

2021-22
Vaccine Conscientious
Exemption Report

As Required by
Texas Health and Safety Code
Section 161.0041
and
Texas Education Code
Section 51.9192

December 2022



TEXAS
Health and Human
Services

Texas Department of
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1. Introduction

[Texas Health and Safety Code \(HSC\), Section 161.0041](#) requires a person claiming an exemption from a required immunization based on reasons of conscience, including a religious 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 college students to apply for an exemption from the bacterial meningitis (meningococcal) vaccination requirement for reasons of conscience, including a religious belief. 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, 2021, and August 31, 2022.

2. Background

Vaccine Requirements in Texas

In order to attend childcare facilities, elementary and secondary schools, and institutions of higher education in Texas, students and children are required to receive certain age-appropriate vaccinations. Specific vaccination requirements by age, institution, and field of study can be found in [25 Texas Administrative Code \(TAC\) Section 97.63](#), [25 TAC Section 97.64](#), and [19 TAC Section 21.613](#).

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

Institution	Required Vaccinations	Corresponding Statutes/Rules
Child-Care Facilities (Including Pre-Kindergarten Facilities)	Varies by Age	Human Resources Code §42.043 TAC Rule §97.63
Elementary and Secondary Schools	Varies by Age	Texas Education Code §38.001 TAC Rule §97.63
Institutions of Higher Education	Bacterial Meningitis	Texas Education Code §51.9192 TAC Rule §21.613
Institutions of Higher Education	Institution-Specific Requirements	Texas Education Code §51.933
Institutions of Higher Education (Students Enrolled in Human or Animal Health Professions)	Varies by Field of Study	Texas Education Code §51.933 TAC Rule §97.64

Conscientious Exemption Requests

In accordance with HSC, Section 161.0041 Texas allows exemptions from vaccine requirements due to reasons of conscience, including religious beliefs at childcare facilities as well as elementary and secondary schools. An adult student or a minor's parent or guardian seeking a conscientious exemption from one or more vaccine requirements 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 childcare facility. Affidavits are valid for two years from the date of notarization. As specified by HSC 161.0041(e), DSHS may not maintain a record of the names of individuals who request an affidavit.

Additionally, in accordance with [Texas Education Code, Section 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 the [Exemption from Meningococcal Vaccination Requirements](#) online portal maintained by DSHS. 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 2022

During fiscal year 2022, a total of 139,228 individuals requested a conscientious exemption affidavit from at least one vaccine requirement for childcare facilities, elementary or secondary schools, or institutions of higher education. This represents a 24.6 percent increase over fiscal year 2021. Table 2 below shows the data collected over the past five fiscal years.

Table 2. Data on Requests Received for Conscientious Exemption Affidavits, Fiscal Year 2018 – Fiscal Year 2022.

Data Collected	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022
Number of Requests Received (May list more than one child)	45,762	45,349	42,588	59,245	77,324
Number of Individuals for Whom Affidavits Were Requested	76,665	77,329	76,839	111,747	139,228
Number of Affidavits Mailed (May request up to five per child)	188,883	194,404	196,878	290,336	343,881

4. Bacterial Meningitis Conscientious Exemptions Requested, Fiscal Year 2022

During fiscal year 2022, DSHS internet-based portal processed a total of 52,440 conscientious exemption requests from the bacterial meningitis vaccination for public junior college students. This represents a 64.6 percent increase from fiscal year 2021. Table 3 below shows the total number of conscientious exemptions processed each year since fiscal year 2018.

Table 3. Number of Public Junior College Bacterial Meningitis Conscientious Exemption Requests, Fiscal Year 2018 – Fiscal Year 2022

Data Collected	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022
Number of Bacterial Meningitis Conscientious Exemptions Processed	56,639	54,652	34,628	31,865	52,440

5. Conclusion

Over the past five years, Texas has seen a sharp increase in requests for affidavits for conscientious exemptions from vaccine requirements. There was a significant increase in the number of requests for conscientious exemption affidavits that cover state-required vaccines in fiscal year 2022.

In fiscal year 2021, 111,747 individuals requested the conscientious exemption affidavit that covers those vaccines, but that number notably jumped to 139,228 in fiscal year 2022. This is a 20.4 percent increase over fiscal year 2021 and an 81.6 percent increase since fiscal year 2018. This jump continues an ongoing upward trend in requests for these conscientious exemption affidavits.

In fiscal year 2022, 52,440 public junior college students requested a bacterial meningitis vaccination conscientious exemption, a 64.6 percent increase from fiscal year 2021, and a seven percent decrease since fiscal year 2018.

List of Acronyms

Acronym	Full Name
DSHS	Department of State Health Services
HSC	Health and Safety Code
TAC	Texas Administrative Code