

# **Pro-Vaccine Advocacy at the State Level: Legislative and Judicial Trends from 2025**

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- Richard Hughes, JD, MPH Epstein Becker Green
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# Agenda

- AFV Overview
- Anti-Vaccine Activity
- State Legislation Update
- State Litigation Update: Spotlight on West VA
- Judicial Trends and Updates



## **What Do We Want You to Take Away From This Presentation?**

- **Grasp the real scope of the problem** – this isn't just noise; it's growing and strategic.
- **Recognize the national patterns and tactics** – what's happening in one state is often coming for another.
- **Connect the dots to your own state** – see where your expertise is urgently needed.
- **Find your role in the response** – whether it's legislative, strategic, legal, or advisory, there's a place for your voice and skill.



American Families for Vaccines (formerly known as SAFE) is the nation's first pro-vaccine political advocacy organization.

AFV supports pro-vaccine legislation and lawmakers. Through our Families for Vaccines Chapters, we empower everyday people, the often silent pro-vaccine majority, to advocate for health and safety alongside medical and public health professionals.

AFV is an organized bipartisan political force opposing the anti-vaccine agenda in statehouses across the country.



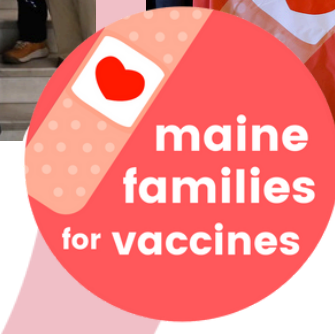
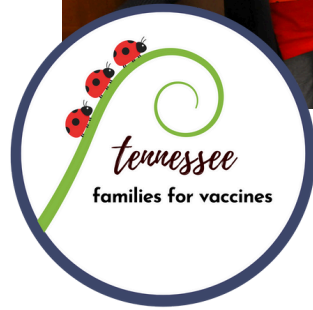




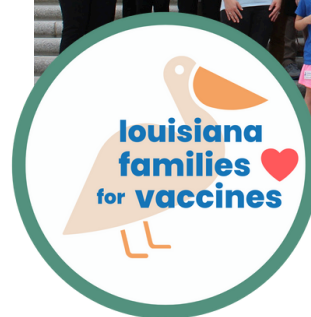
American Families  
for Vaccines

Safe Kids.  
Safer Communities.





## American Families for Vaccines





### INFORMED CONSENT ACTION NETWORK C3

- \$23.2 million in 2023

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- \$252k in 2023

### CHILDREN'S HEALTH DEFENSE

- \$16.1 million in 2023

### STAND FOR HEALTH FREEDOM

- \$322k in 2023

### NATIONAL VACCINE INFORMATION CENTER

- \$1.5 million in 2023

### YOUNG AMERICANS FOR LIBERTY

- \$18.6 million in 2023

### FRONT LINE COVID 19 CRITICAL CARE ALLIANCE

- \$3.86 million in 2023

### HEALTH FREEDOM DEFENSE FUND

- \$718k in 2023

**TOTAL: OVER \$63 MILLION IN 2023**

## Funding for Anti-Vaccine Organizations



**American Families  
for Vaccines**

Anti-vaccine groups are active in every single state in the nation.



# Anti-vaccine candidates have won and hold many seats.

- A national platform for misinformation
- Organizations are working together
  - Elections
  - Legislation
  - Litigation
- Inflating support and getting headlines

Trump vows to cut federal funds for schools with vaccine mandates

*It's become a standard line in Donald Trump's stump speech: He intends to deny federal funds to any school, at any level, "that has a vaccine mandate."*



March 5, 2024, 8:38 AM MST

By [Steve Benen](#)

## RFK Jr., vaccines, food dyes, fluoride and why 'Make America Healthy Again' took off



[Alyssa Goldberg](#)  
USA TODAY

Published 11:45 a.m. ET Nov. 14, 2024 | Updated 11:54 a.m. ET Nov. 14, 2024

SHOTS - HEALTH NEWS

## What happens when a vaccine skeptic leads health policy? Ask Florida

NOVEMBER 13, 2024 · 6:00 AM ET



[Maria Godoy](#)



# State Policy Update

## ANTI-VACCINE MOVEMENT:

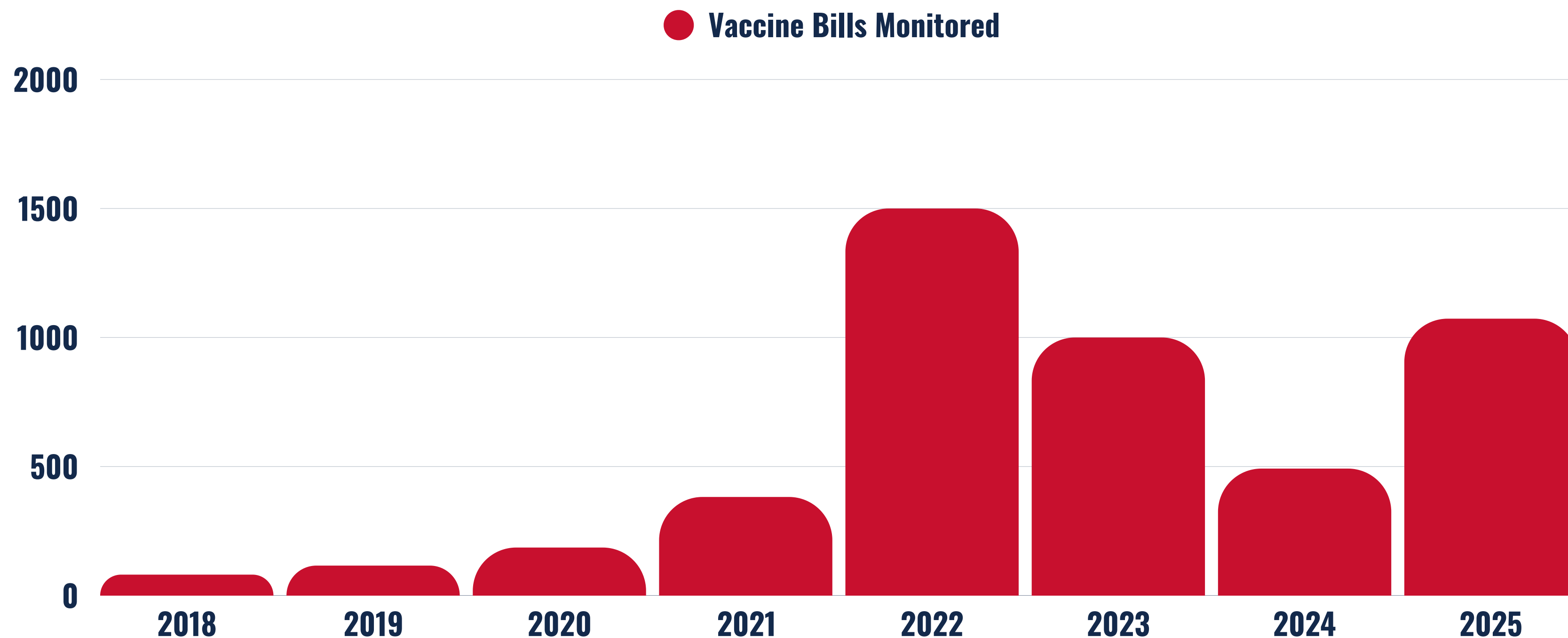
- Didn't get the big wins they wanted coming out of the pandemic
- Volume of legislation has slowed, but still high
- Trying to pass bills through non-traditional legislative committees and with unexpected themes
- Small and incremental changes to vaccine policies in many conservative states
- State legislative activity in almost every state

## PRO-VACCINE MOVEMENT:

- Better coordinated
- Building a culture of advocacy
- Exploring and strengthening non-traditional partnerships
- Passing positive legislation seems more likely now

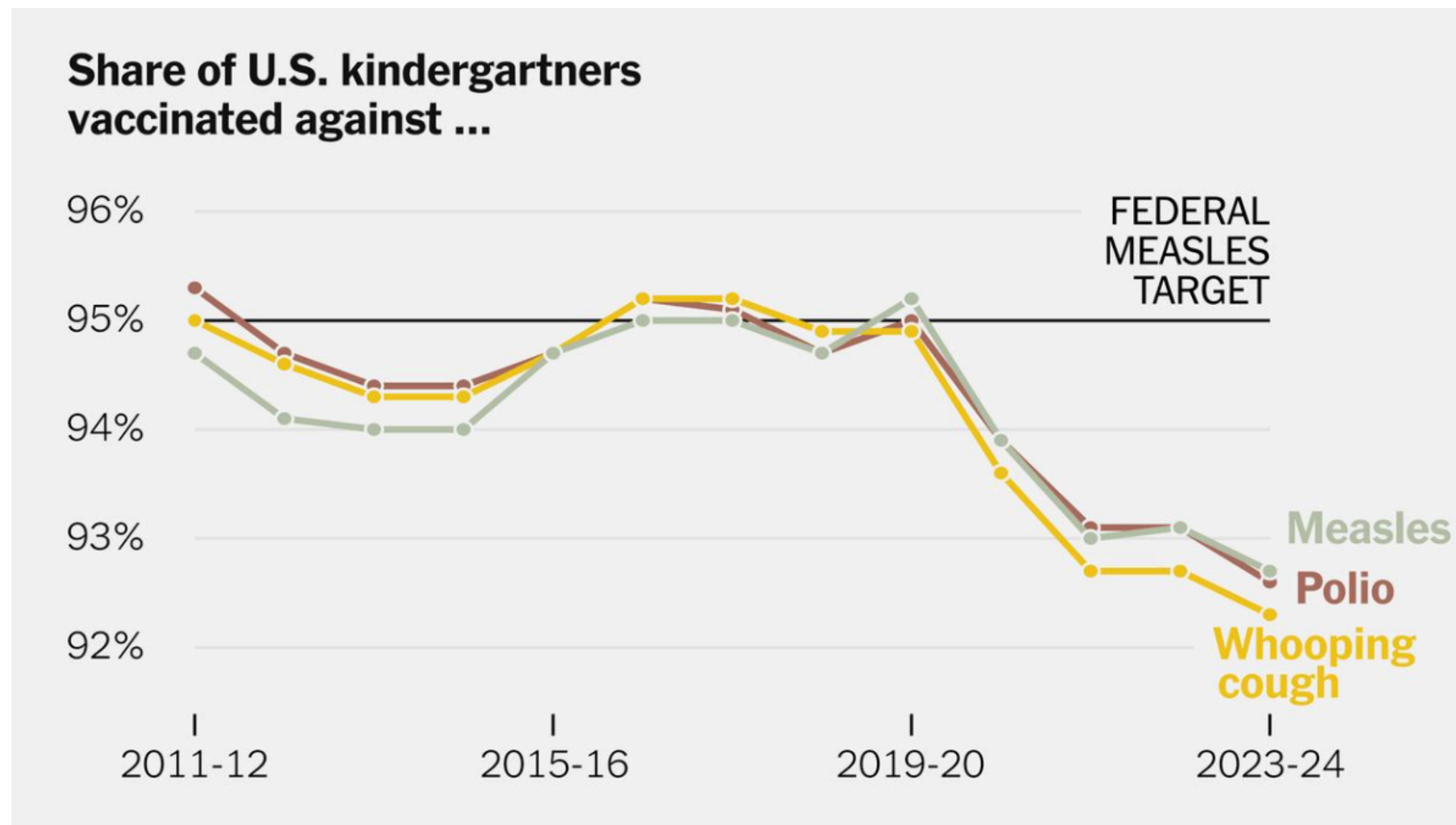


# Trends in Immunization Legislation

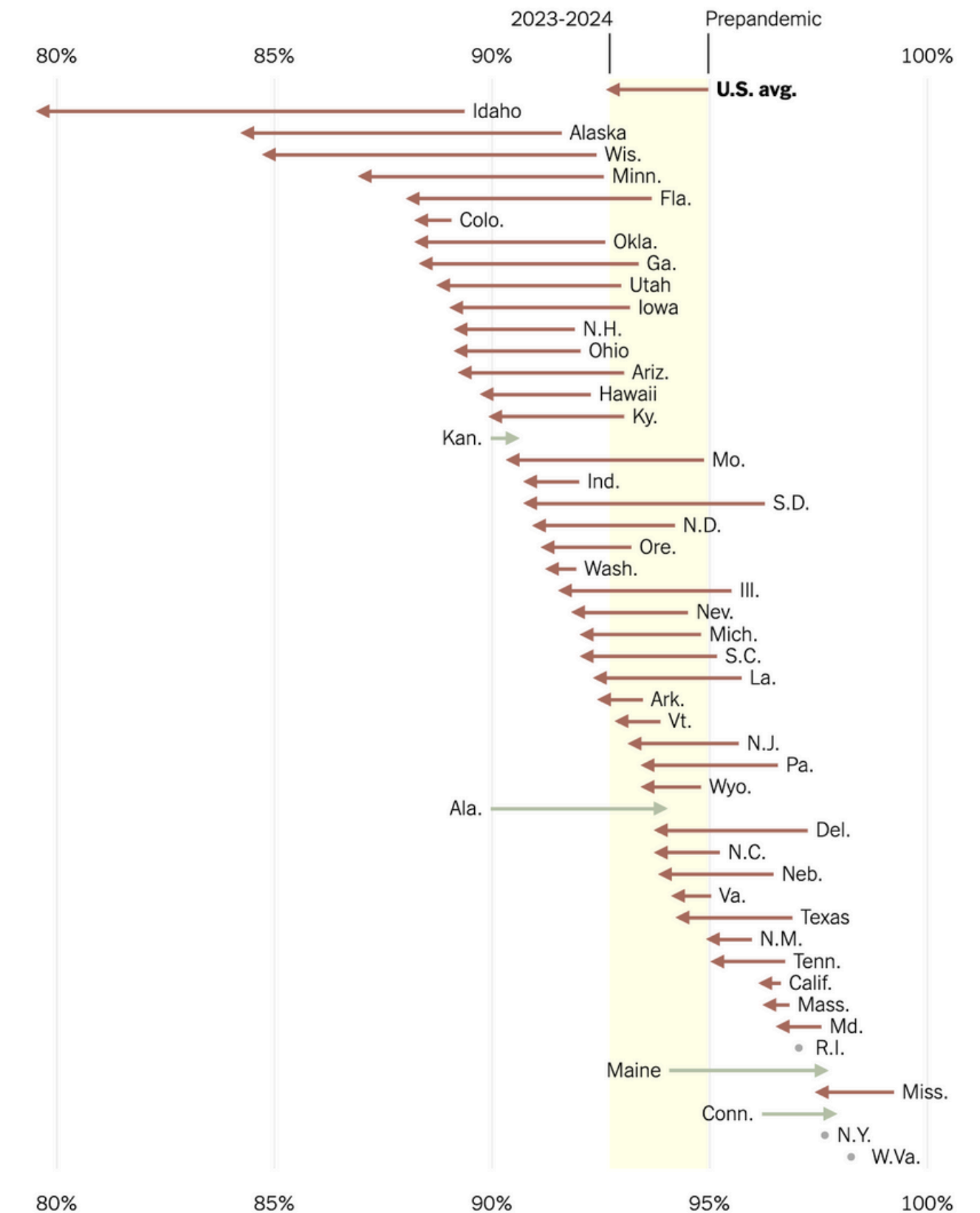




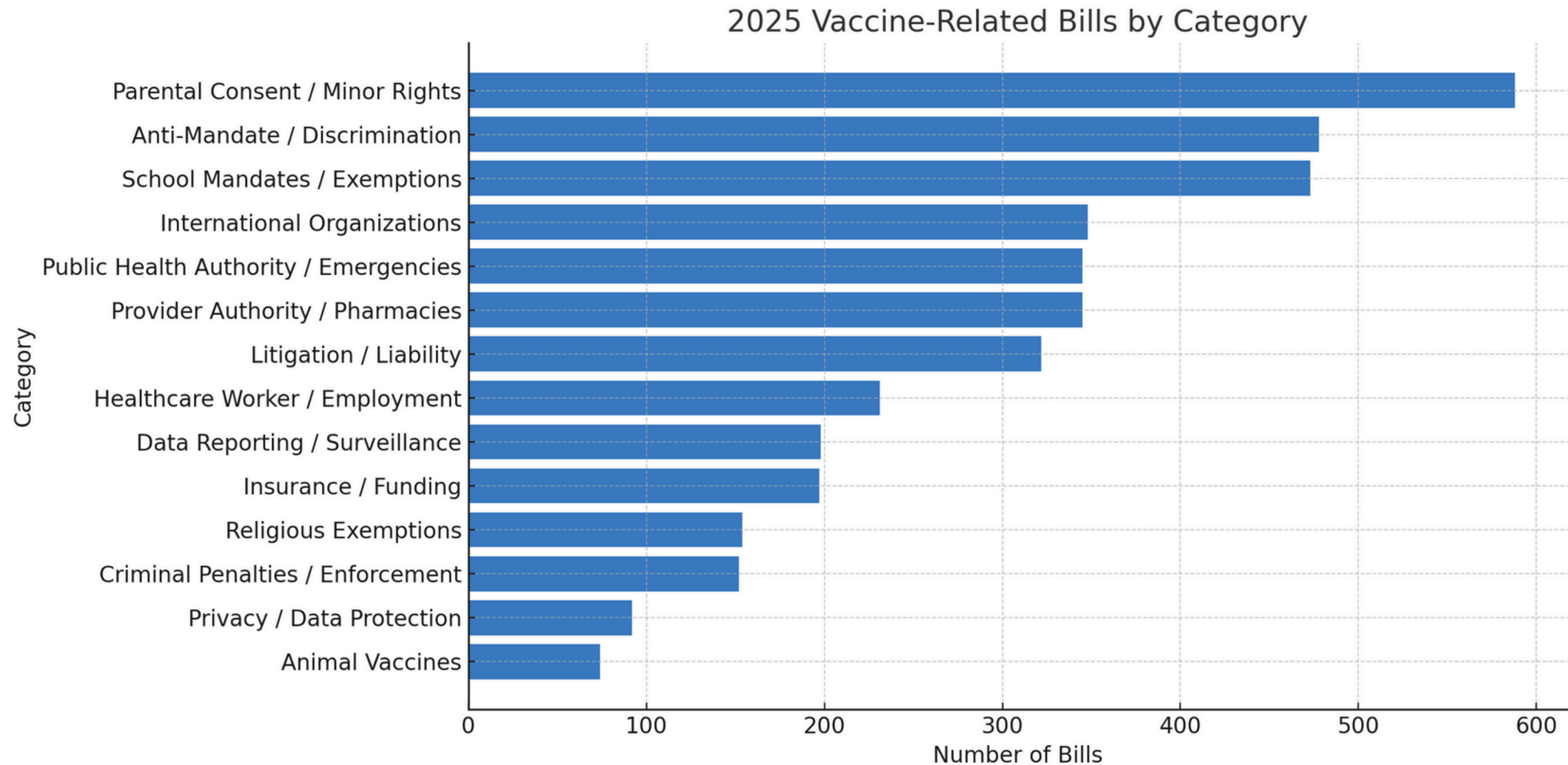
# Immunization Rate Trends



Change in kindergarten measles vaccination rates



# 2025 Trends



**Vaccine Bills Monitored in 2025: 1000+**



# Anti-Global Health

- Preventing states or local health departments from using WHO, UN, or World Economic Forum recommendations to justify or inform state policy.
- Claiming that any national or world recommendation regarding health is null and void in the state.



# Discrimination

## Louisiana House splits on vaccine 'discrimination' proposals

BY: GREG LAROSE - MAY 1, 2024 5:19 PM

LOUISIANA ILLUMINATOR

- Amending State Civil Rights Code to create and protect the “unvaccinated class.”
- Preventing employers from “discriminating” against employees based on vaccination status.
  - Hiring, firing, workload transfer, vulnerable patient population exposure, etc.
- Preventing employers from requiring employees to receive any, or mRNA-specific, vaccines.
- Individuals and/or businesses may not refuse to provide services based on an individual's vaccination status.
- Discrimination in a school setting, changing seating arrangements or classes.
- Discriminating against the unvaccinated in public places.



# Food Sources

- Any food that has received a vaccine must be labeled and regulated as a drug, aka “lettuce bills.”
- Misdemeanor to grow food that contains mRNA.
- Labeling “contains vaccine material.”
- Animals get vaccines...



**mRNA  
& FOOD LABELING**  
The Truth About mRNA Vaccines and Food Safety

**Vaccines Protect Animal and Human Health.**

Like humans, animals receive vaccines to prevent disease and ensure their well-being. The U.S. Department of Agriculture's Center for Veterinary Biologics (CVB) regulates all animal vaccines to guarantee safety, effectiveness, and quality. For over 100 years, farmers have vaccinated livestock to protect animals and maintain a safe food supply.

**Oppose HB 113.**

Maine House Bill 113 requires food labels to disclose the use of messenger ribonucleic acid (mRNA) vaccine material in food production.

**Sponsors:**

Rep. Michael Soboleski [R]  
Sen. Joseph Martin [R]



# But Richard!

- Who governs “drug” regulations?
- What does this mean when a state determines what is a pharmaceutical and what isn’t?
- What does this mean for consumers?



## mRNA Vaccines

- Meat from animals that have not received an mRNA vaccine can be labeled “mRNA free.”
- Preventing State Veterinarian from administering mRNA vaccines in an emergency situation.
- Banning mRNA products, with criminal penalties labeling “WMD”.
- Pfizer-BioNTech COVID-19 vaccine in South Carolina, requiring verbal and written notice that the vaccine is new, that it contains fragments of bacterial plasmid DNA encapsulated in a lipid nanoparticle delivery vehicle, and that the long-term safety of the vaccine is unknown.
- Preventing any Emergency Use Authorization (EUA) vaccine requirements.
- Prevents state health agencies from advertising for EUA vaccines.



# Vaccinated Blood

- Blood donor must report their vaccination status.
- Blood donation recipients could request non-vaccinated blood.
- Requiring certain tests (which may not exist) for donated blood.

COVID-19

## ‘Tainted’ Blood: Covid Skeptics Request Blood Transfusions From Unvaccinated Donors

**KFF** Health News

### VACCINATION & BLOOD DONATION

Protecting Our Nation's Blood Supply



#### Blood Donations are a Lifeline.

Blood donations are essential for maintaining a sufficient blood supply to meet the needs of patients requiring transfusions for various medical conditions. These include emergencies, surgeries, chronic illnesses, and treatments for diseases like cancer.

**According to the American Red Cross, every two seconds, someone in the U.S. needs blood.** Patients such as cancer patients, car accident victims, and individuals with sickle cell disease rely on multiple units of blood to survive and recover.

#### The Impact of Limiting Blood Donations

Over 81% of the U.S. population has received at least one dose of a COVID-19 vaccine. Restricting blood donations from vaccinated individuals could result in a significant portion of the population being disqualified from donating blood, exacerbating blood shortages. Blood shortages put countless lives at risk, particularly for patients who require regular transfusions.

Bills that seek to limit blood donations based on vaccination status are both unnecessary and harmful. The components



# Education

## K-12 schools

- Reinstating or expanding religious and personal belief exemptions for public, private, charter, and homeschooled students.
- Removing any requirement to get vaccinated or show vaccination records to schools.
- Notifying parents about non-medical exemptions and how to obtain them.

## Childcare Centers

- Vaccine requirements are falsely being identified as a barrier to recruiting childcare providers.

## Higher Education and Professional Schools

- Medical, veterinary, pharmacy, nursing, national guard.



### SCHOOL VACCINATION REQUIREMENTS

Protecting Our Children and Schools from Preventable Diseases

**Schools Keep Communities Safe.**

Schools are pillars of our communities, providing safe, supportive environments for children to learn and grow. Public schools, along with the Board of Education and Department of Health, play a vital role in ensuring children have a healthy environment in which to thrive.

One of the most effective ways to protect student health is through school vaccination requirements. These policies help safeguard students, teachers, and families from vaccine-preventable diseases.

**Vaccines Save Lives.**

Vaccinations are an essential public health tool that protect the entire community from preventable diseases including:

<b>MEASLES</b>	<b>CHICKEN POX</b>	<b>PERTUSSIS</b>
<b>MUMPS</b>	<b>POLIO</b>	<b>HEPATITIS B</b>
<b>RUBELLA</b>	<b>DIPHTHERIA</b>	<b>MENINGITIS</b>
	<b>TETANUS</b>	



# **Vaccine Recipient Bill of Rights**

## **Imposing impossible standards for vaccine administration**

- Demanding saline placebos in clinical trials
- Exemption from the VICP program
- Requiring definitive proof it stops disease transmission
- Prohibiting advertisements of vaccines except in limited circumstances, including within a private practice office to patient.
- Requiring specific testing or labeling for allergenicity, carcinogenicity, fertility.

Effectively blocks vaccine requirements, puts access at risk, and creates distrust.

# Inciting Fear about Vaccine Research

- “No person may develop, release, or take part in causing the release of any self-spreading virus or bacteria without the express written consent of each individual” that could be infected. Criminal offense.
  - Only research into zoonotic diseases that spread in wildlife
  - mRNA vaccines do not “shed.”
  - Millions of dollars of cancelled funding for mRNA research
- Prohibiting “human gene therapy products” unless the manufacturer explicitly waives immunity from lawsuits related to product design defects.
  - mRNA vaccines are not gene therapy; they do not enter the nucleus or alter DNA.
  - Gene therapy is a completely different FDA-regulated category used for rare genetic disorders.



# But Richard!

- Can states govern federal research requirements?
- What do they mean by “waiving liability protections?”
- What is the Vaccine Injury Compensation Program?
- Why do we have it?
- What does it do?
- What does it not do?
- Can states have their own liability programs?





## **New Legal Causes of Action**

- **An individual harmed by an employer–required vaccine may sue the employer.**
- **Personal liability for employers and providers who administer vaccines.**
- **State health liability for immunization promotion and any injury.**
- **Strict liability for vaccine mandates.**

## Parental Rights

- Preventing or administratively burdening foster parents and group homes from vaccinating.
- Preventing vaccination requirements for foster families and adoption parents.
- Preventing teenagers from electing to vaccinate.
- Parent presence in school clinics.
- Opt-in data collection, impacting registries.

**How the Anti-Vaccine Movement  
Pits Parental Rights Against Public  
Health**

**KFF** Health News





# Informed Consent

- Certain documents required in advance
  - Vaccine inserts
  - Excipient list
  - Risk of death warning
- Waiting period

OPINION **FIRST OPINION**

## RFK Jr.'s dangerous misuse of 'informed consent' on vaccines

True 'informed consent' is not just about giving people a list of possible side effects



justtheinserts.com

FREE TRAINING  
no email required

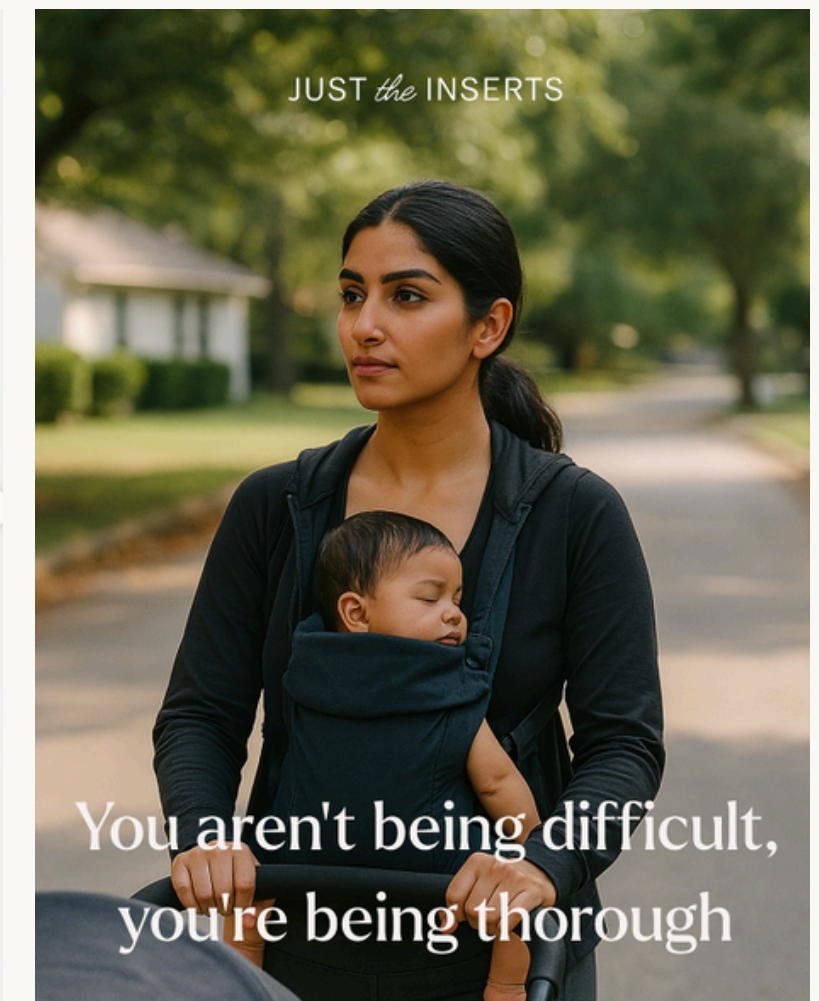
How to Read an Insert

Learn everything you need to make an educated + empowered decision about any medical product. No matter if you plan to accept, delay, or decline medical products, this free training is for you.

self-paced | unlimited access

READ CAPTION FOR MORE DETAILS

The advertisement features a collage of vaccine inserts on the right side, showing various text and graphics. A circular logo with an open book icon is positioned above the main text.



JUST the INSERTS

You aren't being difficult,  
you're being thorough

The image shows a woman with dark hair, wearing a black jacket, pushing a stroller with a young child inside. They are outdoors on a paved path with trees in the background. The text is overlaid on the image.



# Healthcare Discrimination

- Preventing providers from refusing to accept, or dismissing, unvaccinated patients.
- Preventing providers from refusing to perform certain procedures, such as organ donation or transplant.





# But Richard!

**What is VAERS?**



# Establishing State VAERS

- Patients can report alleged injuries.
- Physicians must report alleged injuries
- Medical examiners must report vaccination details.
- All publicly available.

## HEALTH

### **RFK Jr. plans changes to vaccine side effect reporting system**

The HHS secretary has long questioned the adequacy of the current system



# But Richard!

**What are the implications  
of creating a state VAERS?**





## Ingredient Prohibition

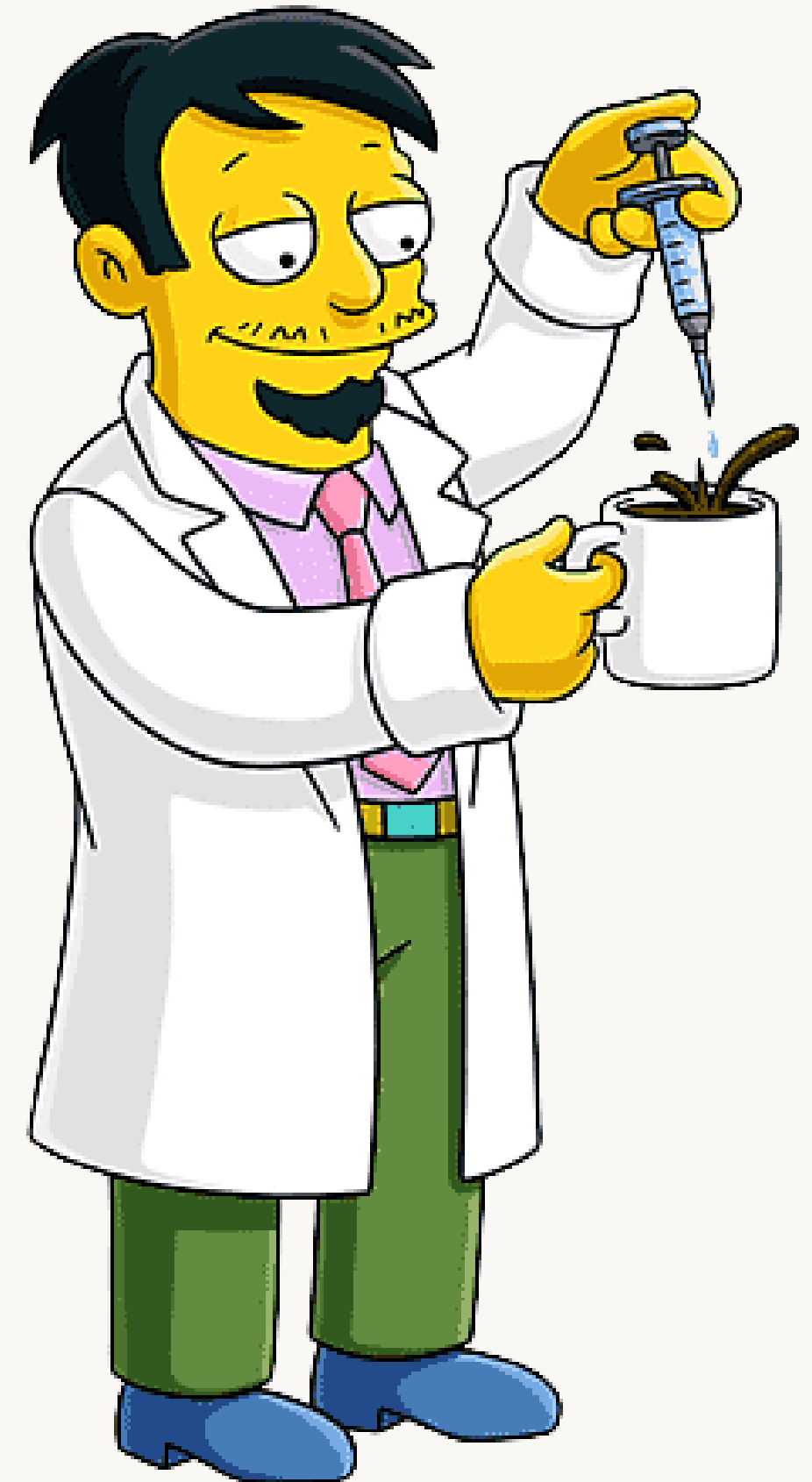
Prohibits administration of vaccines containing mercury or aluminum.





## Free Range Medical Exemptions

- Any “medical” practitioner can issue a medical exemption based on their personal opinion that it may be detrimental to an individual’s health.
- Removing any standardization or regulation regarding “medical conditions.”



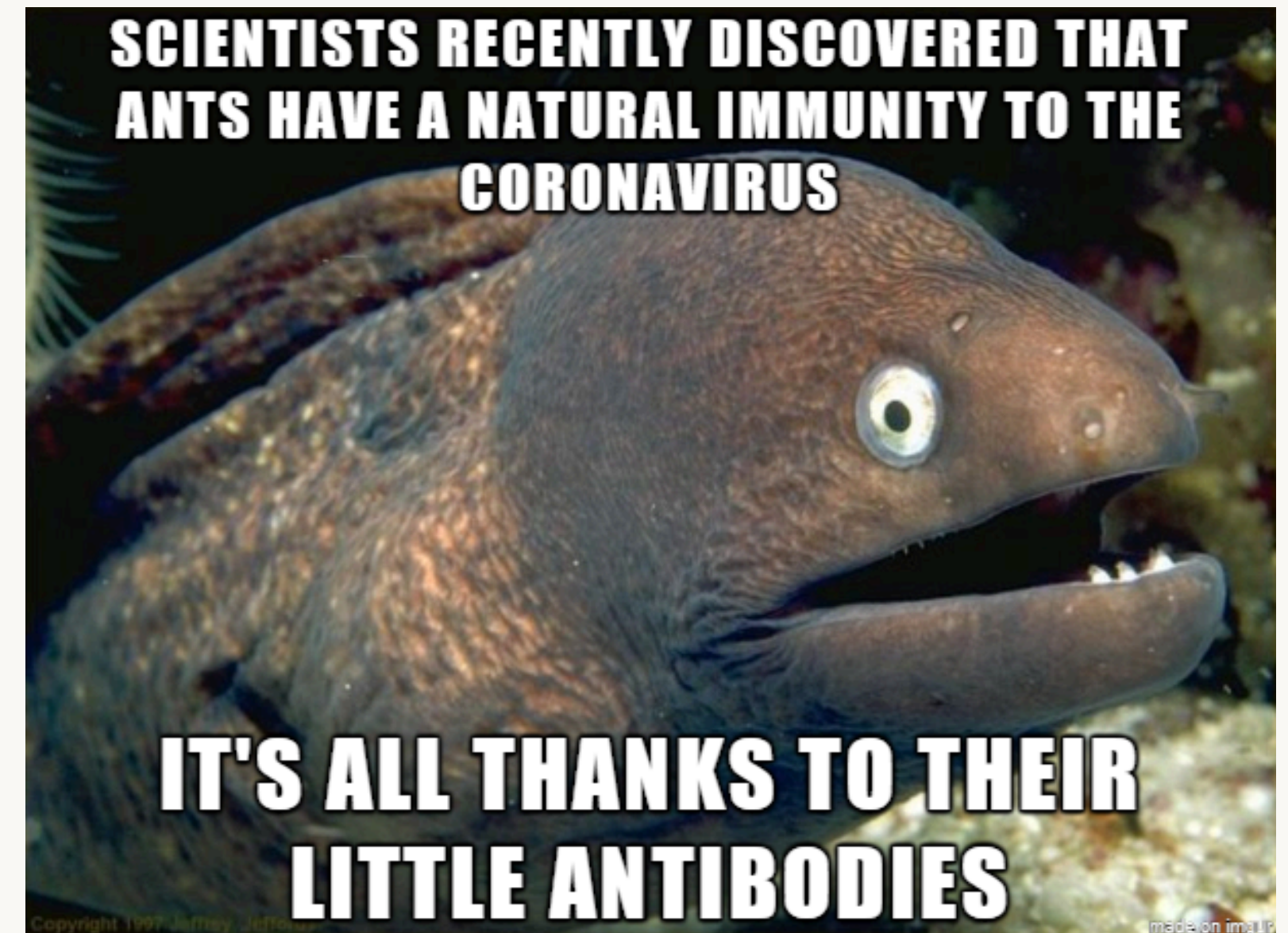
# Constitutional Amendments for Medical Freedom

- “No law may require or coerce a person to receive or use a medical product, or impose a penalty, or deprive a benefit for refusing, or refusing to disclose, whether a person has received a medical product.”
- Establishes an individual’s fundamental right to medical freedom.
- Q: Is any vaccine request presumptively invalid—or only those without an exemption process?



# Natural Immunity

Legal recognition of “natural immunity” as equivalent to vaccination, requiring those who recovered from disease to be considered “fully vaccinated” and granting them the same status as vaccinated individuals.





# 2025 Vaccine Policy Forecast

- Message bills meant to erode confidence
- Interim hearings amplifying misinformation and MAHA agenda
- Copycat bills echoing RFK's talking points
- Possible pivot from mRNA to the broader childhood schedule
- Pet vaccine rules
- Ongoing need to educate lawmakers on basic science
- Use rulemaking to protect access



# Vaccine Legislation in Red States

Often rooted in misinformation and ICAN's model bills, the same legislators repeatedly sponsor anti-vaccine proposals with coordinated support from activists. Hearings are contentious, with opponents bringing families to testify—sometimes leaving our Families for Vaccines chapters as the only pro-vaccine voices in the room.

MAHA MAMAS

## When MAGA Won, So Did MAHA, the “Healthy” Arm of the Trump Apparatus

With RFK Jr. as a figurehead, American public medicine is set to enter its “MAHA” era, no ha-has about it.





# Chris-Spotlight on West Virginia

- West Virginia has never allowed religious exemptions to school immunization requirements.
- In January 2025, the Governor issued an executive order directing public schools to accept them.
- A legislative attempt to codify this change (SB 460) failed, but litigation is now underway: a parent is suing the WV Board of Education for following the state code rather than the executive order.
- An immunocompromised student has intervened in the case.





# Vaccine Legislation in Blue States

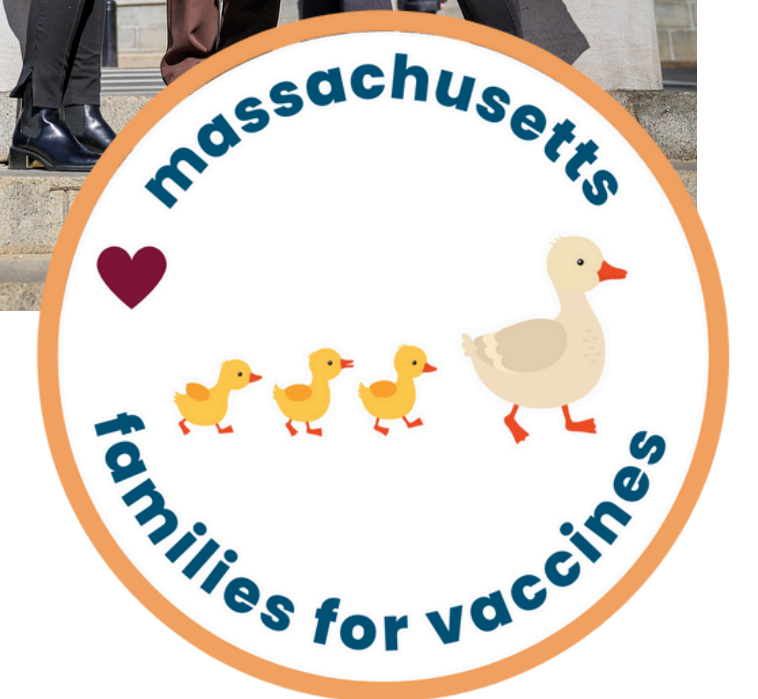
- In conservative states, advocates focus on defeating harmful legislation.
- In progressive states, there is an opportunity to advance proactive vaccine policy.
- California, Connecticut, Maine, and New York have eliminated non-medical school immunization exemptions; MA Families for Vaccines is working toward the same goal.
- States can coordinate to create a centralized framework for vaccine guidance—one that considers ACIP recommendations but does not rely on them exclusively.





# Spotlight on Massachusetts

- Bills S.1557 and H.2554 would remove the religious exemption to school vaccine requirements, leaving only medical exemptions.
- Legal context: Massachusetts has a long history of upholding vaccine mandates as constitutional.
- Rationale: Lawmakers point to exemption clustering, health risks, and the right to education.
- Status: Bills are in committee; strong opposition is mobilized and litigation is likely if passed.





# Final Thoughts

While anti-vaccine legislation and chaos at the federal level are deadly serious, it's important to keep perspective:

- Every state still has a pro-vaccine majority.
- Public sentiment remains the most powerful driver of policy.
- Pro-vaccine organizations are active at the local, state, and national levels—defending existing laws, advancing proactive protections, and building a broad pro-science movement.
- Pro-vaccine voices are more critical than ever, and there is renewed urgency across the country to safeguard access to vaccines.



OPINION **FIRST OPINION**

**I'm a vaccine activist — and I'm optimistic about the future right now**

RFK Jr.'s nomination to HHS secretary is alarming, but the pro-vaccine movement is ready





American Families  
*for Vaccines*

ACTION FUND



Get in. We're passing strong vaccine laws.



## Focus on the Courts- Richard

- Cert. Petition filed to the Supreme Court challenging New York's removal of non-medical exemptions, *Miller v. McDonald*. Predictions for SCOTUS?
- *American Academy of Pediatrics et al. v. RFK et al.*
- Upcoming ACIP Meeting
- What is on the horizon for us and, as lawyers, how can we help?



Please take this survey to evaluate conference sessions.





THANK YOU!

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