



Association of
Immunization
Managers

AIM Legislative Round-up: May 20, 2024

As most state legislative sessions are wrapping up, this round-up provides a federal budget update and overview of some vaccine-related court cases. AIM is working on a final State Legislative Round-up for June 3, as well as a complete 2023-2024 Vaccine Related Legislation Report to be released in the coming months.

Please reach out to AIM Chief Policy and Government Relations Officer Brent Ewig at bewig@immunizationmanagers.org if you need any assistance with bills in your jurisdiction.

Federal Vaccine Policy Updates:

On May 16, the House Appropriations Committee released an [announcement](#) indicating that the allocation provided to the Labor HHS Subcommittee – which funds the 317 Immunization Program and most public health activities – is being set at a level that will require proposed cuts of approximately 10%. This is to comply with previously set budget caps. AIM will be joining a broad advocacy effort to demonstrate why this level would be detrimental to the nation's health and urge a higher overall level of funding for public health programs. Updates will be provided as available.

Vaccine-related Court Cases Updates:

AIM is also monitoring several pending court cases with potential implications for vaccine policy.

- **Chevron v. Natural Resources Defense Council:** The key provision of the long-standing Chevron doctrine is that courts should defer to an agency's reasonable interpretation of an ambiguous statute. After a recent oral argument before the Supreme Court, it seemed unlikely that the rule outlined in that case will survive in its current form. The implications are that Congress would no longer be able to defer to the expertise of federal agency staff to exercise professional judgement in implementing federal statutes. This could undue many current regulatory structures and could require Congress to be much more directive in writing future legislation.
- **Braidwood v. Becerra Case:** This case originally challenged the entire preventable service coverage requirements of the Affordable Care Act (ACA), including the requirement for all insurers to cover all ACIP recommended vaccines. The key contention is that the federal advisory groups providing the controlling recommendations – such as the Advisory Committee on Immunization Practices (ACIP) and others are unconstitutional. A lower court said the HHS Preventative

Services Task Force did not have authority specifically to mandate HIV Prep coverage (on religious groups) and was unconstitutional. However, the lower court did say ACIP was constitutional. This case was appealed to 5th circuit court in New Orleans, and they are expected to side with lower court on HIV Prep. However, there is an active question to the circuit appeals court if they also agree with the lower court finding that ACIP is constitutional. It's possible they may disagree and find that ACIP is unconstitutional. In this case it would likely go to the Supreme Court where ACIP and other federal advisory groups could be at stake. We expect a 5th circuit of appeals court ruling by early summer and will keep you posted.

There is an additional long-shot case that potentially could ask the Supreme Court to revisit the foundational Jacobson v. Massachusetts ruling, however the fate of that case is currently unclear. AIM will continue to monitor.

[Connecting the Dots: Legislative Sessions](#) is a compilation of resources to equip AIM members with information to respond to and prepare for legislative inquiries.

Please Note: AIM is striving to monitor fast-moving state legislative developments. The information included in this summary may not be comprehensive and is subject to change. Visit our [Policy Toolkit](#) to view all our legislative resources. If you are aware of missing information or need individualized support, please contact our Chief Policy and Government Relations Officer Brent Ewig (bewig@immunizationmanagers.org).