



MISSISSIPPI STATE DEPARTMENT OF HEALTH

July 14, 2023

### **Position Statement of the Mississippi State Board of Health**

The Mississippi State Board of Health strongly supports K-12 vaccination as a primary means of protecting our children from vaccine preventable communicable diseases and the resulting adverse outcomes, including death, that can occur in individuals infected with these diseases. Many vaccine preventable diseases are rare today as a result of vaccine efforts, while other vaccine preventable diseases have significantly reduced incidence rates, morbidity, and mortality.

The importance of vaccination can be demonstrated by looking at the history of measles. Measles is a vaccine preventable disease of particular concern because it is highly transmissible and requires a 95% vaccination rate among a group or population to achieve herd immunity and avoid transmission and outbreaks when introduced. Additionally, measles is not a benign viral disease and results in serious illness and severe complications including pneumonia, encephalitis, and death.

The development of the measles vaccine began after a 1954 measles outbreak in a Massachusetts boarding school. Dr. Thomas Peebles obtained a culture from a 11-year-old patient that led to the virus's cultivation, which ultimately led to the first measles vaccine. In 1968 an improved vaccine was created by passing it through chick embryo cells weakening the virus and reducing side effects. This Edmonston-Enders strain vaccine is related to strains used today. Later, this successful measles vaccine was combined with vaccines for mumps and rubella and sometimes varicella to form the combination vaccines we know as MMR and MMRV.

The MMR vaccine (measles, mumps, and rubella) is approximately 93% effective at preventing measles after only 1 dose. Following the recommended 2 doses of MMR vaccine, the effectiveness increases to approximately 97%. Prior to routine measles vaccination in the 1960s, it is estimated that over 3 million people in the US got measles each year. Of these, around 48,000 were hospitalized and 400 to 500 died each year. Between January 1, 2019 and April 26, 2019 there were 704 cases in United States residents. Nine percent of those patients were hospitalized and there were no reported deaths. Measles is still a concern worldwide, particularly in areas without strong vaccination programs; in 2021 an estimated 128,000 people died from measles worldwide, most were children under the age 5. Vaccinations are safe and effective and prevent deaths and poor outcomes for communities with high vaccine rates as well as protecting each vaccinated individual.

Mississippi has one of the highest school vaccination rates in the country thanks to strong school vaccination programs supported by a state law that has been in place for over 40 years. Following the enactment of Miss. Code § 41-23-37 (also referred to as the "School Vaccination Law"), a parent challenged the law as unconstitutional on the grounds that it did not include a religious vaccination component. As a result, in 1978 the Mississippi Supreme court issued a ruling rejecting the challenge stating that "requiring immunization against certain crippling and deadly diseases particularly dangerous to children before they may be admitted to school, serves an overriding and compelling public interest..." *Brown v. Stone*, 378 So. 2d 218, 222 (Miss. 1979).

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While measles was declared eliminated in the United States in 2000, outbreaks and cases continue to occur, particularly in populations with reduced vaccination rates (such as areas with high rates of religious or philosophical belief exemptions). According to a CDC report, of 704 measles cases that occurred in the United States between January 1, 2019 and April 26, 2019, seventy-one percent (503 cases) were in unvaccinated individuals. Of the 13 outbreaks identified during this same time period, six outbreaks were associated with under immunized close-knit communities. These 6 outbreaks accounted for 88% of the cases during this time period.

The example of measles demonstrates the importance of high vaccination rates using safe and effective vaccines to limit transmission of vaccine preventable diseases. It further highlights the risks of outbreaks to communities with high numbers of unvaccinated individuals.

The Mississippi State Department of Health is providing a religious exemption process in compliance with a federal court order, entered in April 2023 in the case of *Bosarge v. Edney*, Civil Action No. 1:22-cv-00233. Under that federal court order, the Mississippi State Department of Health was required to provide a religious exemption, or else the School Vaccination Law would have been struck down in its entirety. However, the Board of Health and Mississippi State Department of Health strongly align with the previous Mississippi Supreme Court ruling which held that the law serves the “overriding and compelling public interest” of protecting school children against “crippling and deadly diseases by immunization, and to the extent that [compelling public interest] may conflict with the religious beliefs of a parent, however sincerely entertained, the interests of the school children must prevail.” *Brown*, 378 So. 2d at 223.

While the Mississippi State Department of Health (MSDH) and the Mississippi Board of Health (BOH) respect the authority of the federal court and the Mississippi Attorney General, the MSDH and BOH do not agree with either the opinion of the court on the constitutionality of the School Vaccination Law or the opinion of the Mississippi Attorney General that MRFRA provides a religious exemption to the School Vaccination Law.

In compliance with the federal court order, the Mississippi State Department of Health, with approval of the Board of Health, has proposed a religious exemption process that will be publicly available by the court-mandated deadline of July 15, 2023. This religious exemption process mirrors the current medical exemption process and is intended to provide education to parents regarding the importance of vaccination, provide opportunities for the parent to ask questions regarding vaccination, and to provide MSDH with information regarding where children with vaccine exemptions are located. The MSDH and the BOH feel strongly that vaccine exemption decisions should not be made lightly or without sufficient education and consideration. Should outbreaks of vaccine preventable disease occur in a community, this information will enable quicker public health action to reduce transmission and limit poor outcomes. We believe this religious exemption process will serve the needs of those seeking exemptions while protecting the children of Mississippi to the highest extent possible in this setting.

The Mississippi State Department of Health's mission is to protect and advance the health, well-being, and safety of everyone in Mississippi. Strong childhood vaccination laws and programs are important in achieving this goal and in reducing the burden of vaccine preventable diseases by maintaining high vaccination rates among children in Mississippi. Vaccinations are safe and effective and are considered to be one of the greatest success stories in public health and human history and are critically important in protecting our children. As such, the BOH and MSDH will continue to promote and work to maintain the highest vaccination rates possible.

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