



NONMEDICAL EXEMPTIONS FROM CHILDHOOD IMMUNIZATION REQUIREMENTS

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ISSUE

This report provides an overview of laws on nonmedical exemptions to childhood immunization requirements.

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SUMMARY

According to the [National Conference of State Legislatures \(NCSL\)](#), while all states require children to receive certain vaccinations before school admission, all states' school immunization laws grant exemptions for medical reasons. All states, except Mississippi and West Virginia, allow religious exemptions. Twenty states allow philosophical exemptions, including two New England states (Maine and Vermont). One of those 20 states (Missouri) allows philosophical exemptions for children in day care but not in K-12 school.

Connecticut allows nonmedical exemptions for religious reasons. Specifically, Connecticut law allows parents or guardians to opt out of vaccinating their children if they present a statement that immunization "would be contrary to the religious beliefs of such child" ([CGS § 10-204a](#)). The Department of Public Health has prepared a [standard form](#) for parents or guardians seeking an exemption.

States take a variety of approaches to the required process for a parent or guardian seeking a nonmedical exemption. For example:

1. Most states require at least a signed statement, often on a standard form, indicating that vaccination would be against the parent's or guardian's (a) religious beliefs or (b) philosophical beliefs in states allowing such an exemption.
2. Some states require the form to be notarized. In some states, the form allows the parents or guardians to specify particular vaccinations for which they are seeking an exemption.

3. A few states (such as Oregon, Vermont, and Washington) generally require parents seeking a religious or other nonmedical exemption to receive education about vaccinations, either through a discussion with a health care provider or another format.
4. In New York, schools can require the person seeking a religious exemption to submit additional documents to demonstrate that the reason for the exemption is actually religious in nature.
5. While a few states specify that the religious beliefs must be those of a “recognized” religion, some courts have struck down such provisions as unconstitutional.
6. Some states’ laws specify that if there is a disease outbreak, students exempted from immunization may be excluded from school until the outbreak ends.

Below is an overview of nonmedical exemption laws in nearby states and more detailed information for a sample of states. The report focuses on laws for school admission, although states typically also have immunization requirements and related exemptions for day care admission. Also, the report refers to parents or guardians seeking exemptions for their children, although many states’ laws specify that the student himself or herself, if no longer a minor, may seek the exemption.

Connecticut, like several other states, is considering legislation that would change the process for parents seeking a nonmedical exemption. [HB 6949](#) would (1) require the exemption statement to be notarized, unless the public health (DPH) commissioner waives that requirement, and (2) require the parent or guardian to review educational material, provided by DPH, on the risks to the child and others of the child failing to receive adequate immunizations.

For information on pending legislation throughout the country, see NCSL’s [website](#). For additional information on state immunization requirements and related issues, see the Centers for Disease Control and Prevention’s [website](#).

LAWS ON EXEMPTIONS FROM SCHOOL IMMUNIZATION REQUIREMENTS

Overview of Nearby States

Table 1 displays an overview of the requirements to receive a nonmedical exemption in the New England states, New York, and New Jersey.

Table 1: Nearby States' Nonmedical Exemption Procedures

State (Citation)	Types Allowed: Religious or Philosophical	Standard Form Available?	Notarization Required?	Form Lists Specific Vaccinations?	Educational Component?
Connecticut (Conn. Gen. Stat. § 10-204a)	Religious	Yes	No	No	No
Maine (Me. Rev. Stat. Ann. tit. 20-A § 6355)	Both	Yes	No	Yes	No
Massachusetts (Mass. Gen Laws ch. 76, § 15)	Religious	No (written statement)	No	n/a	No
New Hampshire (N.H. Rev. Stat. Ann. § 141-C:20-a, 20-c)	Religious	Yes	Yes	No	No
New Jersey (N.J. Stat. Ann. §§ 26:1A-9, 9.1)	Religious	No (written statement)	No	n/a	No
New York (N.Y. Pub. Health Law § 2164)	Religious	Yes (a sample form is available, but schools may require additional documentation)	Yes, per state procedures (see below)	No	No

Table 1 (Cont.)

State (Citation)	Types Allowed: Religious or Philosophical	Standard Form Available?	Notarization Required?	Form Lists Specific Vaccines?	Educational Component?
Rhode Island (R.I. Gen. Laws § 16-38-2)	Religious	Yes	No	Yes	Yes
Vermont (Vt. Stat. Ann. tit. 18, §§ 1121, 1122)	Both	Yes	No	Yes	Yes

Sources: NCSL and state statutes

Examples of Exemptions

Colorado. Colorado law provides that a student is exempt from immunization requirements if the parent or guardian submits a signed statement that he or she “is an adherent to a religious belief whose teachings are opposed to immunizations or . . . has a personal belief that is opposed to immunizations” (Colorado Rev. Stat. Ann. § 25-4-903). The state’s [certificate of immunization](#) contains a section to be completed by parents seeking an exemption.

The law specifies that exemptions are not recognized when the state Department of Public Health and Environment or local public health agencies determine that there is the danger of an epidemic from a communicable disease for which immunization is required (Colo. Rev. Stat. Ann. § 25-4-908).

Illinois. Under Illinois law, a parent or guardian seeking a religious exemption from immunization requirements must present “a signed statement of objection, detailing the grounds for the objection” (105 Ill. Comp. Stat. 5/27-8.1). The state does not allow philosophical exemptions.

The state Board of Education has issued [guidelines](#) to help school administrators determine whether they should grant exemption requests (religious or medical). For example, in its discussion of religious exemptions, the document “recommend(s) that parents be asked to provide an original written statement which sets forth fully the religious belief that is the basis for their objection, instead of relying on a prepared form which may not accurately or sufficiently describe their religious belief.”

Maryland. Maryland law allows exemptions from school immunization requirements if the “parent or guardian objects to immunization on the ground that it conflicts with the parent’s or guardian’s bona fide religious beliefs and practices.” However, the child can be excluded from school if the Secretary of Health and Mental Hygiene declares an emergency or disease epidemic (Md. Code. Ann., Educ. § 7-403). The [immunization certificate](#) contains a section to indicate a religious objection.

Minnesota. Minnesota allows exemptions for religious or philosophical reasons; the statute refers to “conscientiously held beliefs.” Parents or guardians seeking an exemption must submit a notarized statement (Minn. Stat. Ann. § 121A.15). This statement is indicated on the standard school immunization [form](#). The form states that “in a disease outbreak schools may exclude children who are not vaccinated in order to protect them and others.”

New York. New York law allows exemptions from immunization requirements if the parent or guardian holds “genuine and sincere religious beliefs which are contrary to” those requirements (N.Y. Public Health Law § 2164). Regulations require the parent or guardian to complete a [form](#) or a signed written statement. When a school receives a request for a religious exemption, “the principal or person in charge of the school may require supporting documents” (10 N.Y. CRR 66-1.3).

The New York State Education Department has prepared a [Guidance Field Memo](#) and [Recommended School District Procedures](#) regarding religious exemption requests. Among other things, the procedures provide examples of documentation that schools may require.

The New York City Education Department has issued an [advisory letter](#) to parents regarding exemptions from immunization requirements. Among other things, the letter advises parents that “a letter from you, a lawyer, a member of the clergy or other individual simply indicating that you have such a religious belief, without any further explanation, is inadequate to support the granting of an exemption.”

Oregon. In Oregon, a parent seeking a nonmedical exemption must sign a form that includes either:

1. a signature from a health care practitioner verifying that the practitioner has reviewed with the parent information about the risks and benefits of immunization consistent with information published by the CDC and the contents of the [vaccine educational module](#) (see below) or
2. a certificate verifying that the parent has completed a vaccine educational module approved by the Oregon Health Authority.

On the form ([the Certificate of Immunization Status](#)), the parent may indicate the reason for declining the immunization, including whether he or she is declining because of a religious or philosophical belief (Or. Rev. Stat. § 433.267).

More information is available on the Oregon Health Authority [website](#).

Vermont. Under Vermont law, a parent seeking a nonmedical exemption must sign a [form](#) indicating that he or she:

1. holds religious beliefs or philosophical convictions opposed to immunization;
2. has reviewed and understands evidence-based educational material provided by the Department of Health on immunizations, including information on the risks of adverse reactions to immunization;
3. understands that failure to complete the required vaccination schedule increases risk to the child and others of contracting or carrying a vaccine-preventable infectious disease; and
4. understands that there are people with special health needs attending schools and child care facilities who are unable to be vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening (Vt. Stat. Ann. tit. 18, § 1122).

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