With falling vaccination rates and a measles outbreak gripping parts of New York, state lawmakers’ action to eliminate religious exemptions for vaccinations necessary to protect against common childhood diseases was a sound, evidence-based decision made to better public health, physicians tell a New York court.

A group of parents sued the New York state on behalf of their children after lawmakers in June 2019 eliminated the nonmedical religious exemption to the state’s vaccination law. The change means the law now requires all New York children, except those who qualify for a medical exemption, to be vaccinated before entering school.

The families, who previously had religious exemptions from vaccines, argue that when lawmakers changed the exemption, they violated the families’ state and federal constitutional rights that allow them to exercise their religion freely. They also argue the repeal violates the U.S. Constitution’s Equal Protection Clause and forces them to engage in compelled speech or otherwise violate New York’s compulsory education laws.

The trial court dismissed the case and the families have appealed the decision to the Supreme Court of the State of New York’s Appellate Division.

The Litigation Center of the American Medical Association and State Medical Societies, the Medical Society of the State of New York and the New York State American Academy of Pediatrics filed an amicus brief supporting the State of New York in the appeal, saying “eliminating religious objections was clearly in the best interest of public health.”
“Maintaining near-perfect vaccination rates is crucial to preventing a resurgence of measles and other diseases. New York’s experience has shown that religious exemptions cause vaccination rates to fall below that level, resulting in dangerous and potentially deadly outbreaks. The decision to eliminate these exemptions will protect the health and the lives of New Yorkers,” the brief tells the appellate court in the case, *F.F. v. State of New York*.

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**Exemptions lead to outbreaks**

Measles is a highly contagious disease and requires nearly 93% to 95% of the population be vaccinated to have herd immunity. About 3% of the people who receive the vaccination will still be susceptible to the measles and another portion of the population is unable to be safely vaccinated because of medical conditions. Consequently, nearly everyone who can safely receive a measles vaccine needs to get one, the AMA Litigation Center brief tells the court.

When religious and philosophical exemptions are allowed, vaccination rates in some communities have fallen below “near-perfect” levels, the brief says. During a 2019 outbreak of measles in Rockland County, N.Y., the brief cites statistics that show 77.8% of measles patients had no immunizations and another 14% had an unknown number of immunizations. The data also shows that six schools in Rockland County had vaccine religious exemption rates above 20% and another 17 schools had rates that were more than 8%.

“The 2019 outbreak of measles in Rockland County was the natural consequence of that community’s relatively low vaccination rate and a preview of things to come if religious exemptions are not eliminated,” the brief tells the court.