

Manhattan Judge Ends Flu Vaccination Mandate for Children

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Attorney Aaron Siri filed a lawsuit on behalf of five mothers to end mandatory flu shots for children in Manhattan. Photo courtesy of NY Daily News. [/caption]

Summary: A Manhattan judge ended a 2013 ruling that required children under 5 to receive a flu vaccination.

Is a Manhattan judge an anti-vaxxer?

On Thursday, Manhattan Supreme Court Judge Manuel Mendez ruled that the city could not require all children between 6 months to 5 years old to get the flu shot or the Flumist nasal spray. He stated that the 2013 mandate from Mayor Michael Bloomberg is "invalid and unlawful."

Mendez stopped the city from enforcing the policy with schools and daycares, and the ruling came days before parents were supposed to show proof of their childrens' flu vaccines.

Until the judge's ruling, kids would have been kicked out of school without their vaccination, and any schools that refused to turn over proof of vaccinations would be subject to a fine of \$2000.

Mary Bassett the Health Commission was disappointed by the decision.

"Influenza kills an average of 24,000 people each year in the United States, and the virus is spread easily in child care settings to children and their families. The vaccination requirement will save lives," Bassett said.

Bassett added that her organization strongly recommended that parents vaccinate their kids against the flu.

Mendez's ruling was brought upon by a complaint from five Manhattan and Brooklyn moms: Magdalena Garcia, of East Harlem; Clemence Rasigni, of the Flatiron District; Lynn Rosenger of Borough Park; Gabrielle Jakob, of Sheepshead Bay; and Michelle Carroll of Bay Ridge.

The moms said the Health Commission overstepped its authority. They said they were okay with complying with other vaccinations, but not the flu vaccine because there was no state edict.

The moms are represented by attorney Aaron Siri, who stated that moms did not want their children to be vaccinated as it would violate their fundamental rights, not because their bodies could not handle the vaccine.

"In order to remain in daycare, these parents would be forced to violate the fundamental right to bodily integrity, among other fundamental rights, and inject their child with the flu shot against their desires and judgment," Siri said.

DNAInfo wrote that young children are those most likely to be vulnerable to flu complications. In 2012, four children died from the disease, and in general, kids are a source of infection, spreading diseases to their families and friends.

Officials noted that kids who receive the vaccine are 60% less likely to need medical care for the flu.

Source: <https://www.dnainfo.com/new-york/20151217/financial-district/flu-vaccine-no-longer-required-for-children-under-5-manhattan-judge-rules>