



2020-21 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
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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, 2020 and August 31, 2021.

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 child care facility and elementary/secondary school 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 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 2021

During fiscal year 2021, a total of 115,675 individuals requested a conscientious exemption from at least one vaccine requirement for childcare facilities and elementary/secondary schools. This represents a 50.5 percent increase over fiscal year 2020. 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 2017 – Fiscal Year 2021.¹

Data Collected	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021
Number of Requests Received (May list more than one child)	38,527	45,762	45,349	42,588	61,263
Number of Individuals for Whom Affidavits Were Requested	64,530	76,665	77,329	76,839	115,675
Number of Affidavits Mailed (May request up to five per child)	160,976	188,883	194,404	196,878	300,939

¹ DSHS’s fiscal year starts September 1 and extends through August 31 of the following year. For example, fiscal year 2021 began September 1, 2020 and ended August 31, 2021.

4. Bacterial Meningitis Conscientious Exemptions Requested, Fiscal Year 2021

During fiscal year 2021, the Department of State Health Services' (DSHS) internet-based portal processed a total of 31,865 conscientious exemption requests from the bacterial meningitis vaccination for public junior college students. This represents an eight percent decrease from fiscal year 2020. Table 3 below shows the total number of conscientious exemptions processed each year since fiscal year 2017.

Table 3. Number of Public Junior College Bacterial Meningitis Conscientious Exemption Requests, Fiscal Year 2017 – Fiscal Year 2021

Data Collected	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021
Number of Bacterial Meningitis Conscientious Exemptions Processed	57,644	56,639	54,652	34,628	31,865

5. Conclusion

Over the past five years, Texas has seen a sharp increase in requests for affidavits for conscientious exemptions from vaccine requirements. Although requests for the conscientious exemptions to the bacterial meningitis vaccine required for public junior college students have declined in the last two fiscal years, there was a sharp increase in the number of requests for conscientious exemption affidavits that cover all other state-required vaccines in fiscal year 2021.

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.

A separate, Texas DSHS-supplied conscientious exemption affidavit covers all other state-required vaccines. In fiscal year 2020, 76,839 individuals requested the conscientious exemption affidavit that covers those vaccines, but that number notably jumped to 115,675 in fiscal year 2021. This is a 50.5 percent increase over fiscal year 2020 and a 79 percent increase since fiscal year 2017. This jump continues an ongoing upward trend in requests for these conscientious exemption affidavits.