

## **Vaccine Enforcement and Exemptions**

This IPRO report examines the procedures states use to enforce their immunization laws and other laws allowing exemptions from these requirements. IPRO focused its research on Iowa and its six contiguous states (Illinois, Nebraska, Minnesota, Missouri, South Dakota, and Wisconsin).

### **State Vaccine Recommendations:**

Medical associations such as the Centers for Disease Control and Prevention, the American Academy of Pediatrics, and the American Academy of Family Physicians make recommendations for the use of vaccines. States review these recommendations and set their state vaccine laws. Many of the laws are tied to school enrollment, requiring children to receive vaccinations before enrolling in school. Currently, all states require immunizations for school enrollment and allow for exemptions, but specific requirements vary from state to state.

### **Exemptions:**

#### **Medical Exemption:**

All states allow a medical exemption from vaccination. Proof of medical exemption must include a signed form by a medical doctor stating that one or more vaccines would be detrimental to the health of an individual.<sup>1</sup>

#### **Religious Exemption:**

All states except Mississippi and West Virginia allow children to forego vaccinations for religious reasons. According to the National Vaccine Information Center, “the religious exemption is intended for people who hold a sincere religious belief opposing vaccination to the extent that if the state forced vaccination, it would be an infringement on their right to exercise their religious beliefs.”<sup>2</sup>

#### **Philosophical Exemption:**

The following eighteen states allow exemption to vaccination based on philosophical, personal or conscientiously held beliefs: Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Maine, Michigan, Minnesota, New Mexico, North Dakota, Ohio, Oklahoma, Texas, Utah, Vermont, Washington and Wisconsin.<sup>3</sup> An example of a philosophical reason for exemption would be parents who believe that “vaccination is a medical procedure that could reasonably be termed as experimental each time it is administered to a healthy child.”<sup>4</sup>

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<sup>1</sup> "NVIC – Vaccine Law Information." *National Vaccine Information Center – Vaccine Watch Dog*. Web. 25 Oct. 2009. <<http://www.nvic.org/vaccine-laws.aspx>>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid

<sup>4</sup> <[http://www.herballure.com/Products/SayingNoToVaccines,SherriTenpenny/Addendum-P\\_Sample-Philosophical-Vaccine-Exemption-Refusal-Form.pdf](http://www.herballure.com/Products/SayingNoToVaccines,SherriTenpenny/Addendum-P_Sample-Philosophical-Vaccine-Exemption-Refusal-Form.pdf)>.

## Exemptions in the Midwestern States

State	Medical	Religious	Philosophical	Website
Illinois	X	X		<a href="http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/illinois.aspx">http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/illinois.aspx</a>
Iowa	X	X		<a href="http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/iowa.aspx">http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/iowa.aspx</a>
Minnesota	X	X	X	<a href="http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/minnesota.aspx">http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/minnesota.aspx</a>
Missouri	X	X		<a href="http://www.moga.mo.gov/statutes/C100-199/1670000181.HTM">http://www.moga.mo.gov/statutes/C100-199/1670000181.HTM</a>
Nebraska	X	X		<a href="http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/nebraska.aspx">http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/nebraska.aspx</a>
South Dakota	X	X		<a href="http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/southdakota.aspx">http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/southdakota.aspx</a>
Wisconsin	X	X	X	<a href="http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/wisconsin.aspx">http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/wisconsin.aspx</a>

## Enforcement Procedures in the Midwestern States

### Illinois

If a child does not comply with immunization requirements by October 15 of the current school year or by an earlier date set by the school district, he or she will be removed from school until proof of required immunizations is provided. Every school is required to report the number of children who have received the required immunizations and health examinations, the number who have not received the required immunizations and health examinations, and the number of children who are exempt from health examination and immunization requirements on religious or medical grounds to the State Board of Education by November 15. If it is determined that the number of immunized students in compliance is below 90% of the number of students enrolled in the school district, 10% of each state aid payment made to the school district is to be withheld by the regional superintendent until the number of students meets the minimum requirement.<sup>5</sup>

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<sup>5</sup> "Illinois State Vaccine Requirements – National Vaccine Information Center." *National Vaccine Information Center – Vaccine Watch Dog*. Web. 25 Oct. 2009. <<http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/illinois.aspx>>.

## Iowa

Children who do not have proper evidence of immunization or exemption are not allowed to enroll in a licensed child care center, elementary, or secondary school. It is the responsibility of the admitting official to ensure that students have an appropriate Iowa Department of Public Health Certificate of Immunization or Certificate of Immunization Exemption on file for each child enrolled.<sup>6</sup> Administrative rules require annual audits to be performed by county health departments for all immunization records of public, private, and parochial students in kindergarten through 12<sup>th</sup> grade. Summary of annual audits are available at the Iowa Department of Public Health website.<sup>7</sup>

## Minnesota

Every school and child care facility is required to maintain immunization records for all students and must maintain the records for at least five years after the person attains the age of 18. No child over two months old may be allowed to enroll or remain enrolled in school or child care facility until an immunization statement has been submitted to the administrator. The Department of Health and the Board of Health have access to the school files. When a student transfers to another school or child care facility, the administrator in control is to assist the student's parent or guardian in transferring the immunization file.<sup>8</sup>

## Missouri

It is unlawful for any student to attend school unless he or she has been immunized as required by state law. The student is required to provide evidence of his or her immunization record. Each school superintendent of a public, private, parochial and parish school must have the immunization records of every child enrolled in schools under his or her jurisdiction. The name of any parent or guardian who neglects or refuses to permit a non-exempted child to be immunized against diseases as required by law will be reported by the school superintendent to the Department of Health and Senior Services.<sup>9</sup> During disease outbreaks children not immunized may be excluded from school or child care until the outbreak is over.<sup>10</sup>

## Nebraska

Every school and child care program is responsible to keep a written record of immunization, a physician approved exemption, or an exemption statement from the parent or guardian on the basis of religion. All documents are to be kept by the program as part of the child's file and are

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<sup>6</sup> National Vaccine Information Center – Vaccine Watch Dog. Web. 25 Oct. 2009. <<http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/iowa.aspx>>.

<sup>7</sup> "IDPH - Immunization Programs." *IDPH Internet Home Page*. Web. 25 Oct. 2009. <[http://www.idph.state.ia.us/ADPER/school\\_audits.asp](http://www.idph.state.ia.us/ADPER/school_audits.asp)>.

<sup>8</sup> "Minnesota State Vaccine Requirements – National Vaccine Information Center." *National Vaccine Information Center – Vaccine Watch Dog*. Web. 25 Oct. 2009. <<http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/minnesota.aspx>>.

<sup>9</sup> "Section 167-181 Immunization of pupils against certain." *Missouri General Assembly*. Web. 25 Oct. 2009. <<http://www.moga.mo.gov/statutes/C100-199/1670000181.HTM>>.

<sup>10</sup> *Immunization Action Coalition*; Missouri. Web. 25 Oct. 2009 <<http://www.immunize.org/catg.d/p4017.pdf>>.

filed with the Department of Health for review and inspection. Each program is obligated to report to the Department of Health and Human Services by November 1 of each year the status of immunization for children enrolled as of September 30 of that year. Each program is required to exclude children from attendance until proof of immunization or a proper exemption has been submitted. Children in kindergarten are not included in the report.<sup>11</sup>

## **South Dakota**

Any student entering school or an early childhood program is required prior to admission to present to the appropriate school authorities certification from a licensed physician that the child has received or is in the process of receiving adequate immunization according to recommendations provided by the Department of Health. Any student entering a public or private postsecondary education institution in this state for the first time after July 1, 2008 is required within forty-five days after the start of classes to present to the appropriate institution authorities certification from a licensed physician that he or she has received or is in the process of receiving the required doses of immunization.<sup>12</sup>

## **Wisconsin**

It is the duty of the parent or guardian to keep the school informed of the student's compliance with the immunization schedule or exemption. By the 15th and the 25th school day after the student is admitted to a school, day care center or nursery school, the parent and or guardian will be notified if the student has not met the immunization or exemptions requirements. The notice includes the requirements and warns of court action and forfeiture penalty due to noncompliance. If the Wisconsin Department of Health and Human Services determines that more than 1% of the students in a school district have not submitted their immunization records or waivers, the school district shall exclude any student enrolled in grades kindergarten to 6<sup>th</sup> grade who fails to satisfy the requirements.<sup>13</sup> State law includes specific legal procedures that must be followed after a student has been removed from school for more than 10 days. For more detailed information on these legal procedures, see the website provided: <http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/wisconsin.aspx>.

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<sup>11</sup> "Nebraska State Vaccine Requirements – National Vaccine Information Center." *National Vaccine Information Center – Vaccine Watch Dog*. Web. 25 Oct. 2009. <<http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/nebraska.aspx>>.

<sup>12</sup> "South Dakota State Vaccine Requirements – National Vaccine Information Center." *National Vaccine Information Center – Vaccine Watch Dog*. Web. 25 Oct. 2009. <<http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/southdakota.aspx>>.

<sup>13</sup> "Wisconsin State Vaccine Requirements – National Vaccine Information Center." *National Vaccine Information Center – Vaccine Watch Dog*. Web. 25 Oct. 2009. <<http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/wisconsin.aspx>>.