



2019-20
**Vaccine Conscientious
Exemption Report**

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



TEXAS
**Health and Human
Services**

**Texas Department of
State Health Services**

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1. Introduction

[Texas Health and Safety Code 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, 2019 and August 31, 2020.

2. Background

Vaccine Requirements in Texas

In order to attend child-care facilities, elementary and secondary schools, and institutions of higher education in Texas, students and children must receive age-appropriate vaccinations. High vaccination rates are important to protect the individuals who are vaccinated, those who are too young to be vaccinated, those who cannot be vaccinated due to medical reasons, and 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](#), [25 TAC §97.64](#), and [19 TAC §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 [Texas Health and Safety Code Section 161.0041](#), Texas allows exemptions from vaccine requirements due to reasons of conscience, including religious beliefs. 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 the Department of State Health Services (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 Texas 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 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 DSHS-maintained [Exemption from Meningococcal Vaccination Requirements](#) online portal. 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 2020

During fiscal year 2020, a total of 76,839 individuals requested a conscientious exemption form at least one vaccine requirement, representing a 0.64 percent decrease from fiscal year 2019. Table 2 demonstrates the data collected over the past five fiscal years.

Table 2. Data on Requests Received for Conscientious Exemption Affidavits, Fiscal Year 2016 – Fiscal Year 2020.¹

| Data Collected | Fiscal Year 2016 | Fiscal Year 2017 | Fiscal Year 2018 | Fiscal Year 2019 | Fiscal Year 2020 |
|---|------------------|------------------|------------------|------------------|------------------|
| Number of Requests Received (May list more than one child) | 31,598 | 38,527 | 45,762 | 45,349 | 42,588 |
| Number of Individuals for Whom Affidavits Were Requested | 52,195 | 64,530 | 76,665 | 77,329 | 76,839 |
| Number of Affidavits Mailed (May request up to five per child) | 130,248 | 160,976 | 188,883 | 194,404 | 196,878 |

¹ DSHS’s fiscal year starts September 1 and extends through August 31 of the following year. For example, fiscal year 2016 began September 1, 2015 and ended August 31, 2016.

4. Bacterial Meningitis Conscientious Exemptions Requested, Fiscal Year 2020

During fiscal year 2020, the Department of State Health Services' (DSHS) internet-based portal processed a total of 34,628 conscientious exemption requests from the bacterial meningitis vaccination for students at 50 public junior college systems. This represents a 36.6 percent decrease from fiscal year 2019. The decrease is most likely due to the COVID-19 pandemic. Table 3 below demonstrates the total number of conscientious exemptions processed each year since fiscal year 2016.

Table 3. Number of Public Junior College Bacterial Meningitis Conscientious Exemption Requests, Fiscal Year 2016 – Fiscal Year 2020

| Data Collected | Fiscal Year 2016 | Fiscal Year 2017 | Fiscal Year 2018 | Fiscal Year 2019 | Fiscal Year 2020 |
|--|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Number of Bacterial Meningitis Conscientious Exemptions Processed | 56,643 | 57,644 | 56,639 | 54,652 | 34,628 |

5. Conclusion

Over the past five years, Texas has typically seen an increase in requests for affidavits for conscientious exemptions from vaccine requirements. Online requests for conscientious exemptions to the bacterial meningitis vaccine for public junior college students have fluctuated but remained in the range of 54,000-58,000 each year until fiscal year 2020. The COVID-19 pandemic is most likely the reason why there was such a sharp decrease in the number of submitted requests. In fiscal year 2020, 76,839 individuals requested a conscientious exemption affidavit, a 0.64 percent decrease from fiscal year 2019, and a 47.2 percent increase since fiscal year 2016. In fiscal year 2020, 34,628 public junior college students requested a bacterial meningitis vaccination conscientious exemption, a 36.6 percent decrease from fiscal year 2019, and a 38.9 percent decrease since fiscal year 2016.