



# F.F. v. New York, 194 A.D. 3d 80 (N.Y. S. Ct., App. Div. 2021)

Topics Covered: Public Health

## **Outcome: Favorable**

### **Issue**

The issue in the case was whether New York’s repeal of the religious exemption in its mandatory vaccination law violates the First Amendment’s Free Exercise Clause.

### **AMA Interest**

The AMA supports eliminating vaccine exemptions for non-medical reasons, including religious refusal.

### **Case Summary**

New York’s Public Health Law mandates that every parent or guardian of a child must assure that the child has been vaccinated against several common childhood diseases (the Vaccination Law). Further, the Vaccination Law provides that a child may not attend a public or private school without proof of such vaccination. Until June of 2019, the Vaccination Law included a non-medical, religious exemption. At that time, New York repealed the religious exemption to the Vaccination Law, thus mandating that all children, except those who qualify for a medical exemption, must be vaccinated before entering school.

A putative class of plaintiffs sued the State of New York to declare the repeal unconstitutional. Plaintiffs assert that the repeal of the religious exemption violates their rights to free exercise of religion and forces plaintiffs to engage in compelled speech or otherwise violate New York’s compulsory education laws. The trial court dismissed the lawsuit on motion, and the plaintiffs appealed to the New York Supreme Court, Appellate Division.

On March 18, 2021, the appellate court affirmed the trial court’s dismissal of the suit, which was the position supported by the Litigation Center. The court cited the Litigation Center’s *amicus* brief favorably in reaching its decision.

### **Litigation Center Involvement**

The AMA and MSSNY filed an *amicus* brief that emphasized the importance of maintaining “herd immunity” to protect the overall population.

New York Supreme Court Appellate Division Brief