Challenge to New York State Vaccination Law Will Not Be Heard by the Supreme Court

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The Supreme Court recently chose not to hear a contentious case, which had already been upheld by the Second Circuit Court of Appeals involving New York's school vaccination policy. School vaccination policies have made national headlines in the past year due to highly publicized outbreaks of vaccine-preventable diseases. Legislatures have been tasked with the unenviable position of balancing the health of school children against the civil rights of individual students.

New York has a policy mandating vaccination before a student can attend school. However, like Ohio, New York allows parents to file for exemptions. These exemptions can be for either medical or religious reasons. Although students can be exempt from vaccination, exempt students are required to stay home from school during outbreaks of vaccine-preventable diseases. Under this policy unvaccinated students have been kept from school for up to a month.

Several families filed suit claiming the vaccination policy violated their right to free exercise of religion. Relying on case law that established the government's broad power with regard to public health concerns, both the District Court and Second Circuit Court of Appeals disagreed. The Supreme Court's decision not to hear the case means the New York law will stand.

What You Need To Know

Balancing public health and individual rights is never easy and it is not always possible to find a solution that pleases everyone. However, this case shows that at least the Second Circuit Court of Appeals finds the argument for public health more persuasive. The Supreme Court had an opportunity to hear the case and possibly overturn the Second Circuit, but declined to do so. Laws mandating

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vaccinations will likely not please everyone; however, if they allow for reasonable exemptions they will most likely be found to successfully balance public health concerns with individual rights.

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