July 1, 2021

VIA HAND DELIVERY

Honorable Clay J. Schexnayder
Speaker of the House
Louisiana House of Representatives
Post Office Box 94062
Baton Rouge, Louisiana 70804-9062

RE: Veto of House Bill 498 of the 2021 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 498 of the 2021 Regular Session.

This bill is an attempt to respond to concerns by some legislators and members of the public around the COVID-19 vaccines. While questions about the safety and efficacy of any vaccines are understandable, a few bills passed the legislature which undermine the faith of the public in the COVID-19 vaccines. House Bill 498 is one of them. This is unfortunate and dangerous. No public official should contribute to the false narrative that the COVID-19 vaccines are anything other than safe and incredibly effective. This is especially true as the B.1.617.2 "Delta" variant of COVID-19, which is perhaps more transmissible and deadly than prior variants, threatens to become the predominant strain in the United States.

Current state law already provides for vaccine requirements for elementary and secondary schools, colleges, universities, proprietary schools, vocational schools, and licensed day care centers that are based on expert medical advice and schedules put together by the Louisiana Department of Health. See La. R.S. 17:170 et seq. Current law also provides for exceptions to those requirements for medical or other personal reasons. This reasonable approach to vaccine requirements has been in current law without significant controversy for decades.[1] The same exceptions in current law should apply to any possible COVID-19 vaccine requirements.

Lastly, the bill attempts to create a back door though which vaccine requirements could be put in place "if the application for use of such a vaccine has been approved by the secretary of the United States Food and Drug Administration." This appears to be a way of allowing vaccine requirements if the vaccine has obtained full approval of the FDA and is no longer under an Emergency Use Authorization. However, there are significant problems with the language. First, it is not "the secretary" who grants approval. In

[1] In 2015, meningitis was added to the list of vaccine requirements by the legislature with only one vote in opposition.

fact, the FDA does not even have a secretary, it has a Commissioner.[2] It is unclear whether the inclusion of this language was intentional or accidental. Further, when a vaccine is given approval, it is done so by the FDA, not by the Commissioner's (or secretary's) personal approval. Secondly, the language also describes "*a* vaccine" being given full approval, as if only a singular vaccine is subject to these requirements. That is not the case. The bill thus presents several unanswered questions about what happens if one vaccine receives full authorization while others have yet to receive it. This does not appear to be contemplated by the bill even though it is almost certain to occur. This bill is unworkable and would lead to further mistrust of the safety of the COVID-19 vaccines. It should not become law.

Sincerely,

John Bel Edwards
Governor

cc: Honorable Patrick Page Cortez
Louisiana Senate President

[2] https://www.fda.gov/about-fda/fda-commissioner. At the moment, FDA does not even have an appointed Commissioner, but has an Acting Commissioner.