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Public Health Authority Legislative Update

August 2023

Changes to non-medical exemptions for school vaccination requirements

During the COVID-19 pandemic, many communities saw an uptick in local conversations about the role vaccines play in keeping people safe. COVID-19 vaccines are estimated to have [saved over 3M lives by preventing at least 112M infections, which saved an estimated \\$1.15 trillion in medical costs](#). Higher vaccination rates were associated with [increased economic activity](#) during the pandemic and [quicker economic recovery](#). Yet in some states COVID-19 vaccines became the newest battleground for anti-vaccine efforts more broadly, leading to bills and legislation seeking to restrict the use of—or expand exemptions to—this longstanding method of protecting people from the spread of illness. These vaccine-related debates have continued, and may have implications far [beyond COVID-19 response efforts](#).

[All 50 states and the District of Columbia](#) require vaccinations for school entry. While [all states provide](#) avenues for medical exemptions to vaccination requirements, [48 states allow](#) for non-medical exemptions as well, most commonly exemptions based on religious or personal beliefs. For the 2023 legislative session, we are tracking bills seeking either to expand or limit non-medical exemptions for school vaccination requirements. First, we highlight examples of bills seeking to *expand* non-medical exemptions for school vaccination requirements:

New York introduced a bill that would **add back an exemption based on religious beliefs to school vaccination requirements** that was previously eliminated in 2019. Under current New York law ([N.Y. Pub. Health § 2164](#)), current immunization requirements apply to any

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public, private or parochial school and require immunizations against contagious diseases and infections including, but not limited to mumps, measles, rubella, varicella, and hepatitis B ([A 6676](#), [S 0118](#)).

Vermont introduced a bill that would **add a conscientious or personal belief exemption** to school vaccination requirements. This would apply to child care facilities, public or independent pre-K, K-12 schools, and post-secondary schools. Vermont law ([18 Vt. Stat. § 1122](#)) currently allows for a religious exemption ([H 187](#)).

We also saw bills introduced in 2023 legislative session seeking to *limit* non-medical exemptions:

Massachusetts introduced a bill that would amend [Mass. Gen. Laws ch. 76, § 15](#) by **striking the provision that offers a religious belief exemption** for school vaccination requirements in the absence of an emergency or epidemic ([H 604](#)).

Minnesota introduced a bill that would **exclude child care centers or family child care providers from the existing personal belief exemption** for vaccine requirements in [Minn. Stat. § 121A.15](#). Further, this proposed amendment would allow a child care center or family child care provider to adopt a policy prohibiting a child over the age of two months from enrolling or even remaining enrolled if they have not been immunized in accordance with state law ([SF 610](#)).

These bills are similar to Connecticut [Public Act No. 21-6](#), enacted in 2021, which eliminated religious exemptions from school vaccination requirements. To date, this law has survived several court challenges, with the latest appellate ruling upholding the law [as recently as August 4, 2023](#). But this is an evolving issue, and the way a court may assess religious exemptions is an unsettled area of law in some places.

Tune in for more information with the upcoming release of the Center for Public Health Law Research's vaccine bill tracking data. This resource will track changes to school entry vaccination requirements, exemptions, and authorities. It will also include bills expanding the scope of practice for vaccination administration.

Visit [Act for Public Health](#) to find additional resources, trainings, and a network of law and policy peers available to help you explore recentering public health and health equity.

Further reading

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If you haven't already, be sure to check out the recording of the July 26, 2023 Act for Public Health webinar hosted by the Network for Public Health Law on [Trends in Vaccination Law and Judicial Challenges](#)



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Connect with law and policy colleagues and find additional resources to navigate the legal changes that threaten or advance healthier communities for all.

Network for Public Health Law, Exemptions to School Entry
Vaccines and Corresponding Vaccine Coverage Fact Sheet:
[https://www.networkforphl.org/resources/exemptions-to-school-
entry-vaccines-and-corresponding-vaccine-coverage/](https://www.networkforphl.org/resources/exemptions-to-school-entry-vaccines-and-corresponding-vaccine-coverage/) (August
2022)

NCSL, States with Religious and Philosophical Exemptions from
School Immunization Requirements:
[https://www.ncsl.org/health/states-with-religious-and-
philosophical-exemptions-from-school-immunization-
requirements](https://www.ncsl.org/health/states-with-religious-and-philosophical-exemptions-from-school-immunization-requirements) (August 2023)

CDC Public Health Law Program, Vaccination Laws:
<https://www.cdc.gov/phlp/publications/topic/vaccinationlaws.html>
(December 2022)

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