



# **2016-17 Vaccine Conscientious Exemption Report**

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**As Required by  
Texas Health and Safety Code**

**Section 161.0041**

**and**

**Texas Education Code**

**Section 51.9192**

**Department of State Health Services**

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**TEXAS**  
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**Texas Department of  
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# 1. Introduction

[Section 161.0041 of the Texas Health and Safety Code](#) requires a person claiming an exemption from a required immunization based on reasons of conscience, including a religion belief, to complete an affidavit on a form provided by the Department of State Health Services (DSHS). DSHS is required to maintain a record of the total number of affidavit forms sent out and report that information to the Legislature each year.

[Texas Education Code Section 51.9192](#) requires DSHS to develop and implement a secure internet-based process to allow public junior and community college students to apply for an exemption from the meningococcal vaccine requirement for reasons of conscience. Each year, DSHS is required to report to the Legislature the number of exemptions applied for in the preceding year.

This report captures the total number of conscientious exemptions from required immunizations requested between September 1, 2016 and August 31, 2017.

## 2. Background

### Vaccine Requirements in Texas

In order to attend elementary and secondary schools, institutions of higher education, and child-care facilities in Texas, students and children must receive age-appropriate vaccinations. High vaccination rates are important to protect not only the individuals who are vaccinated, but also those who are too young to be vaccinated, those who cannot be vaccinated due to medical reasons, as well as those who receive vaccines, but do not develop adequate immunity. Table 1 (below) outlines Texas' vaccine requirements as defined by state statutes and rules. Specific vaccination requirements by age, institution, and field of study can be found in [25 Texas Administrative Code \(TAC\) §97.63](#) and [25 TAC §97.64](#).

**Table 1. Vaccination Requirements for Elementary and Secondary Schools, Institutions of Higher Education, and Child-Care Facilities**

| Institution                                                  | Population and Vaccinations       | Statutes / Rules                                                               |
|--------------------------------------------------------------|-----------------------------------|--------------------------------------------------------------------------------|
| Elementary and Secondary Schools                             | Varies by Age                     | <a href="#">TAC Rule §97.63</a><br><a href="#">Texas Education Code 38.001</a> |
| Institutions of Higher Education                             | Bacterial Meningitis              | <a href="#">Texas Education Code 51.9192</a>                                   |
| Institutions of Higher Education                             | Institution-Specific Requirements | <a href="#">Texas Education Code 51.933</a>                                    |
| Human or Animal Health Professions in Institutions of Higher | Varies by Field of Study          | <a href="#">TAC Rule §97.64</a><br><a href="#">Texas Education Code 51.933</a> |

| Institution<br>Education                                                      | Population and Vaccinations | Statutes / Rules                                                                   |
|-------------------------------------------------------------------------------|-----------------------------|------------------------------------------------------------------------------------|
| Child-Care<br>Facilities<br>(including<br>Pre-<br>Kindergarten<br>facilities) | Varies by Age               | <a href="#">TAC Rule §97.63</a><br><a href="#">Human Resources<br/>Code 42.043</a> |

## Conscientious Exemption Requests

In accordance with [Texas Health and Safety Code 161.0041](#), Texas allows exemptions from vaccine requirements due to reasons of conscience, including religious beliefs. Adult students or minors' parents or guardians seeking a conscientious exemption from one or more vaccine requirement must request an affidavit form from DSHS.

After processing the request, DSHS mails the affidavit form(s) to the requestor. The affidavit form must then be signed, notarized, and submitted by the requestor to the student's school or child's child-care facility. Affidavits are valid for two years from the date of notarization. As specified in the Health and Safety Code, DSHS may not maintain a record of the names of individuals who request an affidavit.

Additionally, in accordance with [Texas Education Code 51.9192\(d-3\)](#), public junior college students, or their parent or guardian if they are a minor, may request an exemption from the bacterial meningitis vaccine through an online portal maintained by DSHS at <https://corequestjc.dshs.texas.gov>. The application must be completed online, printed, signed, and submitted to the institution's designated office for overseeing compliance with the vaccine requirement. The application form provides a statement informing applicants of the benefits and risks of receiving or not receiving the immunization.

### 3. Conscientious Exemption Affidavits Requested, Fiscal Year 2017

During fiscal year 2017, a total of 64,530 individuals requested a conscientious exemption from at least one vaccine requirement, a 23.6 percent increase over the previous fiscal year. Table 2 (below) shows steady increases over the past five fiscal years.

**Table 2. Conscientious Exemption Affidavit Requests, FY13-FY17**

| <b>Data Collected</b>                                            | <b>FY13</b> | <b>FY14</b> | <b>FY15</b> | <b>FY16</b> | <b>FY17</b> |
|------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|
| <b>Number of Requests Received</b>                               | 29,037      | 29,888      | 30,048      | 31,598      | 38,527      |
| <b>Number of Affidavits Mailed<sup>1</sup></b>                   | 105,015     | 113,959     | 119,505     | 130,248     | 160,976     |
| <b>Number of Individuals Requesting an Affidavit<sup>2</sup></b> | 44,291      | 46,795      | 48,472      | 52,195      | 64,530      |

<sup>1</sup> Each individual can request to receive up to five affidavit forms per person listed on the request.

<sup>2</sup> Multiple individuals could be included on each request.

## 4. Bacterial Meningitis Conscientious Exemptions Requested, Fiscal Year 2017

During fiscal year 2017, the DSHS internet-based portal processed a total of 57,644 bacterial meningitis conscientious exemption requests for students at 50 public junior college systems, up by 1,001 requests or 1.8 percent over the previous fiscal year. Table 3 (below) shows the total number of conscientious exemptions processed each year since the internet-based bacterial meningitis process started for public junior college students in fiscal year 2014.

**Table 3. Number of Public Junior College Bacterial Meningitis Conscientious Exemption Requests, FY14-FY17**

| <b>Data Collected</b>                                                    | <b>FY14</b> | <b>FY15</b> | <b>FY16</b> | <b>FY17</b> |
|--------------------------------------------------------------------------|-------------|-------------|-------------|-------------|
| <b>Number of Bacterial Meningitis Conscientious Exemptions Requested</b> | 46,906      | 57,192      | 56,643      | 57,644      |

## **5. Conclusion**

Over the past five years, Texas has seen a steady rise in conscientious exemptions from vaccine requirements. In fiscal year 2017, 64,530 individuals requested a conscientious exemption affidavit. This was over a 45 percent increase since fiscal year 2013 when 44,291 individuals requested affidavits. In fiscal year 2017, 57,644 bacterial meningitis conscientious exemptions were requested, which is almost a 23 percent increase since fiscal year 2014.