

# Should a COVID-19 vaccine be mandated?

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Now that two drug makers—Pfizer and Moderna—have reported highly effective results for their COVID-19 vaccines, it will be only a matter of time until they seek federal permission to release them for public consumption. If FDA approved, one of the many questions that could arise is whether Americans should be mandated to get a COVID-19 vaccine—something the New York State Bar Association recently recommended for New York residents.

Northwestern University health experts Dr. Tina Tan and Lori Post say mandating a vaccine is a non-starter, or at least shouldn't be required for all people. Northwestern legal expert Juliet Sorensen said local vaccine mandates have solid legal precedent to be enforced.

## **Should a COVID-19 vaccine be mandated?**

"It is possible that the vaccines may be mandated for those persons at very high risk, but the general population probably not," said Dr. Tina Tan, professor of pediatrics (infectious diseases) at Northwestern University Feinberg School of Medicine and a pediatrician at Ann and Robert H. Lurie Children's Hospital of Chicago. "At this point in time, there is little to no information about the use of these vaccines in infants and children or in pregnant or breastfeeding women. The vaccines can be strongly recommended but probably would not be a good idea to mandate their use."

"Vaccines can kill or make some people with auto-immune disorders, such as Guillain-Barre Syndrome, very sick," said Lori Post, director of the Buehler Center for Health Policy and Economics at the Institute for Public Health and Medicine at Northwestern. "And, we don't yet know if there are adverse effects on subpopulations from the Pfizer or Moderna vaccines. The answer depends on if we have enough variants of the vaccine that are effective. Better strategies than a blanket vaccine mandate would be to prohibit children from attending schools or universities, employees from presenting to the office or block people from group events who are unvaccinated. We pass the threshold of herding immunity at 95% and so we must restrict those who do not get a vaccine to 5% of the population."

## **Can a vaccine be legally mandated?**

"The Supreme Court ruled in 1905 that the Constitution empowered state and local governments to enact and enforce laws in furtherance of the public health, including vaccination requirements," said Juliet Sorensen, clinical professor of law associated with Northwestern Pritzker School of Law's Center for International Human Rights and director and founder of the Northwestern Access to Health Project.

"That power has been upheld time and again, in the face of anti-vaxxers, global pandemics and more. It will surely be challenged once again in the event of a mandatory COVID vaccine, but if there is a basis in science, then local vaccine mandates are on solid ground."

"The important thing is that the American people need to understand the difference between [civil rights](#) and a priori rights," Professor Post said.

"You have the right to not vaccinate, but you don't have the right to infect others."

## **Difficult to enforce a vaccine mandate**

"Mandating that a vaccine be received is hard to enforce and may backfire as people feel that the mandate is heavy handed," Dr. Tan said.

"Even though the intention is good, there are downfalls, including people feeling that their right to refuse to receive a vaccine is being compromised. Cost may be an issue in certain situations, but is not really a major factor. Mandating a vaccine also may make certain persons less likely to receive a vaccine and more skeptical about the safety and effectiveness of it. It is important to maintain public trust and not force a vaccine upon a person until that person has a chance to review the information and make their own decision as to whether they will get the vaccine."

## **Should safety be a concern?**

"Safety should not be a legitimate concern," Dr. Tan said. "The current technology that is available has allowed for the rapid development of COVID-19 vaccines. All the normal steps for developing and licensing a vaccine were undertaken, but technology has allowed many of these steps to be shortened. A vaccine that is licensed has to be proven to be safe and effective before the FDA will license the vaccine. There has never been, nor will there ever be, a compromise on ensuring that a licensed [vaccine](#) is safe and effective."

## **How do vaccines required by schools differ from mandating a COVID-19 vaccine?**

"The vaccines that are mandatory for children to attend school all have worked well," Dr. Tan said. "The mandates have been put in place to control the transmission and spread in the school setting for diseases that are associated with significant morbidity and mortality. Mandating some of the vaccines was more difficult than others (e.g. Hepatitis B), but in the end, the mandating of the vaccines was important in preventing disease spread."

Provided by Northwestern University

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