

States Without Religious Exemptions to Childhood Immunization Requirements

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Issue

Summarize laws in other states eliminating religious exemptions from childhood school immunization requirements.

Summary

All states require children to receive certain vaccinations before school admission and grant exemptions for medical reasons.

Four states currently do not allow religious exemptions from these vaccination requirements: California, Mississippi, New York, and West Virginia. Maine is currently set to become the fifth such state when its law eliminating the exemption takes effect in September 2021. (In March 2020, however, Maine will hold a referendum for voters to decide whether to overturn the law eliminating the religious and personal belief exemption.)

Three of these states' laws (California, Maine, and New York) offer specified exceptions or contain additional related provisions, such as grandfathering in certain students or giving students who previously claimed the exemption more time to complete the required vaccinations.

The following table indicates how these five states eliminated the religious exemption and summarizes any exceptions or additional provisions of the relevant laws.

Nonmedical Exemptions

For an overview of laws on religious and philosophical exemptions to childhood immunization requirements, see OLR Report [2019-R-0235](#).

Table 1: States Without Religious Exemptions from School Vaccination Requirements

<i>State</i>	<i>How Exemption Was Eliminated</i>	<i>Exceptions or Additional Provisions</i>
California	Eliminated its personal belief exemption (including religious beliefs) in 2015, with the passage of SB 277 .	<p>Under the law, if the state adds more vaccinations to the required list for school entry, students must be allowed to claim a personal belief exemption from such vaccinations (Cal. Health and Safety Code § 120338).</p> <p>Children who filed personal belief exemptions before January 1, 2016, may continue to claim the exemption until they reach their next “grade span.” There are three grade spans: birth to preschool, K-6, and 7-12 (Id. § 120335(g)).</p> <p>The law specifies that it does not prohibit a student who qualifies for an individualized education program (IEP) from accessing any special education and related services required by his or her IEP (Id. § 120335(h)).</p>
Maine	Eliminated its religious and personal belief exemption in 2019, with the passage of HP 586 .	The law takes effect September 1, 2021, and grandfathers in students with IEPs who claimed an exemption by that date. For these students, the parent or guardian (or students themselves if age 18 or older) must provide a statement from a physician, nurse practitioner, or physician assistant that such provider has consulted with the parent, guardian, or student as applicable and made him or her aware of the risks and benefits associated with the choice to immunize.

Table 1 (continued)

State	How Exemption Was Eliminated	Exceptions or Additional Provisions
Mississippi	Its religious exemption, enacted in 1960, was struck down by the state's Supreme Court in 1979 as an equal protection violation and thus unconstitutional (Brown v. Stone , 378 So.2d 218 (Miss. 1979)).	None
New York	Eliminated its religious exemption in 2019, with the passage of A2371 .	For the 2019-2020 school year only, the law allows school entry for students who have not completed all of the required immunizations if, within certain time frames, they show that they have received their first dose of each required immunization and have age-appropriate appointments scheduled to receive the remainder. (For more information on New York's law, see this Frequently Asked Questions document on the state Department of Health website.)
West Virginia	The state has never allowed religious exemptions.	None

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