



## IMMUNIZATION WAIVER PROCEDURES Issue Brief

# Compulsory Immunization Waiver Requirements

## Introduction

All 50 states have adopted compulsory immunization laws for school children and also established some type of waiver or exemption (referred to in this issue brief as waivers) for the immunizations. The types of waivers and exemptions include: medical, religious, and philosophical or personal belief (hereafter referred to as “philosophical waivers”). Medical waivers are typically granted upon the submission of a statement or certification from a health care provider that due to the student’s physical condition, the compulsory immunization would cause harm or pose a threat to the student’s health or life. Religious waivers are often based upon genuine religious beliefs or established religious doctrine while philosophical waivers are generally granted to those who hold a moral or sincere belief against immunizations.

Every state allows medical waivers while two states, West Virginia and Mississippi, allow medical waivers only. The remaining 48 states allow religious waivers and a number of states also allow philosophical waivers. Over the past few decades, the number of states allowing a philosophical waiver has varied from year to year as state legislatures either adopt or repeal such waivers. The current number of states allowing philosophical waivers is around 20.

The process for requesting and obtaining a waiver to a compulsory immunization varies from state to state. The different steps and procedures for obtaining a waiver may include: making a request and asserting the basis for the waiver, information and education requirements, review of the request by public health officials, renewal requirements, and exclusion notification. Immunization waivers may also be limited in their scope. A state may require one or more of these methods when granting a waiver to compulsory immunizations. For example, in Indiana the request and asserted basis for a religious waiver is a written statement, doesn’t apply to selected vaccines, and is not reviewed by a public health official after it is submitted. By contrast, in Arkansas a waiver requires a notarized request, the completion of a vaccine education module, a signed informed consent statement refusing the immunization, and a signed notification of possible exclusion from school. To follow is a summary of the different state requirements for waiver of a compulsory immunization. Examples of the various state waiver requirements are provided.

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### Immunization waiver elements:

- Request and basis for waiver
  - Vaccine education or information
  - Waiver renewal
  - School exclusion notification
  - Health emergency authority
  - Scope of vaccines waived
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## Request and Basis for Waiver

A waiver of compulsory immunizations typically requires some sort of statement, certification, or form requesting the waiver and/or setting out the medical, religious, or philosophical basis for the waiver. Some states require the statements to be written out by the person requesting the waiver while other states provide a form for a parent’s signature. The

statement asserting the basis may sometimes be from a religious leader or a health care provider. A state may also require the statement or form to be notarized, witnessed or affirmed. Finally, the authority or agency which receives the statement requesting and asserting the waiver varies; however, it is most often a school or health agency.

## Certificates, Statements and Forms

Medical waivers are granted upon the submission of a statement or certification of a health care provider asserting that due to a student's physical condition, the compulsory immunization would cause harm or pose a threat to the student's health or life. For religious and philosophical waivers, states often require a written and/or signed statement by the person requesting the waiver. Some examples follow.

### Medical Certificate

<p>West Virginia W. Va. Code § 16-3-4</p>	<p>All children entering school for the first time in this state shall have been immunized against diphtheria, polio, rubeola, rubella, tetanus and whooping cough. Any person who cannot give satisfactory proof of having been immunized previously or a <b>certificate from a reputable physician showing that an immunization for any or all diphtheria, polio, rubeola, rubella, tetanus and whooping cough is impossible or improper</b> or sufficient reason why any or all immunizations should not be done, shall be immunized for diphtheria, polio, rubeola, rubella, tetanus and whooping cough prior to being admitted in any of the schools in the state.</p>
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### Written Statement and/or Signed Forms

<p>Wisconsin Wis. Stat. Ann. § 252.04</p>	<p>The immunization requirement is waived if the student, if an adult, or the student's parent, guardian, or legal custodian <b>submits a written statement</b> to the school, child care center, or nursery school objecting to the immunization for reasons of health, religion, or personal conviction. At the time any school, child care center, or nursery school notifies a student, parent, guardian, or legal custodian of the immunization requirements, it shall inform the person in writing of the person's right to a waiver under this subsection.</p>
<p>Michigan MCL Ann. § 333.9215</p>	<p>A child is exempt from this part if a parent, guardian, or person in loco parentis of the child <b>presents a written statement</b> to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.</p>
<p>Washington RCW 28A.210.090</p>	<p>Any child shall be exempt in whole or in part from the immunization measures required by [state law] upon the presentation of any one or more of the certifications required by this section, on a <b>form prescribed by the department of health</b>:</p> <ul style="list-style-type: none"> <li>(a) A written certification signed by a health care practitioner that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child: PROVIDED, that when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;</li> <li>(b) A written certification <b>signed by any parent or legal guardian</b> of the child or any adult in loco parentis to the child that the religious beliefs of the signator are contrary to the required immunization measures; or</li> <li>(c) A written certification <b>signed by any parent or legal guardian</b> of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child.</li> </ul>

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## Inability to Pay

South Dakota S.D. Codified Laws § 13-28-7.1	As an alternative to the requirement for a physician's certification [that the child has received or is in the process of receiving adequate immunization], the pupil may present:  (1) Certification from a licensed physician stating the physical condition of the child would be such that immunization would endanger the child's life or health; or  (2) A written statement signed by one parent or guardian that the child is an adherent to a religious doctrine whose teachings are opposed to such immunization; or  (3) A <b>written statement</b> signed by one parent or guardian requesting that the local health department give the immunization because the parents or guardians <b>lack the means to pay</b> for such immunization.
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## Who Requests and Signs?

The person who signs the waiver statement or certification and asserts the basis for the waiver also varies from state to state. It is often signed by a parent, guardian, emancipated minor, majority-aged student, or religious leader or officer.

## Medical Professional

Colorado Colo. Rev. Stat. §. 25-4-903	A student shall be exempted from receiving the required immunizations in the following manner: (a) By submitting to the student's school <b>certification from a licensed physician or advanced practice nurse</b> that the physical condition of the student is such that one or more specified immunizations would <b>endanger his or her life or health or is medically contraindicated</b> due to other medical conditions.
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## Parent or Guardian

Ohio Ohio Rev. Code Ann. § 3313.671	A pupil who presents a written statement of the pupil's <b>parent or guardian</b> in which the <b>parent or guardian</b> declines to have the pupil immunized for reasons of conscience, including religious convictions, is not required to be immunized.
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## Religious Leader

New Mexico N.M. Stat. Ann. § 24-5-3	Any minor child through his parent or guardian may file with the health authority charged with the duty of enforcing the immunization laws . . .  (2) affidavits or written affirmation <b>from an officer of a recognized religious denomination</b> that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing . . . .
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## Emancipated Minor

Minnesota Minn. Stat. Ann. § 121A-15	If a notarized statement signed by the minor child's parent or guardian or <b>by the emancipated person</b> is submitted to the administrator or other person having general control and supervision of the school or child care facility stating that the person has not been immunized as prescribed in subdivision 1 because of the conscientiously
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	held beliefs of the parent or guardian of the minor child or of the emancipated person, the immunizations specified in the statement shall not be required. This statement must also be forwarded to the commissioner of the Department of Health.
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### Age of Majority Student

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Utah Utah Code Ann. § 53A-11-302	A student is exempt from receiving the required immunizations if there is presented to the appropriate official of the school . . .  (c) a statement that the person is a bona fide member of a specified, recognized religious organization whose teachings are contrary to immunizations, signed by . . .  (iv) the student, if <b>of legal age</b> .
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### Notarization, Witness, and Affidavit Requirements

States often require that the request for and assertion of the basis of a waiver be notarized, witnessed, or presented as an affidavit (i.e., a sworn or affirmed statement).

#### Notarization

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New Hampshire N.H. Rev. Stat. Ann. § 141-C:20-c	A child shall be exempt from immunization if . . .  II. A parent or legal guardian objects to immunization because of religious beliefs. The parent or legal guardian <b>shall sign a notarized form</b> stating that the child has not been immunized because of religious beliefs.
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#### Witness

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Utah Utah Code Ann. § 53A-11-302	A student is exempt from receiving the required immunizations if there is presented to the appropriate official of the school . . .  (b) A completed form obtained at the local health department where the student resides, providing:  (i) the information required under Subsection 53A-11-302.5(1); and  (ii) a statement that the person has a personal belief opposed to immunizations, which is signed . . . and <b>witnessed by the local health officer or his designee</b> . . . .
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#### Affidavit

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Texas Tex. Edu Code Ann. § 38.001	Immunization is not required for a person's admission to any elementary or secondary school if the person applying for admission:  (1) submits to the admitting official:  (A) <b>an affidavit</b> or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States, in which it is stated that, in the physician's opinion, the immunization required poses a significant risk to the health and well-being of the applicant or any member of the applicant's family or household; or
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(B) **an affidavit** signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the applicant declines immunization for reasons of conscience, including a religious belief . . . .

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## Submitting and Reviewing the Statement

The statement requesting and asserting the basis for the immunization waiver is usually submitted to a school authority and in certain states submitted to the a health authority. Once received, the immunization information of the students may be reported to a state or local health authority for review or be made available for inspection by a health authority.

### Submit to Health Authority

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New Mexico N.M. Stat. Ann. § 24-5-3	(A) Any minor child through his parent or guardian may <b>file with the health authority charged with the duty of enforcing the immunization laws</b> . . . .  (1) a certificate of a duly licensed physician stating that the physical condition of the child is such that immunization would seriously endanger the life or health of the child; or  (2) affidavits or written affirmation from an officer of a recognized religious denomination that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or  (3) affidavits or written affirmation from his parent or legal guardian that his religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.
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### Submit to School

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Virginia Va. Code Ann. § 22.1-271.2	No certificate of immunization shall be required for the admission to school of any student if  (i) the student or his parent submits an affidavit <b>to the admitting official</b> stating that the administration of immunizing agents conflicts with the student's religious tenets or practices; or  (ii) <b>the school has</b> written certification from a licensed physician, licensed nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization.
Iowa Iowa Code Ann. § 139A.8	Immunization is not required for a person's enrollment in any elementary or secondary school or licensed child care center if either of the following applies:  (1) The applicant, or if the applicant is a minor, the applicant's parent or legal guardian, <b>submits to the admitting official</b> a statement signed by a physician, advanced registered nurse practitioner, or physician assistant who is licensed by the board of medicine, board of nursing, or board of physician assistants that the immunizations required would be injurious to the health and well-being of the applicant or any member of the applicant's family.  (2) The applicant, or if the applicant is a minor, the applicant's parent or legal



guardian, submits an affidavit signed by the applicant, or if the applicant is a minor, the applicant's parent or legal guardian, stating that the immunization conflicts with the tenets and practices of a recognized religious denomination of which the applicant is an adherent or member.

**Health Agency Review**

Mississippi  
Miss. Code Ann. § 41-23-37

For the purpose of assisting in supervising the immunization status of the children the **local health officer, or his designee, may inspect** the children's records or be furnished certificates of immunization compliance by the school.

Missouri  
Mo. Rev. Stat. § 210.003

The administrator of each public, private or parochial day care center, preschool or nursery school shall cause to be prepared a record of immunization of every child enrolled in or attending a facility under his jurisdiction. An annual summary report shall be made by January fifteenth showing the immunization status of each child enrolled, using forms provided for this purpose by the department of health and senior services. The **immunization records shall be available for review by department of health and senior services** personnel upon request.

**Vaccine Consultation, Information and Education Requirements**

A recent trend in state law is to require parents or guardians who request an immunization waiver to receive some type of consultation, education or information about vaccine preventable diseases and the risks and benefits of vaccines. Some states require the person requesting the waiver to consult with a healthcare provider while other states have developed educational or information resources.

**Health Care Provider Consultation**

California  
Cal. Health & Safety Code § 120365

Immunization of a person shall not be required for admission to a school . . . if the parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of a minor, or the person seeking admission if an emancipated minor, files with the governing authority a letter or affidavit that documents which immunizations required by Section 120355 have been given and which immunizations have not been given on the basis that they are contrary to his or her beliefs.

- (b) [A] form prescribed by the State Department of Public Health shall accompany the letter or affidavit [and] shall include both of the following:
  - (1) A signed attestation from the health care practitioner that indicates that the health care practitioner provided the parent or guardian of the person who is subject to the immunization requirements of this chapter, the adult who has assumed responsibility for the care and custody of the person, or the person if an emancipated minor, with **information regarding the benefits and risks of the immunization and the health risks of the communicable diseases** . . . . This attestation shall be signed not more than six months before the date when the person first becomes subject to the immunization requirement for which exemption is being sought.
  - (2) A written statement signed by the parent or guardian of the person who is subject to the immunization requirements of this chapter, the adult who has assumed responsibility for the care and custody of the person, or the person if an emancipated minor, that indicates that the signer **has received the**



	<b>information provided by the health care practitioner</b> pursuant to paragraph (1). . . .
Washington Wash. Rev. Code Ann. § 28A.210.090	<p>(2)(a) The form [exempting a student from the immunization requirements] must include a statement to be <b>signed by a health care practitioner stating that he or she provided the signator with information about the benefits and risks of immunization to the child</b>. The form may be signed by a health care practitioner at any time prior to the enrollment of the child in a school or licensed day care. Photocopies of the signed form or a letter from the health care practitioner referencing the child's name shall be accepted in lieu of the original form.</p> <p>(b) A health care practitioner who, in good faith, signs the statement provided for in (a) of this subsection is immune from civil liability for providing the signature.</p> <p>(c) Any parent or legal guardian of the child or any adult in loco parentis to the child who exempts the child due to religious beliefs pursuant to subsection (1)(b) of this section is not required to have the form provided for in (a) of this subsection signed by a health care practitioner if the parent or legal guardian demonstrates membership in a religious body or a church in which the religious beliefs or teachings of the church preclude a health care practitioner from providing medical treatment to the child.</p> <p>(3) For purposes of this section, "health care practitioner" means a [licensed physician, naturopath, physician assistant], or an advanced registered nurse practitioner . . . .</p>

**State Education**

Arkansas Ark. Code Ann. § 6-18-702	<p>The rules and regulations developed by the department for medical, religious, and philosophical exemptions shall include, but not be limited to . . .</p> <p>(ii) <b>Completion of an educational component</b> developed by the department that includes information on the risks and benefits of vaccination . . . .</p>
Oregon Or. Rev. Stat. §433.267	<p>As a condition of attendance in any school or children's facility in this state, every child through grade 12 shall submit to the administrator . . . one of the following . . .</p> <p>(c) A document, on a form prescribed by the authority by rule and signed by the parent of the child, stating that the parent is declining one or more immunizations on behalf of the child. A document submitted under this paragraph:</p> <p>(A) May include the reason for declining the immunization, including whether the parent is declining the immunization because of a religious or philosophical belief; and</p> <p>(B) Must include either:</p> <p>(i) A signature from a health care practitioner verifying that the health care practitioner has reviewed with the parent information about the risks and benefits of immunization that is consistent with information published by the Centers for Disease Control and Prevention and the contents of the vaccine educational module . . . ; or</p> <p>(ii) A certificate verifying that <b>the parent has completed a vaccine educational module</b> approved by the authority pursuant to [state law].</p>

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## State Information

Arizona Ariz. Rev. Stat. Ann. § 15-873	Documentary proof [of required immunizations] is not required for a pupil to be admitted to school if one of the following occurs:  1. The parent or guardian of the pupil submits a signed statement to the school administrator stating that the <b>parent or guardian has received information about immunizations provided by the department of health services</b> and understands the risks and benefits of immunizations and the potential risks of nonimmunization and that due to personal beliefs, the parent or guardian does not consent to the immunization of the pupil . . . .
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## School Information

Maine Legislative Document 672, H.P. 464 <sup>1</sup>	For a child [receiving an immunization waiver], <b>a school health provider . . . shall provide to a parent of the child information about the benefits and risks of immunization</b> and sign a statement that the immunization information was provided to the parent. The signed statement must be included in the child's immunization records maintained by the superintendent . . . .
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## Renewal Requirements

Some states require the immunization waiver to be renewed on a periodic basis. Renewal periods vary from 9 months to two years.

### Periodic Renewal

New Mexico N.M. Stat. Ann. § 24-5-3	Upon filing and approval of such certificate, affidavits or affirmation, the child is exempt from the legal requirement of immunization <b>for a period not to exceed nine months</b> on the basis of any one certificate, affidavits or affirmation.
Texas Texas Adm. Code § 97.62	Exclusions from compliance are allowable on an individual basis for medical contraindications, reasons of conscience, including a religious belief, and active duty with the armed forces of the United States. Children and students in these categories must submit evidence for exclusion from compliance . . .  (2) To claim an exclusion for reasons of conscience, including a religious belief, a signed affidavit must be presented by the child's parent or legal guardian, stating that the child's parent or legal guardian declines vaccinations for reasons of conscience, including because of the person's religious beliefs. The affidavit will be <b>valid for a two-year period</b> .

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## Scope of Immunizations Waived

State law may restrict the scope or number of immunizations that can be waived. Medical or philosophical waivers often allow the person requesting the exemption to choose which vaccines are being waived. A person requesting and asserting a religious waiver may be required to waive all immunizations.

### All Vaccines Waived



Connecticut Conn. Gen. Stat. § 10-204a	Each local or regional board of education, or similar body governing a nonpublic school or schools, shall require each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B and any other vaccine required by the schedule for active immunization . . . before being permitted to enroll in any program operated by a public or nonpublic school under its jurisdiction. Before being permitted to enter seventh grade, a child shall receive a second immunization against measles. Any such child who . . . (3) presents a statement from the parents or guardian of such child that <b>such immunization would be contrary to the religious beliefs</b> of such child . . . shall be exempt from the appropriate provisions of this section. If the parents or guardians of any children are unable to pay for such immunizations, the expense of such immunizations shall, on the recommendations of such board of education, be paid by the town.
New Jersey N.J. Stat. § 26:1A-9.1	Provisions in the State Sanitary Code in implementation of this act shall provide for <b>exemption for pupils from mandatory immunization</b> if the parent or guardian of the pupil objects thereto in a written statement signed by the parent or guardian upon the ground that the proposed immunization interferes with the free exercise of the pupil's religious rights. This exemption may be suspended by the State Commissioner of Health during the existence of an emergency as determined by the State Commissioner of Health.

### One or More Vaccines Waived

Oregon Or. Rev. Stat. §433.267	As a condition of attendance in any school or children's facility in this state, every child through grade 12 shall submit to the administrator . . . one of the following . . .  (c) A document, on a form prescribed by the authority by rule and signed by the parent of the child, stating that <b>the parent is declining one or more immunizations</b> on behalf of the child. . . .
West Virginia W. Va. Code § 16-3-4	All children entering school for the first time in this state shall have been immunized against diphtheria, polio, rubeola, rubella, tetanus and whooping cough. Any person who cannot give satisfactory proof of having been immunized previously or a certificate from a reputable physician showing that an immunization <b>for any or all</b> diphtheria, polio, rubeola, rubella, tetanus and whooping cough is impossible or improper or sufficient reason why any or all immunizations should not be done, shall be immunized for diphtheria, polio, rubeola, rubella, tetanus and whooping cough prior to being admitted in any of the schools in the state.

## School Exclusion Notification and Emergency Authority

Some states specifically notify those who request immunization waivers that the unvaccinated student will be excluded from school if there is a communicable or infectious disease outbreak. Other states give local or state health agencies the authority to exclude or immunize unvaccinated students during an emergency.

### Exclusion Notification

Arkansas Ark. Code Ann. § 6-18-	The rules and regulations developed by the department for medical, religious, and philosophical exemptions shall include, but not be limited to . . .
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702	<p>(iv) A <b>signed statement of understanding</b> that:</p> <p>(a) At the discretion of the department, the unimmunized child or individual <b>may be removed from day care or school during an outbreak</b> if the child or individual is not fully vaccinated; and</p> <p>(b) The child or individual shall not return to school until the outbreak has been resolved and the department approves the return to school.</p>
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### Emergency Authority

<p>Colorado</p> <p>Colo. Rev. Stat. § 25-4-908</p>	<p>If at any time there is, in the opinion of the state department of public health and environment or the county, district, or municipal public health agency, <b>danger of an epidemic from any of the communicable diseases</b> for which an immunization is required pursuant [state law], <b>no exemption or exception from immunization against such disease shall be recognized</b>. Quarantine by the state department of public health and environment or the county, district, or municipal public health agency is hereby authorized as a legal alternative to immunization.</p>
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### SUPPORTERS



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This document was developed by Andy Baker-White, JD, MPH, associate director, Mid-States Region at the University of Michigan School of Public Health. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

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<sup>1</sup> Legislative Document 672, H.P. 464, An Act Relating to Exemption from Immunization for Schoolchildren, was introduced in the House of Representatives of the 126th Maine Legislature on February 26, 2013. The bill received an Ought Not to Pass report on April 4, 2014 and no further action was taken.