

PRESS RELEASE

Vaccine Politics: State Laws and the Vaccine Safety Critics

Dozens of vaccine bills have been introduced in many states—the success of vaccine critics has begun to wane

New York, New York, September 8—Vaccines have always been controversial, but never more so than in the last 15 years. The late 1990s saw the vaccine-autism scare and the mercury-based preservative, thimerosal, scare—both of which helped vaccine critics portray vaccines as unsafe. While it was a period characterized by low levels of vaccine-preventable diseases, it was also a time of high levels of organized interest-group activity opposing vaccine mandates, much doubt about vaccine safety among parents, and greater use of exemptions to avoid or delay vaccination. Vaccine critics and activists were able to pass legislation in their favor. How are vaccine critics doing now? How has their ability to affect legislation changed over time? A new study in *The Milbank Quarterly* has found that recent events—such as the discrediting of the vaccine-autism link and outbreaks of whooping cough—have slowed the gains made by vaccine critics at the state level.

The study, “Power and Persuasion in the Vaccine Debates: An Analysis of Political Efforts and Outcomes in the United States, 1998-2012,” is unique in that it is a comprehensive look at child vaccine policy from 1998 to 2012 in all 50 states and charts the outcomes of state-level political controversies. Denise Lillvis, Anna Kirkland, and Anna Frick at the University of Michigan systemically examined childhood vaccine bills introduced by both vaccine critics and supporters, coded the bills by type (exemption, mandate, mercury ban, and information policies, such as mercury, ingredient or disease risk information) and outcome, and mapped out the trends. The researchers also conducted interviews and used primary sources to understand why policy changes occurred when they did. “Our study shows that vaccine critics’ legislative success peaked in 2003 and that they experienced major losses beginning in 2011,” says Lillvis.

Wins and Losses in the State Legislatures, 1998-2012

During the study period, vaccine critics introduced bills all around the U.S. to make it easier for parents to opt out of vaccinating their children. “But only 20 bills out of the 636 total bills we studied were wins that vaccine critics pushed for, and the last of these wins came in 2008,” Lillvis explained.

One popular form of legislation for vaccine critics were bans on mercury in vaccines, which was proposed 106 times but only enacted in 8 bills. Vaccine critics won their most significant policy victories in 2003, with the expansion of philosophical exemptions in Texas and Arkansas. At that time, much of the research about the vaccine-autism link had not yet been published. Between 2002 and 2010, immunization supporters

introduced 9 bills to remove exemptions that make it easy for parents to opt out of vaccinating their children, but none of these efforts were successful.

“We found that vaccine critics, like many movement activists, are much better at stopping bills they oppose than getting bills passed that they support,” Lillvis says. During the study period, vaccine critics thwarted 19 attempts at constraining exemptions and 127 attempts at adding vaccines to mandated requirements. But by 2011, the tide had clearly turned. Vaccine critics began to have serious losses as states moved in the opposite direction, tightening up some of their most lenient opt-out laws.

Since 2011, California, Oregon, and Washington have required parents to obtain information from a health professional about the benefits and risks of vaccination in order to qualify for an exemption. These policies aim to slow the rate of exemptions, and so far the results show that more children in these states are getting required vaccinations.

What Policymakers Need to Know

The recent tightening of philosophical exemptions in California, Oregon, and Washington suggests that vaccine politics may be heading for “a new phase in which immunization supporters may be able to counter increasing opt-out rates, particularly in states with recent outbreaks and politicians favoring science-based policies,” researchers concluded.

Highlighting data on high rates of unvaccinated children and subsequent, preventable infectious disease outbreaks has proven to be compelling to state lawmakers. Even protests and lobbying from vaccine critical organizations failed to stop the pro-immunization bills on the west coast.

“We also noticed more new policy ideas introduced in vaccine critics’ legislation, as compared to legislation from the pro-immunization mainstream,” Lillvis observes. This study suggests that immunization proponents have not been as active as they can be—and that much of the activity in pressing for new policy has been from vaccine critics.

Lillvis warns, “Vaccine-critical groups remain well-networked and influential in certain states. A mother telling the story of her vaccine-injured child can be compelling, even if it is at odds with scientific findings. Pro-immunization groups also have a powerful story to tell, as vaccine-preventable diseases can be deadly.”

About *The Milbank Quarterly*

Continuously published since 1923, *The Milbank Quarterly* features peer-reviewed original research, policy review, and analysis from academics, clinicians, and policymakers. The *Quarterly*’s multidisciplinary approach and commitment to applying the best empirical research to practical policymaking offer in-depth assessments of the social, economic, historical, legal, and ethical dimensions of health and health care

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