



# AMERICAN ATHEISTS

---

April 10, 2018

The Honorable Rep. Stephen Huffman  
Chairperson, Ohio House Health Committee  
77 S. High Street, 12<sup>th</sup> Floor  
Columbus, Ohio 43215

**Re: AMEND HB 559, Testimony from American Atheists regarding a bill relating to vaccinations required by the state to attend public school**

Dear Chairperson Huffman and Members of the House Health Committee:

American Atheists, on behalf of its over 1,200 constituents in Ohio, writes to provide testimony regarding HB 559, a bill which amends vaccination and immunization requirements pertaining to public education. Although we do not take a position on this legislation, we urge you to amend the current bill draft to ensure that no child should be excused from necessary immunization based upon the religious beliefs of their caretakers.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of providers and institutions.

HB 559 updates Ohio’s law pertaining to immunization and vaccinations that students must obtain before attending public school and clarifies processes for proving such immunization has taken place. Unfortunately, however, the bill maintains and even potentially expands current exceptions to immunization requirements for students whose parents or guardians object to immunization “for reasons of conscience, including religious convictions.”<sup>1</sup>

American Atheists believes that no exception should be made from neutral immunization requirements intended to further public health and the well-being of children based on religious beliefs. Such exceptions are both unnecessary and dangerous from a medical and public health perspective. Successful population immunity to disease depends upon a significant level of vaccination since some young people are unable to receive immunization for medical reasons. This is the reason that we have laws requiring immunization to attend public school in the first place. However, allowing religious

---

<sup>1</sup> Ohio House Bill 559 (2018).

exceptions needlessly puts these youth (as well as the youth who are not receiving vaccination due to the religious exception) at risk.

These religious exceptions put individuals at significant risk for contracting potentially debilitating and deadly infectious diseases. Children exempt from immunization requirements are more than 35 times more likely to contract measles<sup>2</sup> and nearly 6 times more likely to contract pertussis,<sup>3</sup> compared to immunized children. History illustrates that outbreaks are often common in communities that are unsupportive of vaccinations. For example, measles is one vaccine-preventable disease that has plagued multiple religious communities known to be either hesitant to vaccinate or completely against vaccination.<sup>4</sup> However, lawmakers have a responsibility to protect all youth, regardless of their religion or lack thereof. No young person should be subject to harm or illness based on the religious beliefs of their caretakers or their classmates.

We urge you to remove these religious exceptions to immunization from the bill and from current Ohio law. As the US Supreme Court has made clear, "The right to practice religion freely does not include liberty to expose the community or child communicable disease, or the latter to ill health or death.... Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they reached the age of full and legal discretion when they can make that choice for themselves."<sup>5</sup>

We applaud the bill's requirement that school districts or preschool programs include the percentage of students immunized against various diseases, the percentage that are not, and the number that are excepted due to reasons of conscience. This requirement will allow the Ohio Department of Education to develop statistics regarding the percentage of Ohio students that receive necessary immunizations and the percent that do not. This will enable public health researchers to understand the scope of immunization protection within the state, help target public health goals, and provide an indication if the rate of immunization dips below recommended levels.

---

<sup>2</sup> Salmon DA, Haber M, Gangarosa EJ, Phillips L, Smith NJ, Chen RT. *Health consequences of religious and philosophical exemptions from immunization laws: individual and societal risk of measles*. JAMA.1999;282:47-53.

<sup>3</sup> Feikin DR, Lezotte DC, Hamman RF, Salmon DA, Chen RT, and Hoffman RE. *Individual and Community Risks of Measles and Pertussis Associated With Personal Exemptions to Immunization*. JAMA 2007;284:3145-3150.

<sup>4</sup> See, e.g., Genes, N. (June 20, 2006). *Measles in Boston: Collision of Church and State, Science and Journalism*. Medgadget. Retrieved from [http://medgadget.com/2006/06/measles\\_in\\_bost.html](http://medgadget.com/2006/06/measles_in_bost.html); WebMD. (August 1, 2006). *Vaccination Fear Causes Measles Spate*. CBS News. Retrieved from [http://www.cbsnews.com/2100-500368\\_162-1857987.html](http://www.cbsnews.com/2100-500368_162-1857987.html).

<sup>5</sup> *Prince v. Massachusetts*, 321 U.S. 158 (1944).

Thank you for holding a hearing on this matter and for considering amendment to remove the religious exception language in this bill. If you should have any questions regarding American Atheists' testimony regarding HB 559, please contact me at 908.276.7300 x9 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'AG', with a long, sweeping horizontal stroke extending to the right.

Alison Gill, Esq.  
Legal and Policy Director  
American Atheists

CC: All members of the Ohio House Health Committee