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# Public Health Authority Legislative Update

October 2023

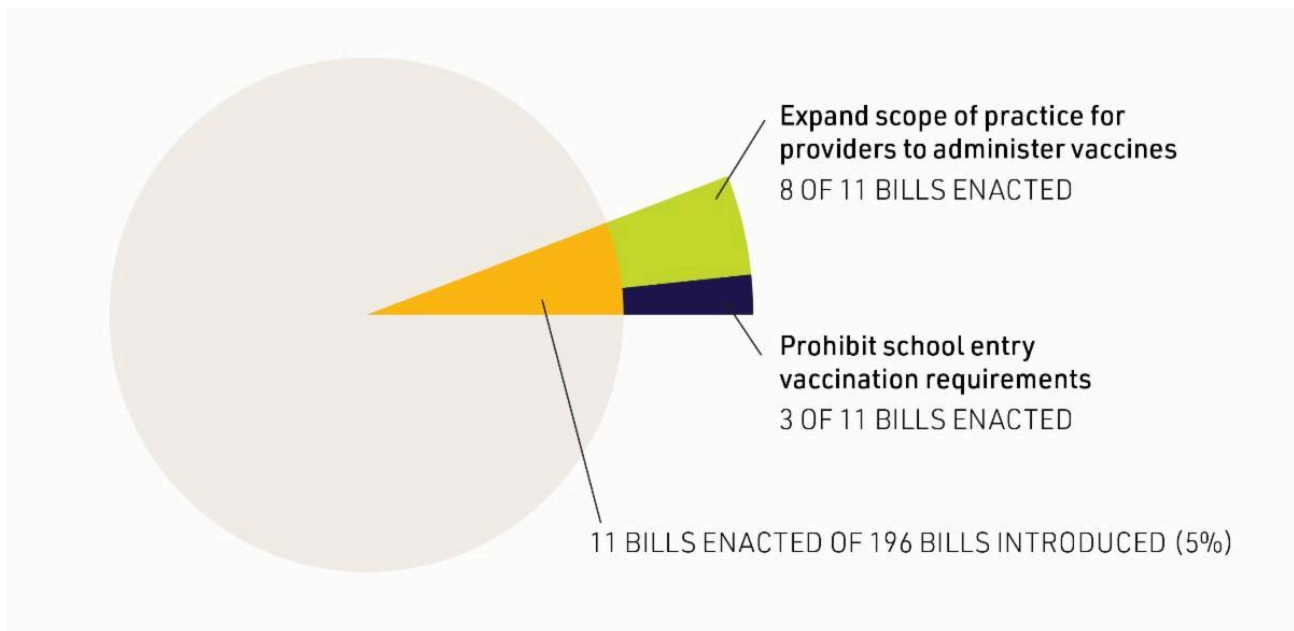
## **New Legal Data: 2023 Bills Relating to Vaccines in Schools and Provider Scope of Practice**

This month, we cover the newly released vaccine bill tracking data from the Temple University Center for Public Health Law Research (CPHLR), highlighting trends and examples across the widespread legal activity surrounding vaccine law during the 2023 legislative session.

[New scientific legal data](#) created and published by CPHLR, in collaboration with the Act for Public Health initiative and the Association of State and Territorial Health Officials, captures legislation introduced between January 1, 2023, and May 22, 2023, on school entry vaccination requirements, non-medical exemptions from school vaccination, and expansions to provider scopes of practice laws to administer vaccines.

During this time, legislators in 43 states and the District of Columbia introduced 196 bills in these domains, yet only 11 bills were enacted.

Eight of these eleven successful bills expanded scope of practice laws for pharmacists, pharmacy technicians, pharmacy interns, dentists, or dental hygienists to allow them to administer vaccines in Georgia, Kansas, Maryland, Montana (two bills), North Carolina, and West Virginia (two bills). These bills have the potential to expand access to vaccines by increasing the types of providers who may administer them.



*5% of the bills introduced in early 2023 focused on vaccination were enacted into law.*

While bills seeking to prohibit various school entry vaccination requirements were the most common type of bill introduced (72 bills out of 196 bills in this collection), only three bills were ultimately successful:

- [Florida Senate Bill 252](#) (which became [Florida Session Law Chapter 2023-43](#)) prohibits educational institutions, defined as a public or private preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, from requiring any person to provide documentation certifying COVID-19 vaccination to gain admission or entry to that educational institution.
- Two Tennessee companion bills, [House Bill 252](#) and [Senate Bill 644](#) (which collectively became [Tennessee Public Law 296](#)) amended existing Tennessee law to drop all school vaccination requirements for home-schooled children.

Despite the low enactment rate of bills introduced as of May 22, 2023, the number of states introducing bills limiting vaccination outpaced the number of states introducing bills promoting vaccination. Legislators in 33 states and the District of Columbia introduced bills seeking to prohibit vaccination requirements for school entry, expand non-medical exemptions for school entry vaccinations, or reallocate health department control over vaccination requirements; whereas legislators in 28 states introduced bills seeking to add vaccination requirements for school entry, limit non-medical exemptions for school entry vaccination, or expand the scope of practice for providers to administer vaccines.

This trend of states introducing more legislation seeking to limit than promote vaccination holds true when you consider the states seeking to pass multiple bills in these domains as well: Nine states introduced five or more bills limiting vaccination, while only two states introduced five or more bills promoting vaccination. Even though most of the bills seeking to limit vaccination were not enacted, it is important to continue to be aware of this trend: time and effort spent opposing legislation limiting vaccination potentially diverts resources away from efforts to promote legislation that can advance public health.

We will continue to track and update these data, as [at least eight states](#) remain in active legislative sessions for 2023. [This dataset](#) joins a growing suite of legal data on [bills](#) and [laws](#) produced by the Center for Public Health Law Research for the Act for Public Health initiative. All the data on this topic, and more, may be explored for free on [LawAtlas.org](#).

Visit [Act for Public Health](#) to find additional resources, trainings, and a network of law and policy peers available to help you explore recentring public health and health equity.

## Further reading

NCSL, States with Religious and Philosophical Exemptions from School Immunization Requirements: <https://www.ncsl.org/health/states-with-religious-and-philosophical-exemptions-from-school-immunization-requirements> (August 2023)

Network for Public Health Law, Exemptions to School Entry Vaccines and Corresponding Vaccine Coverage Fact Sheet: <https://www.networkforphl.org/resources/exemptions-to-school-entry-vaccines-and-corresponding-vaccine-coverage/> (August 2022)

CDC Public Health Law Program, Vaccination Laws: <https://www.cdc.gov/phlp/publications/topic/vaccinationlaws.html> (December 2022)





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If you haven't already, be sure to check out the recording of the July 26, 2023 Act for Public Health webinar hosted by the Network for Public Health Law on [Trends in Vaccination Law and Judicial Challenges](#)



Connect with law and policy colleagues and find additional resources to navigate the legal changes that threaten or advance healthier communities for all.

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