

# Conscientious Objection

Texas law allows parents the right to decline immunizations for their children for medical reasons and reasons of conscience, including religious beliefs.

## Background

Before 2003, parents could opt out of vaccinations only for medical or religious reasons. In 2003, lawmakers expanded the exemptions to include conscientious objection. The *Journal of the American Medical Association* defines belief exemptions as religious, philosophical, and any other unspecified nonmedical exemptions.

In 2004, the Texas Department of Health, now the Texas Department of State Health Services (DSHS), further modified exemption laws with the Exclusion From Immunization Compliance rule. This rule outlines the specific exemptions parents can make for their elementary, secondary, and higher education children.

In addition to safety concerns, conscientious objectors say the exemption:

- Gives parents greater choice over which and how many shots their child receives, and appropriate authority over their child's medical records;
- Protects parents from further questioning by their child's school and from being in violation of the state law if they choose not to immunize their child; and
- Will not lead to generations of unimmunized children, but gives parents and guardians the option of immunizing their child at a later time or over a number of years rather than in quantities determined by the state.

## What You Can Say to Counter Objections

- Immunization is one of the most effective public health measures against the spread of infectious diseases. Unimmunized children and low rates of immunized children in schools pose a potential public health risk to the community.
- The immunities newborns receive from their mothers are finite and may last only from their first month to the end of their first year, according to the CDC.
- A very young, unvaccinated child who gets exposed to a disease may not be strong enough to fight it.
- It is unfair to jeopardize the health of immunocompromised children, e.g., children who are receiving chemotherapy, because they come into contact with unimmunized children in the community and at school.

*"Vaccines protect our children from significant public health threats, and it is vital that parents considering opting out be made aware of this."*

— Edward Dominguez, MD, Dallas, infectious disease specialist and adviser for TMA's *Be Wise —Immunize*

- Studies of communities with exemption options have shown these communities were at a greater risk for communicable disease. They also revealed a link between the number of exempted children and the likelihood of an outbreak.

## What's Required for Exemptions

Three kinds of immunization exemptions are legal in Texas: exemptions for medical reasons; reasons of conscience, including religious beliefs; and active duty with the U.S. armed forces.

### Medical Reasons

An immunization exemption for medical reasons requires a letter from a physician stating that:

- The physician who signed the statement examined the child;
- In the physician's opinion, the vaccine required is medically contraindicated or poses a significant risk to the health and well-being of the child or any member of the child's household; and
- If applicable, a lifelong condition requiring the exemption exists.

Note also:

- If the letter does not specify a lifelong condition, the exemption statement is valid for only one year from the date signed by the physician.
- A medical exemption may apply to any or all of the required vaccinations.
- Children without the required immunizations may be excluded from school during epidemics or other times of emergency.

## Reasons of Conscience

Parents or guardians may claim an exemption for reasons of conscience, including religion, by signing an Exemption From Immunizations for Reasons of Conscience Affidavit Form.

- The affidavit is only available through DSHS upon request. Parents must have the affidavit notarized and submit it to school officials within 90 days of when it was notarized.
- The affidavit is valid for two years.
- Parents who want to exempt their child from one vaccine and not another also must supply an immunization record indicating the month, date, and year each vaccine for which the child is not exempt was administered, with appropriate validation by a physician or public health clinic.

- In signing the vaccine exemption, parents or guardians acknowledge they understand their child may be excluded from school attendance during school epidemics or other times of emergency.

## Armed Forces

To gain an immunization exemption for service in the armed forces, parents must prove they are serving active duty with the U.S. armed forces.

## For More Information About Exemptions

The state regulations are contained in Texas Administrative Code at [www.sos.state.tx.us/tac/index.shtml](http://www.sos.state.tx.us/tac/index.shtml). Go to Title 25, Part 1, Chapter 97, Subchapter B, Rule §97.62.

