

VIEWPOINT

Legislative Prescriptions for Controlling Nonmedical Vaccine Exemptions

**Y. Tony Yang, ScD,
LLM, MPH**

Department of Health Administration and Policy, George Mason University, Fairfax, Virginia.

**Ross D. Silverman, JD,
MPH**

Department of Health Policy and Management, Fairbanks School of Public Health, and McKinney School of Law, Indiana University, Indianapolis.

During 2014, numerous communities across the United States have been affected by significant, largely avoidable outbreaks of vaccine-preventable illnesses (VPIs), such as measles, mumps, and pertussis.¹ These outbreaks have been associated with increasing numbers of families actively declining immunizations against VPIs for their children.²

States can require that families submit documentation that their children have received mandatory vaccines as a condition of entry to child care and elementary school. These laws routinely include conditions under which families may apply for exemption from vaccination requirements on medical or nonmedical grounds. Although studies show that stricter rules on exemptions could help reduce cases of VPI,³ many legislative initiatives have been focused on expanding exemptions.⁴ However, legislation aimed at strengthening protections against VPIs has been proposed lately in many states, frequently focusing on the processes through which parents seek exemptions. The protective strength of a state childhood vaccination exemption law can be assessed by examining 5 broad groups of exemption characteristics⁵ (**Box**): (1) the type of exemptions; (2) the populations and entities within the state to which the law in question applies; (3) the documentation and filing processes by which individuals submit exemption applications; (4) the review process for exemption applications; and (5) the availability of appeals and applicable penalties.

Types of Exemptions

The first category of characteristics is the type of exemptions available in a state. All states allow medical exemptions for children with, among other things, compromised immune systems, prior adverse reactions following vaccination, allergies to vaccine components, and certain types of moderate or severe illness. While not constitutionally required to do so, most states also permit nonmedical exemptions. Forty-eight states (all except Mississippi and West Virginia) offer parents the right to seek exemption from school vaccination requirements on the grounds that vaccination violates family religious beliefs. Twenty states offer broader grounds, allowing parents to opt their children out of vaccination requirements for philosophical or moral reasons. States with philosophical exemptions, in addition to having higher exemption rates, also have higher rates of VPIs.⁶

Applicable Institutions and Populations

The restrictiveness of state vaccination law also is affected by the scope of populations and entities to which the law applies. For instance, Maryland's vaccine requirements apply to private as well as public schools. Laws ap-

plicable only to public school students will necessarily be less protective. Another consideration within this category is whether rules permit students in the process of obtaining their full set of vaccinations to attend school. More common, perhaps, are laws that exclude children from child care, preschool, kindergarten, or elementary school during an outbreak if those children have received exemptions or if parents are unable to provide documentation of complete vaccination.

Rigor of the Application Process

The third broad category of characteristics that affect the restrictiveness of a state vaccination law is the rigor of the documentation and filing process associated with applying for exemption. Factors affecting the restrictiveness of the exemption policy include whether the state provides standardized forms, as well as whether such forms are easily acquired or are easy to submit, must be notarized, apply to all or just certain vaccinations, and can be filed once during a child's tenure in a school system or must be refiled annually.

The rigor of the documentation and filing process also is affected by requirements that parents receive certain educational information about exemption-associated risks to their children and the community. This may be delivered via waiver forms requiring the parent to acknowledge a list of potential risks associated with exempting a child from immunization (as is the case, for example, in Arizona), or requirements that certain written materials be shared with parents. Another parental educational approach, recently adopted by California, Oregon, and Washington, is to require parents seeking exemption to engage in an "informed refusal" process.⁷ These processes compel an exemption-seeking parent to engage in a mandatory conversation about the benefits and risks of immunization guided by a health care practitioner or to undertake a sanctioned online course on vaccine benefits and risks prior to obtaining vaccine exemptions. Affording parents the opportunity to have a more in-depth discussion with a trusted health care practitioner is thought to increase the likelihood that some vaccine-questioning parents ultimately will choose to vaccinate their child.

Review Mechanism and Appeal of Exemption Requests

The fourth category includes characteristics related to exemption review mechanisms, including whether parents may file an exemption without official review prior to approval by a health department, school or other official, and whether exemption-seekers may file religious exemptions without subjecting themselves to an examination of the sincerity or content of their specific beliefs. The fifth characteristics category includes whether an appeals process

Corresponding

Author: Y. Tony Yang, ScD, LLM, MPH, Department of Health Administration and Policy, George Mason University, MS:1J3, 4400 University Dr, Fairfax, VA 22030 (ytyang@gmu.edu).

Box. Legislative Options

Types of Exemptions

Religious exemption availability

Philosophical exemption availability

Applicable Institutions and Populations

Vaccination documentation requirement for access to child care services

Vaccination documentation requirement for access to preschool

Vaccination documentation requirement for access to elementary school

Applicability of vaccination statutes to both public and private schools

Availability of provisional admission for incompletely vaccinated students

Exclusion of exempting children from facilities during outbreaks

Rigor of the Application Process

Availability of state-provided standard exemption form

Availability of online access to exemption form and electronic submission

Notarization requirement before submission

Requirement of exemption request to refile annually

Educational component requirement before submission

Requirement of participating in an informed refusal process before submission

Requirement of signed statement from filers related to removal from school during outbreaks for submission

Availability of scalable exemption request

Requirement of parental rationale statement for submission

Requirement of signed statement from clergy or health professional for submission

Requirement of proof of vaccination regardless of immunity

Review Mechanism

Requirement of health department, school, or other official to review or approve application

Requirement of review of sincerity of beliefs for exemption filers

Requirement of review of content of religious beliefs for religious exemption filers

Appeals Process and Penalties

Availability of appeal for applicants with denied exemptions

Availability of civil or criminal penalties for violators

exists and whether civil or criminal penalties exist for violations of vaccination law. For example, in Georgia, parents who violate state vaccine requirements, as well as responsible officials permitting any child to remain in a school in violation of state regulations, are guilty of a misdemeanor and punishable by a fine or imprisonment.⁸

Conclusions

Considering these characteristics, Vermont is among the most lenient states (although the state recently amended its law to require that parents annually refile religious and philosophical exemption requests and acknowledge completion of an educational requirement), whereas Mississippi and West Virginia, which do not provide a religious or philosophical exemption, have the most restrictive laws.

While much has been done to reduce US incidence rates of VPIs, recent case reports suggest that international travel can result in ex-

posure to a disease in one part of the world that leads to a case arising in a local community.⁹ That case is more likely to become an outbreak when there are more opportunities to pass the infection on to multiple additional vulnerable hosts. Recent outbreaks have shown that areas particularly susceptible to triggering wider VPI outbreaks following a single exposure are those in which excluders cluster geographically, often in particular schools, religious institutions, and communities.¹⁰ Although the elimination of philosophical or religious exemptions is likely politically unfeasible, to guard against a continuing increase in the number of VPI cases, legislatures should consider implementing a combination of various more rigorous policies, from requiring exemption-seeking parents to submit annual exemption requests, completing education requirements, and through extending vaccination requirements to private as well as public schools.

ARTICLE INFORMATION

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