

# 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. The report updates OLR Report [2015-R-0088](#).

## 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 California, Mississippi, and West Virginia allow religious exemptions. Eighteen states allow philosophical exemptions, including one New England state (Maine). One of those 18 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 the child, parents, or guardian. The exemption statement must be officially acknowledged by one of certain individuals (such as a notary public, town clerk, or school nurse). The parents or guardian must submit the religious exemption statement (1) before the student enrolls in school and (2) before the student enrolls in seventh grade ([CGS § 10-204a](#)). The Department of Public Health has prepared a [standard form](#) for parents or guardians seeking a religious 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 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 (including Connecticut) 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.

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**

<b>State (Citation)</b>	<b>Types Allowed: Religious or Philosophical</b>	<b>Standard Form Available?</b>	<b>Notarization Required?</b>	<b>Form Lists Specific Vaccinations?</b>	<b>Educational Component?</b>
Connecticut  <a href="#">(Conn. Gen. Stat. § 10-204a)</a>	Religious	<a href="#">Yes</a>	No, but form must be officially acknowledged	No	No
Maine  <a href="#">(Me. Rev. Stat. title 20-A, § 6355)</a>	Both	<a href="#">Yes</a>	No	Yes	No
Massachusetts  <a href="#">(Mass. Gen Laws ch. 76, § 15)</a>	Religious	No (written statement)	No	n/a	No
New Hampshire  <a href="#">(N.H. Rev. Stat. § 141-C:20-a, 20-c)</a>	Religious	<a href="#">Yes</a>	Yes	No	No
New Jersey  <a href="#">(N.J. Stat. § 26:1A-9.1)</a>	Religious	No (written statement)	No	n/a	No
New York  <a href="#">(N.Y. Pub. Health Law § 2164)</a>	Religious	<a href="#">Yes</a> (a sample form is available, but schools may require additional documentation)	No	No	No
Rhode Island  <a href="#">(R.I. Gen. Laws § 16-38-2)</a>	Religious	<a href="#">Yes</a>	No	Yes	Yes (per instructions on the form)
Vermont  <a href="#">(Vt. Stat. Ann. tit. 18, § 1122)</a>	Religious	<a href="#">Yes</a>	No	Yes	Yes

Sources: NCSL and state statutes

## ***Examples of Other States' Nonmedical Exemption Laws***

*Arizona.* Arizona law allows for nonmedical exemptions from immunization requirements if the parent or guardian does not consent due to personal beliefs. The parent or guardian must submit a signed statement to the school, indicating that he or she (1) has received information about immunizations provided by the Department of Health Services and understands the risks and benefits of immunizations and the potential risks of nonimmunization and (2) does not consent to the child's immunization due to personal beliefs. There is a standard [form](#) for parents or guardians seeking the exemption.

The law provides that students who are not immunized must be excluded from school during outbreaks of communicable immunization-preventable diseases as determined by the state or local health services department ([Ariz. Rev. Stat. § 15-873](#)).

*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. § 25-4-903](#)). Under state regulations, parents or guardians seeking a nonmedical exemption must submit the [exemption form](#) annually ([6 Colo. Code Regs. § 1009-2](#)).

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. The law authorizes quarantine as an alternative to immunization ([Colo. Rev. Stat. § 25-4-908](#)).

*Illinois.* Under Illinois law, a parent or guardian seeking a religious exemption from immunization requirements must present a signed [Certificate of Religious Exemption](#) detailing the grounds for objection and the specific immunizations to which the person objects. The grounds for objection must set forth the specific religious belief that conflicts with the immunization. The law provides that “[t]he religious objection stated need not be directed by the tenets of an established religious organization. However, general philosophical or moral reluctance” to immunizations “does not provide a sufficient basis for an exception to statutory requirements.”

The signed certificate must also:

1. be signed by the health care provider who performed the child's health examination confirming that the provider provided education to the parent or guardian on the benefits of immunization and the health risks to the student and to the community of the diseases for which immunization is required; and
2. reflect the parent's or guardian's understanding of the school's exclusion policies in the case of a vaccine-preventable disease outbreak or exposure.

The law specifies that the health care provider's signature reflects only that education was provided to the parent or guardian and does not give the provider grounds to determine the religious objection.

The parent or guardian must submit the exemption form to the school before the child enters kindergarten, sixth grade, and ninth grade ([105 Ill. Comp. Stat. 5/27-8.1\(8\)](#)).

*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. 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. § 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 certificate verifying that the parent has completed a [vaccine educational module](#) approved by the Oregon Health Authority (OHA) or
2. 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.

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](#)).

The educational module is an online presentation with information on how vaccines work and the risks and benefits of vaccination. The parent or guardian must print out a certificate after viewing the module and present it to the school to document the exemption. According to OHA’s [website](#), it takes 15 to 60 minutes to finish the module, depending on the number of vaccines for which the individual is receiving an exemption.

*Texas.* Under Texas law, a parent or guardian seeking a nonmedical exemption must submit a notarized affidavit on a standard form to the school, stating that he or she declines immunization for reasons of conscience, including a religious belief. The student may be excluded from school in times of emergency or epidemic declared by the public health commissioner ([Tex. Educ. Code § 38.001](#)).

To obtain the exemption affidavit form, the parent or guardian must request it in writing from the Texas Department of State Health Services ([Tex. Health and Safety Code § 161.0041](#)).

*Vermont.* Under Vermont law, a parent seeking a nonmedical exemption must annually sign a [form](#) indicating that he or she holds religious beliefs opposed to immunization and has reviewed evidence-based educational material provided by the Department of Health on immunizations, including:

1. information on the risks of adverse reactions to immunization;
2. information 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
3. information 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.

The law specifies that a signed form, and the fact that such a form was signed, must not be (1) construed to create or deny civil liability for any person or (2) admissible as evidence in any civil proceeding ([Vt. Stat. Ann. title 18, § 1122](#)).

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