

## THE DEBATE ABOUT RHODE ISLAND'S HPV VACCINE MANDATE (Draft)



**The Center's official position** is that parents, not the state, should make an informed decision about whether or not their children should be administered the controversial HPV vaccine. The Center takes no position on the safety or effectiveness of the vaccine, nor does the Center take a position on other vaccine mandates.

### **Nationally:**

- RI is currently just one of two states to impose such a mandate. Dozens of states have formed commissions or introduced legislation to consider a similar HPV mandate, but, in the end, decided not to impose the vaccination
- RI is the only state currently imposing this mandated HPV vaccine without direct legislative approval
- RI is the only state to impose this mandated HPV vaccine for boys
- The Texas state legislature overturned its 2007 HPV mandate-by-executive-order following public outrage

**Public Health:** HPV is not a major public health issue that merits a public policy mandate. HPV is a private behavioral health issue that should be handled by families and their doctors.

- The RI Department of Health admits that HPV is not a “communicable” disease, meaning that it cannot be casually spread in a public or school environment
- There is no medical relevance to attendance at schools, and the DOH claim that they are adding a school exclusion penalty to help raise awareness of the vaccine is heavy-handed and over-reaching

**Medically:** The science does not appear to be settled.

- The Centers for Disease Control (CDC) and the RI Department of Health claim the vaccine is safe and effective
- Multiple physicians groups and various credible research papers claim that the vaccine is not highly effective and that there are serious potential side effects, and that this research has been systematically covered up by the CDC

**Ethically:** The American Medical Association opposes vaccine mandates, primarily for ethical reasons.

- The concept of “*informed patient consent*” is a vital precept of medical ethics. With the HPV vaccine, patients are not always informed about the potential side-effect risks and, as with all mandates, patients are not provided the opportunity to provide their considered consent ... or not.

**Opt-out:** Rhode Island does provide parents with two opt-out options from any mandated vaccine, by:

1. Exercising your religious rights by completing a religious exemption form ([RIFreedom.org/HPV](http://RIFreedom.org/HPV))
  - a. *NOTE: Senators Joshua Miller and Gayle Goldin sponsored legislation in 2015 (S0381) that would deny this religious exemption option for families*
2. Obtaining a medical exemption from your doctor

**Legislatively:** the RI General Assembly has ceded virtually all authority to its Department of Health to mandate vaccinations, without rigorous public debate or direct legislative oversight

- The Center encourages legislators to formally overturn the HPV mandate and to modify the current statute to provide for public or legislative oversight for future communicable vaccine mandates

**Special Interest Cronyism?** Was this mandate in anyway motivated by big money and/or big pharma?

- A former CDC director, Julie Gerberding, now has a high-paying job with Merck, the manufacturer of the Gardasil vaccine, which stands to earn billions of dollars in revenues from related immunizations
- Merck has spent tens of thousands of dollars for lobbyists in Rhode Island in recent years
- Rhode Island spends multiple millions of dollars per year on Merck products
- The RI DOH received about \$20 million from the CDC in FY2015, with \$1.4 million designated for immunizations

**Constitutionality:** some legal scholars feel the state mandate is infringing on parental rights and family privacy:

- The American Bar Association, as well as a local legal group, the *Stephen Hopkins Center for Civil Rights*, have raised questions as to whether or not the HPV mandate is a violation of the 14<sup>th</sup> Amendment
- The RI ACLU opposes the HPV mandate's exclusion-from-school penalty as “extremely severe” and “unfitting”