

CAPITOL STREET

February 20, 2025

States Can Ban Vaccines; Legal Challenges Would Ensure

Bills in Montana & Idaho Would Ban mRNA Vaccines

Relevant Companies



»» Our Take & Next Up

States can ban vaccines, but set themselves up for legal challenges if they do so. Draft bills in Idaho and Montana (shot down, for now) would ban mRNA vaccines. If they do not pass, those and other states can make access more difficult, with public figures discouraging their use. Some states are pushing additional religious exemptions (4 states). We note that public figures support revoking COVID vaccine approvals (KY Rep. Thomas Massie's tweet), others like Elon Musk support synthetic mRNA (CureVac). Vaccine recommendations are made by the CDC's ACIP, but the first meeting of 2025 has been "postponed to accommodate public comment."

»» Key Points

States can ban vaccines, but set themselves up for legal challenges if they do so. Draft bills in Idaho and Montana (shot down, for now) would ban mRNA vaccines. If they do not pass, those and other states can make access more difficult, with public figures discouraging their use. Some states are pushing additional religious exemptions (4 states). We note that public figures support revoking COVID vaccine approvals (KY Rep. Thomas Massie's tweet), others like Elon Musk support synthetic mRNA (CureVac). Vaccine recommendations are made by the CDC's ACIP, but the first meeting of 2025 has been "postponed to accommodate public comment."

Proposed state legislation in Idaho and Montana would ban mRNA vaccines. Montana's state House of Representatives on Feb. 19 overwhelmingly voted against a [bill](#) (69-34) that would have banned the use of mRNA vaccines in the state. An Idaho lawmaker has introduced legislation to ban mRNA vaccines, with a ban limit of 10 years. We note that a previous effort to ban COVID-19 vaccines in 2023 in Idaho failed.

- The Montana [bill](#) explicitly bans providing or administering mRNA vaccines and classifies violations as a misdemeanor with a \$500 fine. mRNA vaccine administration would also put a provider's medical license at risk in the state of Montana.
- The Idaho [bill](#) would institute a temporary ban on the administration of all RNA based vaccines in the state with an end date of July 1, 2035. The bill also declares a "state of emergency" which enhances the powers of the governor's office in enforcing the bill.

States likely have the legal authority to ban vaccines, but they would be challenged in court. There is no federal statute that can preclude them from doing so, providing states a legal footing. States would ban administration, which would effectively ban them from practice, as states hold significant power over the provision of medical licenses and healthcare providers.

There are other ways states can limit vaccines. If bans fail to pass, a 2022 [report](#) from the Congressional Research Service (CRS) indicates that states can also prohibit public institutions from mandating certain vaccines, make access more difficult by restricting funding, or change the exemptions that apply to vaccine requirements (CRS report [here](#)).

Religious exemptions are also likely (NY, VA, CT and MS). A majority of states allow for religious exemptions for school immunizations. Four states are proposing to add additional religious exemptions from immunization mandates ([here](#)).

President Trump's "Make America Healthy Again" (MAHA) [commission](#) hasn't yet announced actions on vaccines but we think studies versus outright bans will be the first step, but HHS Secretary Robert F. Kennedy Jr. told staff on Feb. 19 that nothing is off limits, as reported by *The Hill* ([here](#)): "Some of the possible factors we will investigate were formally taboo or insufficiently scrutinized. Childhood vaccine schedule, electromagnetic radiation, glyphosate, other pesticides, ultra-processed foods, artificial food allergies, SSRI [anti-depressants] and other psychiatric drugs, PFAS, PFOA, microplastics — nothing is going to be off limits," Kennedy told staff Tuesday.

Vaccines are approved by the FDA and then the CDC's Advisory Committee on Immunization Practices (ACIP) sets recommendation parameters. A group of independent experts, votes on whether to recommend the vaccine, before being formally adopted by the CDC. A Feb. 20 [announcement](#) indicated that the first ACIP meeting of 2025, originally scheduled for Feb. 26-28 has been "postponed to accommodate public comment in advance of the meeting."

We have said that RFK Jr. has significant power over the logistics for ACIP. RFK Jr. may be able to change the following: the scope of work, how frequently ACIP meets, membership, or whether or not the committee exists. RFK Jr. could also make changes to membership, the goal of the committee, among other changes at that time. RFK Jr. could also reshape the composition of the work groups that review individual vaccines and recommend the approach the full committee should take.

Vaccine skeptics – including Freedom Caucus members – are emboldened by the vaccine agenda, while Elon Musk has supported synthetic mRNA (CureVac). Several recent anti-vax tweets have emerged from lawmakers including Rep. Thomas Massie (R-KY.) who recently [tweeted](#), "Revoke FDA approval of the COVID shots now. The process for approving them was corrupted by political pressure according to the two witnesses I deposed who were in charge of vaccine approval at FDA. Emails show scientists were pressured to approve them so they could be mandated." On the flipside, some in Trump's inner circle support synthetic mRNA (Elon Musk). He has worked with CureVac and recently [tweeted](#), "synthetic mRNA has a lot of potential to cure cancer and other diseases. Research should continue."

Ipsita Smolinski
Managing Director | Capitol Street
ipsita@capitol-street.com

900 19th St NW 6th Fl
Washington, D.C. 20006

202.250.3741 | www.capitol-street.com

CAPITOL STREET

Copyright 2025 Capitol Street.

This communication, including this broadcast and any attachments hereto, is intended solely for the original recipient(s) and may not be redistributed without the written consent of Capitol Street. This communication is for informational purposes only and is not intended as an offer or solicitation for the purchase or sale of any financial instruments, nor is it intended as advice to purchase or sell such instruments