

Nonmedical Exemptions from Childhood Immunization Requirements

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October 9, 2019 | 2019-R-0235

Issue

This report provides an overview of state laws on nonmedical exemptions from childhood immunization requirements. The report updates OLR Report [2017-R-0060](#).

Summary

According to the [National Conference of State Legislatures \(NCSL\)](#), while all states require children to receive certain vaccinations before school admission, all states grant exemptions from these requirements for medical reasons. Most states also offer some type of nonmedical exemption, as follows:

- Forty-five states allow exemptions if the parent or guardian has a religious objection to immunization.
- Fifteen of those 45 states also allow philosophical exemptions for those who object to immunizations because of personal, moral, or other beliefs. In addition to those 15 states, (1) Virginia allows philosophical exemptions for the HPV vaccine; (2) Washington allows philosophical exemptions for vaccines other than the measles, mumps, and rubella vaccine; and (3) Missouri allows philosophical exemptions for child care but not K-12 schools.
- Four states generally do not allow nonmedical exemptions (California, Mississippi, New York, West Virginia) and Maine will become the fifth such state starting in the 2021-22 school year. (For more information on these states, see OLR Report [2019-R-0241](#).)

Connecticut allows nonmedical exemptions for religious reasons. Specifically, state 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 initially enrolls in public or private 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 requires 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 or guardians seeking a nonmedical exemption to receive education about vaccinations, either through a discussion with a health care provider or another format.
4. While a few states specify that the religious beliefs must be those of a "recognized" religion, some courts have struck down these provisions as unconstitutional.
5. Many 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 Nonmedical 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, but form must be officially acknowledged	No	No
Maine (Me. Rev. Stat. title 20-A, § 6355 , as amended by HP 586 (2019))	Both through August 2021 Starting in Sept. 2021, nonmedical exemptions will not be allowed (with limited exceptions)	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. § 141-C:20-c)	Religious	Yes	Yes	No	No
New Jersey (N.J. Stat. § 26:1A-9.1)	Religious	No (written statement)	No	n/a	No
New York (A2371 (2019))	Neither (as of June 13, 2019)	n/a	n/a	n/a	n/a

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

Sources: NCSL and state statutes

Examples of State Nonmedical Exemption Laws

Arizona. Arizona law allows for nonmedical exemptions from school immunization requirements if the parent or guardian does not consent due to personal beliefs, including religious 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 as well as the potential risks of non-immunization 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 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 school 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 certificate must also:

1. be signed by the health care provider who performed the child’s health examination confirming that the provider furnished 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 declares an emergency or disease epidemic ([Md. Code. Educ. § 7-403](#)). The state’s immunization certification [form](#) 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 “unvaccinated children who are exposed to a vaccine-preventable disease may be required to stay home from child care, school, and other activities in order to protect them and others.”

Oregon. In Oregon, a parent or guardian seeking a nonmedical exemption from school immunization requirements must sign a form that includes either:

1. a certificate verifying that the parent or guardian 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 or guardian 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 because of a religious or philosophical belief ([Or. Rev. Stat. § 433.267](#)). The form indicates that a child may be excluded from school if there is a case of disease that could be prevented by vaccination.

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.

Rhode Island. Under Rhode Island law, a parent or guardian seeking a religious exemption from school immunization requirements must sign a [form](#) stating that immunization is contrary to his or her religious beliefs ([R.I. Gen. Laws § 16-38-2](#)).

On the form, the parent or guardian must indicate that he or she received and read educational materials explaining the diseases and vaccines for which the exemption is sought. The parent or guardian also must indicate that they understand, among other things, (1) the risks and benefits of the vaccine and (2) that their child will be excluded from school if there is an outbreak of a vaccine-preventable disease.

Texas. Under Texas law, a parent or guardian seeking a nonmedical exemption from school immunization requirements 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 or guardian seeking a religious exemption from school immunization requirements 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. title 18, § 1122](#)).

The standard form indicates that students with an immunization exemption may be kept out of school during a disease outbreak if it is determined that they are at risk for getting that disease and transmitting it to other students.

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