

Mandatory New York State HPV Vaccine Bills

Senate Bill 298a and Assembly Bill A2912

These identical NYS Senate and Assembly bills require all children born after January 1, 2008 (those now aged 13 through 18) in New York schools, public or private, to receive two doses of Merck's Gardasil 9 vaccine, the only human papilloma virus (HPV) vaccine available on the US market. Gardasil 9 claims to prevent cervical, vaginal, vulvar, and anal cancer and genital warts.

Top 10 Reasons to Oppose the Bills:

- 1. No HPV vaccine has ever been proven to prevent any cancer of any kind.** The Merck Gardasil and Gardasil 9 clinical trials showed that the vaccines reduce abnormal cervical growth, not cervical or any other cancer. Merck's cancer prevention promise will take decades to verify. The median age of diagnosis for cervical cancer in the US is 50.
- 2. People have reported that Gardasil and Gardasil 9 cause death and serious adverse events.** Since 2006, when Gardasil came on the US market, people have reported over [450 deaths and over 60,500 serious medical conditions](#) to the US Vaccine Adverse Event Reporting System.¹ Notably, people report [less than 1% of vaccine injuries](#) and deaths to this system.²
- 3. Merck bears virtually no liability for any vaccine injury or death** from Gardasil and Gardasil 9. Because Congress granted vaccine makers almost complete liability protection in 1986 through the National Childhood Vaccine Injury Act, those injured must apply to a [federal compensation program](#), where approximately two-thirds of petitioners lose.³ One case in the compensation program, [Tarsell v. HHS](#), proved that Gardasil caused Christina Tarsell's death.⁴
- 4. Gardasil 9 is the most expensive vaccine ever.** Two doses cost approximately [\\$750](#), including doctor visit fees. With approximately 230,000 children in each school year, this will cost state residents **\$172.5 million per year**.
- 5. Vaccination with Gardasil 9 [does not take away the need for routine cervical screening](#).** The \$230 million is *in addition to*, not instead of, the cost of routine gynecological and cancer screening.⁵ Cervical screening alone, or Pap screening, has reduced cervical cancer in the US by approximately 75%. Scientists have identified more than 200 types of HPV, and up to 18 of those may be associated with cervical cancer. Gardasil 9 addresses only 7 "high risk" types.
- 6. The rationale for boys to get Gardasil 9 vaccine is extremely weak** – to prevent [anal cancer and genital warts](#).⁶ Anal cancer is virtually non-existent in boys. Gardasil 9 is not approved to prevent any other cancer in men.

¹ <https://www.medalerts.org/vaersdb/findfield.php>. As of December 14, 2018, VAERS reported 60,714 serious injuries and 458 deaths from HPV vaccines. See detailed information on reverse side.

² <https://healthit.ahrq.gov/sites/default/files/docs/publication/r18hs017045-lazarus-final-report-2011.pdf>.

³ <https://www.hrsa.gov/sites/default/files/hrsa/vaccine-compensation/data/monthly-stats-february-2019.pdf>.

⁴ <https://www.courtlistener.com/opinion/4481099/tarsell-v-secretary-of-health-and-human-services/>.

⁵ <https://www.fda.gov/downloads/BiologicsBloodVaccines/Vaccines/ApprovedProducts/UCM426457.pdf>, page 2.

⁶ <https://www.fda.gov/downloads/BiologicsBloodVaccines/Vaccines/ApprovedProducts/UCM426457.pdf>, page 2.

7. **48 states, including New York State, have resisted calls to mandate HPV vaccines since 2006.**⁷ There is no nexus between HPV vaccination to prevent sexually-transmissible infections and school attendance. Without generous religious and philosophical opt-out clauses, courts would likely find HPV vaccine mandates unconstitutional as failing to fulfill a compelling state interest by the least restrictive means. New York [Senate](#) and [Assembly](#) legislators are now threatening to remove the New York religious exemption.⁸
8. **Merck is defending lawsuits related to its HPV vaccines for wrongful death, fraud, failure to warn and deprivation of informed consent** in many countries, including Japan, Colombia, Spain and the [United States](#).⁹ [Merck has paid out billions](#) in civil and criminal fees and settlements for causing injuries and death, false advertising, anti-competitive practices, tax penalties, bribery, labor disputes and environmental violations.¹⁰ The federal compensation program has paid out millions for HPV vaccine injuries and death.
9. **The American College of Pediatricians raises concern that Gardasil vaccination may cause infertility, or premature ovarian failure,** in girls and young women.¹¹ The Gardasil 9 package insert notes that the vaccine has [never been tested for its effects on human fertility](#).¹²
10. **The clinical trials for Gardasil vaccines were fatally flawed, never using true inert placebo controls.** Nonetheless, the clinical trials show that people with current or previous HPV infections may be at *much higher risk* after vaccination to develop precancerous lesions and cancer.¹³ [The Gardasil 9 package insert](#) states that the vaccine has never been tested for its ability to cause cancer.¹⁴

VAERS Report on HPV Vaccine Adverse Events
Total: 60,714 reports

Death	458
Life Threatening	962
Permanent Disability	2,856
Congenital Anomaly / Birth Defect	4
Hospitalized	6,047
Existing Hospitalization Prolonged	291
Emergency Room / Office Visit	16,896
None of the above	38,627

Source: <https://wonder.cdc.gov/vaers.html>

Data from 2006 through December 14, 2018; these data likely represents less than 1% of actual adverse events and deaths.

⁷ <http://www.ncsl.org/research/health/hpv-vaccine-state-legislation-and-statutes.aspx>.

⁸ <https://www.nysenate.gov/legislation/bills/2019/s2994>; <https://www.nysenate.gov/legislation/bills/2019/A2371>.

⁹ <https://www.courthousenews.com/woman-claims-harm-from-gardasil-vaccine/>. For cases in other countries, see Holland, Mack Rosenberg, Iorio, *The HPV Vaccine on Trial*, Skyhorse 2018, available on www.amazon.com and elsewhere.

¹⁰ <https://www.corp-research.org/merck>.

¹¹ <https://www.acped.org/the-college-speaks/position-statements/health-issues/new-concerns-about-the-human-papillomavirus-vaccine>.

¹² <https://www.fda.gov/downloads/BiologicsBloodVaccines/Vaccines/ApprovedProducts/UCM426457.pdf>, Section 13, page 12.

¹³ Clinical trial subjects who had HPV antibodies and HPV infections who received the vaccine were **up to 44.6%** more likely to develop cervical lesions “or worse.” FDA VRBPAC Background Document, Table 17, shown on page 68 of *The HPV Vaccine on Trial*.

¹⁴ <https://www.fda.gov/downloads/BiologicsBloodVaccines/Vaccines/ApprovedProducts/UCM426457.pdf>, page 12, Section 13.