

Interim COVID-19 Vaccination Verification and Requirements Policy Statement

POSITION:

ASTHO recognizes that some states and/or territories may independently, or in collaboration with other jurisdictions, decide to create a COVID-19 vaccination verification system. The decision whether or not to implement a COVID-19 vaccine verification system lies with individual states. Additionally, some states and/or territories may choose to enact COVID-19 vaccination requirements for specific situations or circumstances.ⁱ

For entities that decide to create a COVID-19 vaccine verification process or system, HHS has emphasized that care should be exercised to protect privacy and individual liberties during development, use, and storage of health information and assure that select HIPAA protections, such as those related to electronic health records, be in place. Additionally, ASTHO encourages all stakeholders to ensure that any COVID-19 vaccine credential or requirement:

- Have interoperable technical standards.
- Be structured so as not to create a barrier to essential services.
- Be administered in a way that does not perpetuate health inequities.

ASTHO also endorses the HHS position to not create a federal vaccination verification program, database, or mandate.

BACKGROUND:

As the United States strives to achieve enhanced levels of immunity in the population, requirements for individuals to prove vaccination status may serve as an additional motivator for persons who might otherwise be hesitant to be vaccinated, as well as a mechanism for fostering adherence to vaccination requirements. ASTHO acknowledges the increased attention to and interest in the legality, ethics, and practicality of developing and requiring vaccine verification as proof of an individual's COVID-19 vaccination status. Such verification may be considered a requirement for access to certain settings, such as at worksites and commercial businesses, engaging in domestic and international travel, attending in-person education and large gatherings such as concerts and sporting events, and under other circumstances. Examples of similar technological solutions currently in use under other circumstances include digitized driver's licenses and electronic immunization records for children through state-based immunization information systems.

While the overall public health priority continues to be providing COVID-19 vaccines to all who desire them, the public health and societal benefits of vaccination verification include documenting an individual's vaccination status, allowing those who are vaccinated to gather safely in public spaces with a low risk of transmission, and decreasing the need for quarantine and testing requirements during inter-state or international travel.ⁱⁱ Creating

Summary of Recommendations:

- All decisions about vaccination verifications and requirements should be made with consideration of the implications for mitigating health inequities.
- When considering a COVID-19 vaccination verification or requirement, ensure that accommodations are made for those who are unable to receive a COVID-19 vaccine due to medical conditions or age to allow for access to essential services.
- Technological specifications for vaccine verification credentials should be verifiable, protect privacy, have adequate fraud protection, and are accessible by the individual.
- Incorporate lessons learned through implementation of immunization requirements and mandates for childhood immunizations.

spaces with perceived low-risk for transmission enhances public safety, presents several economic and social benefits, and allows for a more “open” economy and society.ⁱⁱⁱ A COVID-19 vaccination verification can also be used as proof of vaccination status to ensure compliance with vaccine requirements.

Conversely, some entities have expressed reservations that vaccine verifications or requirements might result in discrimination against those who are not vaccinated, could present privacy concerns, or result in excess or unintended costs to states, education, businesses, or the individual.

Given the uneven distribution of COVID-19 vaccines by geography, race and ethnicity, and age, and the disproportionate impact of severe outcomes from COVID-19 on certain populations, state and territorial health agencies should ensure that consideration be given to the social determinants of health for the implementation of any vaccination verification system or requirement.^{iv}

RECOMMENDATIONS:

To promote optimal health for all, ASTHO recommends:

The following conditions be in place when developing and employing a COVID-19 vaccine verification:

- COVID-19 vaccines are widely available and accessible, at no cost to the individual, for all persons.
- COVID-19 testing is widely available and accessible, at no cost to the individual, for all persons.
- Accommodations are made for those who are unable to receive a COVID-19 vaccine (e.g., due to medical conditions or age) to ensure that alternative options for essential services such as education, health, and transportation are available.
- All decisions about vaccination verifications are made with consideration of the implications for mitigating health inequities.
- States and territories have authority to implement a vaccine verification system, which may include legislative or policy actions.

That any COVID-19 vaccination verification meet the following standards:

- Technological specifications ensure that credentials are verifiable and have adequate fraud protection.
- Privacy of individual health information is protected.
- Personal health information such as proof of COVID-19 vaccination is easily accessible to the individual.
- System(s) have established standards and interoperability and are widely accepted by end users to support portability across state and national boundaries.
- Systems are integrated with current immunization information systems and other existing platforms designed to track, manage, and assess vaccine administration and use.
- Protocols are in place to assess the impact of COVID-19 vaccination verifications across populations.

That any COVID-19 vaccination requirement:

- Meet the criteria outlined above for developing and employing a COVID-19 vaccination verification.
- Incorporate lessons learned through implementation of immunization requirements and mandates for childhood immunizations.
- Consider guidance outlined in a [policy statement](#) by the Association of Immunization Managers, which recommend that requirements be used sparingly, approached cautiously, and considered only after an appropriate vaccine implementation period.

In addition, ASTHO encourages all states to consult HHS’ forthcoming technical guidance about vaccination verifications.

APPROVAL DATES

Infectious Disease Policy Committee Approval: May 24, 2021

Executive Committee Approval: July 29, 2021

Policy Expires: July 31, 2024

ASTHO membership supported the development of this policy, which was subsequently approved by the ASTHO Board of Directors. Be advised that the statements are approved as a general framework on the issue at a point in time. Any given state or territorial health official must interpret the issue within the current context of his/her jurisdiction and therefore may not adhere to all aspects of this Policy Statement.

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ⁱ Gostin LO. Digital Health Passes in the Age of COVID-19-Are "Vaccine Passports" Lawful and Ethical? JAMA.

<https://jamanetwork.com/journals/jama/fullarticle/2778526>. Published April 7, 2021. Accessed April 26, 2021.

ⁱⁱ Rouw A, Kates J, Michaud J. Key Questions about COVID-19 Vaccine Passports and the U.S. KFF. <https://www.kff.org/coronavirus-covid-19/issue-brief/key-questions-about-covid-19-vaccine-passports-and-the-u-s/>. Published April 15, 2021. Accessed April 26, 2021.

ⁱⁱⁱ Reichel C. Ethical, Legal, and Scientific Challenges for COVID-19 Vaccine Passports. Bill of Health.

<https://blog.petrieflom.law.harvard.edu/2021/04/07/vaccine-passports-covid-ethics-law/>. Published April 7, 2021. Accessed April 26, 2021.

^{iv} Ndugga, N, Pham O, Hill L, Artiga S. Latest Data on COVID-19 Vaccinations Race/Ethnicity. KFF. <https://www.kff.org/coronavirus-covid-19/issue-brief/latest-data-on-covid-19-vaccinations-race-ethnicity/>. Published April 21, 2021. Accessed April 26, 2021.