COVID Vaccine Wars Ignite in California as Lawmakers Seek Stronger Laws

State lawmakers are drafting the toughest COVID-19 vaccine legislation in the country.

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California is poised to become the front line of America's vaccination wars.

State lawmakers are drafting the toughest COVID-19 vaccine legislation in the country, backed by a new pro-vaccine lobbying force promising to counter anti-vaccine activists who have threatened government officials and shut down public meetings across the state. Legislators want to require most Californians to get the shots — not just schoolchildren and health care workers — and eliminate the exemptions that would allow many people to get out of them.

But vaccine opponents say Democratic-led efforts to adopt stricter vaccine requirements are only helping propel their movement, handing them unparalleled momentum to build their ranks both in California and nationally.

Vaccine opponents are focusing their ire on Democratic state Sen. Richard Pan of Sacramento, a pediatrician and the driving force behind three state vaccination laws passed since 2012. Prompted by outbreaks of pertussis and measles, the laws make it harder for schoolchildren to get out of childhood vaccinations.

"We have to be willing to take a stand," said Pan, who is developing legislation to crack down on COVID vaccine exemptions. "We need to be able to respond to this pandemic and future pandemics, but there is this asymmetrical warfare going on right now, and we're seeing the anti-vaccine movement trafficking in misinformation, threats, and violence."

The coming fight in California foreshadows looming vaccine battles across the country. President Joe Biden and Democratic governors are pressing vaccination as the most crucial public health measure for combating the coronavirus pandemic — while some prominent Republican governors cast doubt on the safety and value of vaccines, inciting anti-vaccination activists.

In California, the ultimate decision on toughening state vaccination laws will fall to Democratic Gov. Gavin Newsom, who is facing reelection in November after defeating a recall attempt last

year.

Newsom has played to both sides recently. He has pushed tough vaccine mandates for groups such as health care workers, children, and teachers. But in nearly every pandemic-related press conference since October and on national TV, he has also reassured the public that they can receive medical, religious, and personal belief exemptions from his mandates.

“He’s trying to be comforting and non-confrontational, but it sends a message that if you don’t want to get the vaccine, don’t get it,” said Catherine Flores Martin, executive director of the California Immunization Coalition. “Gov. Newsom struggles with this — he’s trying to have it both ways.”

Pushing Mandates ‘Aggressively’

Anti-vaccine demonstrations dominated Sacramento during California’s last big vaccination fight, in 2019. In weekly rallies outside the Capitol, hundreds of activists railed against lawmakers, toting a portrait of Pan’s face splattered in red. They shouted down lawmakers in legislative hearings and at one point hurled menstrual blood at state senators.

The fight that year was over Pan’s bill to crack down on bogus medical exemptions for common childhood vaccinations against measles, polio, and other infectious diseases, which are required to attend in-person public and private school in California. Four years earlier, he spearheaded a law to ban personal belief exemptions for childhood vaccines.

But under state law, personal belief exemptions must be allowed for any newly required childhood vaccine unless the legislature passes a new law banning them.

Newsom issued a directive in October 2021 adding COVID vaccines to the list of required childhood immunizations — once federal officials fully authorize them for children. But because the legislature has not yet acted, Californians will be able to opt out by claiming the vaccines violate personal beliefs.

Pan and other Democratic lawmakers want to close that loophole this year, and potentially eliminate religious exemptions that health care workers can claim. They’re also considering requiring a broad swath of Californians to get COVID vaccines to participate in much of daily life.

Lawmakers are still hashing out details but are expected to propose legislation requiring COVID vaccines for people to be in workplaces, schools, and public venues like malls, museums, and restaurants — without allowing them to avoid the shots through exemptions. Pan, who is leaving the legislature after this year because of term limits, may also push legislation to hold tech companies more accountable for spreading misinformation on social media platforms.

“Do you have the right to be safe at school? Do people deserve to be safe at work? Are businesses responsible for creating an environment that won’t injure or harm you? This has to be part of the conversation,” said Pan, who was shoved by a protester near the Capitol in 2019.

Last year, Buffy Wicks, a Democratic Assembly member from Oakland, and Evan Low, a Democratic Assembly member from Campbell, tried but failed to muscle through legislation establishing COVID vaccine mandates for workers and businesses. But the ongoing challenges of the pandemic have "reenergized" Democratic lawmakers this year, said state Sen. Scott Wiener (D-San Francisco), who is carrying legislation to lower the age at which someone can consent to a vaccine without parental permission from 18 to 12.

"It's important that we continue to push for vaccine mandates the most aggressively we possibly can," said Wicks, who faced death threats over her vaccine legislation last year. "We can't let ourselves be held hostage by these right-wing conspiracy theorists who are perpetrating hate and violence."

'The Firestorm Is Here'

Anti-vaccine activists acknowledge they may not succeed at defeating new legislation but welcome state lawmakers' attempts to impose stricter rules — they argue it helps them build a larger movement in California, on social media, and in other states.

"What they don't realize is the point of these rallies and protests is to bring more people into the fold, from all around the country," said Stefanie Fetzer, a chief organizer of the 2019 anti-vaccination demonstrations at the state Capitol. "Senator Pan galvanized a larger anti-vax movement that wouldn't have happened without him."

Scientists and health officials blame California's stagnating COVID vaccination rate largely on the anti-vaccine movement, which is peddling misinformation and lies. The share of Californians who are considered fully vaccinated is 69%, and booster shots are lagging — even though the state and local governments have plowed tens of millions of dollars into vaccination campaigns.

"What you see now is this movement being taken over by Republicans and this libertarian right-wing notion of individual rights and 'get government off my back.' They're believing and spreading this misinformation even though it's disproven," said Dr. Paul Offit, director of the Vaccine Education Center at the Children's Hospital of Philadelphia. "Trying to stop it is like trying to stop Niagara Falls."

Vaccine opponents have also shut down government meetings and lobbed violent threats at officials backing mandates.

The Los Angeles Unified School District delayed its student vaccine mandate after anti-vaccine demonstrations, in an effort to keep unvaccinated students from dropping out. In Stockton and elsewhere, vaccine opponents have shouted down proposed school vaccine mandates.

Joshua Coleman, who organized hundreds of protesters in 2019 under his group V Is for Vaccine, has held rallies in Sacramento this year, again targeting Pan with a 10-foot poster and his image smeared in red.

"There will be constant pressure," Coleman said. "This is happening more and more all over the

country, but we are building a movement out of California. Being forced to take a vaccine in order to participate in society is absolutely totalitarian."

Vaccine supporters realize they must fight back and are launching a lobbying campaign, led by political heavyweights from Sacramento and Washington, D.C., to combat vaccine opponents with some of their own tactics.

"The firestorm is here. This is ground warfare that the anti-vax extremists are bringing, and I think we need to be able to match it," said Crystal Strait, the former president and CEO of Planned Parenthood Affiliates of California who is leading the campaign under the group ProtectUS.

Campaign leaders are organizing students, parents, and pro-vaccine activists to counter anti-vaccination demonstrators in cities and counties across California and to debunk misinformation while giving state lawmakers political cover to enact tougher laws.

"We need to draw a really bold, bright line and let these extremists know that we will not be silent," Strait said.

The campaign emerged quietly last year, sponsoring a new law to limit protests outside vaccination clinics — which has since been blocked in court — and will launch ground-game political efforts this year.

"The science is on our side, and there's a silent majority on our side, but we're being drowned out in public forums where these decisions are being made," said Rose Kapolczynski, a longtime political consultant to former U.S. Sen. Barbara Boxer, who is working on the campaign. "We're going to activate the pro-vaccine majority when policies are being considered at the state and local levels."

Whither Newsom?

Newsom is also wading into the fray.

His administration has plowed $145 million into a campaign to increase COVID vaccinations and fight misinformation, in part by monitoring social media posts and flagging vaccine myths to social media companies. The administration is also developing a pro-vaccine counternarrative based on the misinformation.

"We want to be proactive about what the truth is and put it out there while debunking misinformation," said Dr. Mark Ghaly, secretary of the state's Health and Human Services Agency.

More than half a dozen public health experts interviewed for this story said that vaccine mandates work and that Newsom can boost the state's faltering vaccination rates by eliminating exemptions.

But since Newsom announced the COVID vaccine mandate for schoolchildren, he has publicly promoted exemptions.

“The mandate we put in place for the state of California includes personal exemptions,” Newsom said during an appearance on “Good Morning America” in December. “There’s plenty of latitude for families to make decisions.”

Newsom has declined to say whether he would support legislation banning exemptions but said he’d work with lawmakers. “We can discuss the merits and demerits” of allowing exemptions, Newsom said this month. “We did what we felt was appropriate.”

Barbara Ferrer, the public health director for Los Angeles County, which has recorded nearly 28,000 COVID deaths, more than a third of the state’s total, called on Newsom and state lawmakers to adopt mandates without exemptions.

“If you allow that, you may as well not have a vaccine mandate,” she said. “If you don’t want your child to get vaccinated, then your child doesn’t have to go to school. And you don’t have to go to a restaurant. I’m not trying to be mean to people. I’m just saying there are some things you shouldn’t be able to do if you’re not vaccinated.”

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