

As professors at the UNLV William S. Boyd School of Law, including faculty of the UNLV Health Law Program, we write in strong support of an immediate mandate for students at NSHE institutions to be vaccinated for COVID-19.

Unfortunately, COVID infection rates are surging in Nevada. Once again, there are high numbers of preventable hospitalizations and deaths, as well as increased risk to patients with other conditions, such as cancer, whose treatment is being delayed to accommodate the needs of COVID patients.

We need to ensure that we do not contribute to the spread of COVID and that our campuses are safe spaces for students, staff, faculty, and visitors. This is particularly the case for persons who are unable to be vaccinated, who have immunocompromising conditions that weaken the protection that vaccination provides, or who live with persons at high risk for infection, such as children under age 12 who are not currently eligible for vaccination.

The spread of the Delta variant is especially concerning. Its dominance over other COVID strains, its high level of transmissibility, and its risk of “breakthrough” infections of those who are vaccinated all demonstrate the need for strong countermeasures.

While we are grateful for the masking requirements, enhanced air filtration, and other COVID precautions on campus, we need widespread immunization to adequately protect our students and those with whom they interact. Vaccination is by far the most effective tool to prevent infection, hospitalization, and death. And while we believe that voluntary measures are preferable to mandates, it is clear that voluntary measures will not ensure the needed level of immunization. That is why more than 600 colleges and universities across the country have adopted immunization mandates for their students in addition to the mandates for staff and faculty.

After more than a year of online instruction, we are eager to return to the classroom, and we want to do so with the ability to assure our students, staff, and visitors that we have done all we can to make our campuses safe.

Concerns have been raised about the legal authority to require COVID vaccination, but as we have seen with the judicial decision regarding Indiana University’s immunization mandate, the government has the authority to require vaccination of students. This authority is not surprising. Vaccine mandates are legal, and they are not new. Right now, college and graduate students in Nevada are required to be vaccinated against six diseases, none of which are as currently threatening as COVID-19. If we can protect our classrooms from measles and mumps, we should do the same for COVID.

We were gratified to see the NSHE COVID-19 Task Force unanimously recommend “that a COVID-19 vaccine be required, and that it be implemented as soon as possible, for any individual who wishes to be enrolled as a student and attend any NSHE institution.” We also urge you to impose a mandate, with narrow exceptions for medical conditions and religious belief, and to do so quickly.

With the emergency that we are in, it is essential to expedite our response. We know enough about COVID and COVID vaccines to decide this question now. And because of the long-standing availability of vaccines and the severe nature of the COVID threat, it is both fair and vital that the state move quickly. More specifically, with the plentiful opportunities for immunization, we believe it appropriate to require a first dose of vaccine by August 23 for students who will attend classes or participate in other activities on campus.

Thank you very much for your consideration and for your critical service to the state.

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