical lesson.

One recurring source of risk controversy is a dynamic known as “cultural cognition.” Both to avoid dissonance and to protect their ties to others, individuals face a strong psy-

chic pressure to conform their perceptions of risk to those that distinguish their group from competing ones—a bias in reasoning that can actually intensify as the public becomes more science literate (2).

A major factor in the dispute over climate change, cultural cognition has contributed

Neglecting the science of science communication puts the value of decision-relevant science at risk.

to controversy over at least one childhood vaccine as well. In 2006, the U.S. Centers for Disease Control (CDC) recommended universal immunization of adolescent girls against the human papilloma virus (HPV), which is sexually transmitted and causes cervical cancer, but political dispute blocked

legislative mandates in every state but one. Experimental evidence showed that individuals tended to selectively credit information relating to the vaccine’s risks and benefits in patterns reflecting their cultural predispositions (one perceived risk was that vaccination would lead to the engagement of unsafe sex). The resulting polarization was amplified when individuals were exposed to cues—whether explicit, such as news reports (3), or tacit, such as fictional advocates of varying appearances (4)—suggesting the vaccine was a focus of group conflict.



Shots of controversy. Conflict over childhood vaccinations reflect the inadequate attention given to understanding factors in the science communication environment that influence the public understanding of science.

CREDIT: ROBERT DUPUIS

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Implications for ability to govern
vaccine acceptance

Only states with trifecta
Democratic governments can
abolish NMEs.

US doesn't have other effective
ways of governing vaccine
uptake.

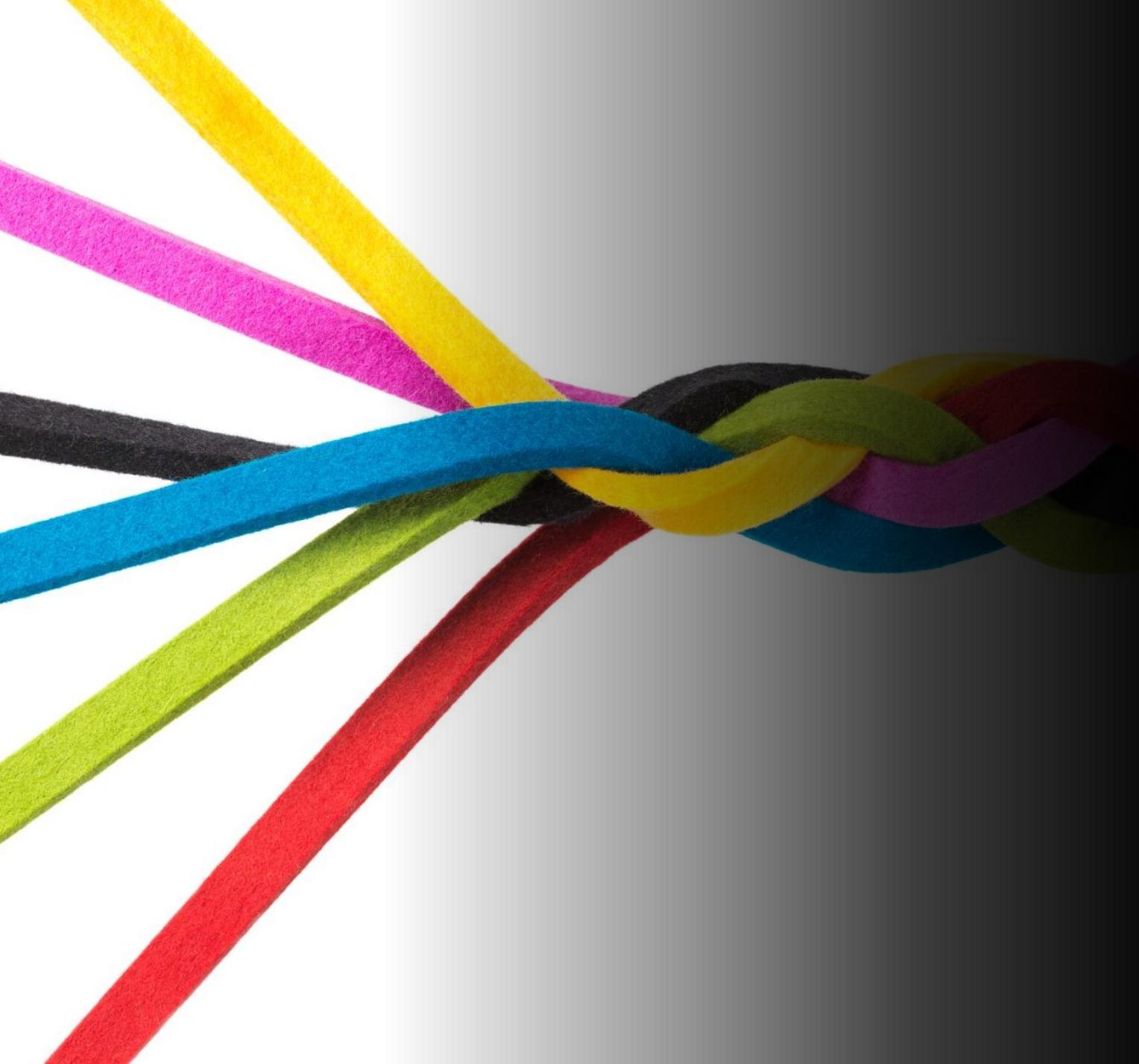


COVID-19 Exacerbation

- Same Californian anti-vaccine actors involved in shutting down Dodger Stadium, storming Capitol, etc.
- Legislators in many states preemptively sought to resist COVID mandates and even COVID vaccine promotion and recommendation.



Political party ID is now the **single best predictor** of COVID-19 vaccination status



It also is the biggest predictor of legislative activity surrounding school vaccine mandates:

- Democrats pushing to eliminate NMEs and otherwise tighten mandates
- Republicans pushing to maintain NMEs and otherwise loosen mandates

Backlash / ongoing Republican efforts to weaken

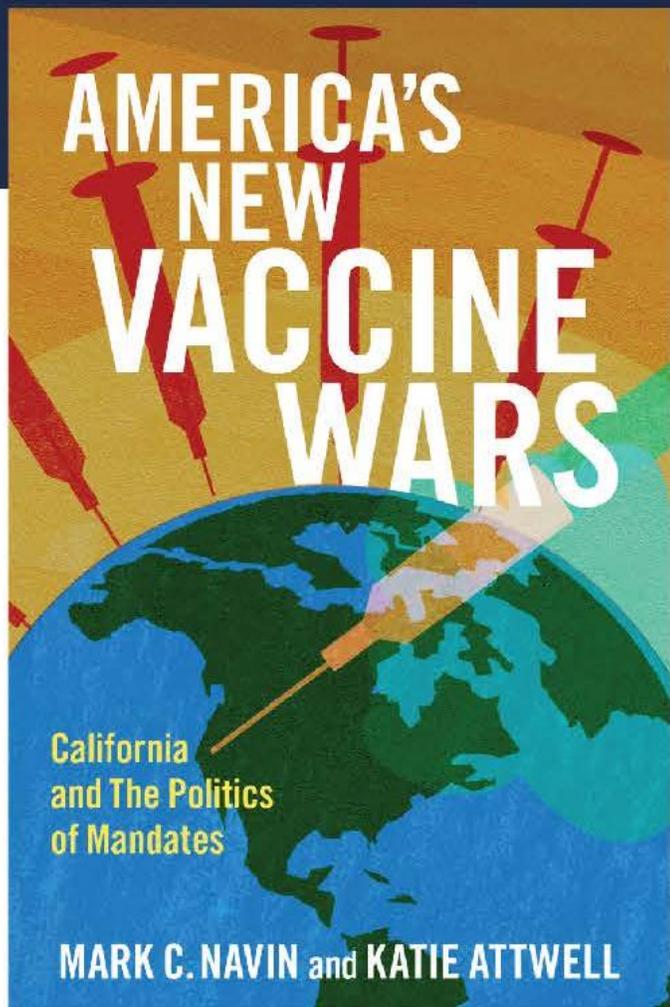
Given the existence of new kinds of political polarization about vaccine policy, eliminating NMEs in Democrat-led states may lead to efforts to weaken mandates in Republican states

- Republican judge in West Virginia (April 23): reinstate RE
- Montana (November 23): new law for daycare



America's community protection looks bleak

- Republicans will likely weaken mandates in the states that they control
 - this will lead to lower immunization rates in those places
- Public health institutions should start preparing for more frequent outbreaks of previously controlled (even eliminated!) diseases
- Private institutions should plan their own disease control measures
- Individuals and families must also brace themselves for more frequent disease outbreaks.
 - Some new parents already prevent unvaccinated relatives from visiting their babies.
 - Families will need to consider extending these forms of private immunization governance when states can no longer protect them.



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Acknowledgements



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