

Hepatitis B Vaccinations and State Law

Question:

Which states require mandatory childhood vaccination for Hepatitis B?

Answer:

According to the Immunization Action Coalition, a watchdog group that surveys state vaccination requirements and promotes vaccination nationwide, every state except Alabama, Maine, Montana, South Dakota, and West Virginia mandates that children attending elementary school receive a Hepatitis B vaccination (See www.immunize.org/laws/hepb.htm). Many of the states requiring mandatory Hepatitis B vaccination, however, do permit exemption from vaccination on religious or personal grounds.

Question:

In states that mandate Hepatitis B vaccination, do parents who do not object to vaccinations as a whole have a legal basis to object to mandatory Hepatitis B vaccination on religious or moral grounds?

Answer:

A. *Personal Exemption States*

Thirteen states that mandate Hepatitis B vaccination for schoolchildren (Arizona, California, Colorado, Idaho, Louisiana, Michigan, Minnesota, North Dakota, Ohio, Oklahoma, Vermont, Washington, Wisconsin) provide broad room for exemption on personal grounds. Such grounds may be religious, of course, but may also be moral or philosophical. In these states, a parent need simply follow the pertinent statutory language, which usually requires written certification of the parent's objection to vaccination. Arizona and Colorado additionally require language on the parental request for exemption stating the parent's appreciation of the risks of non-vaccination. And Minnesota requires that the certification be notarized. Generally speaking, however, in the thirteen states whose immunization statutes grant a personal belief exemption, parents who follow the form of the law may successfully keep their children from Hepatitis B vaccination.

B. *No Exemption States*

Two states (Alaska and Mississippi) do not provide any exemption to mandatory vaccination laws. Mississippi statutory law used to provide a religious exemption, but that exemption was struck down by the Supreme Court of Mississippi in *Brown v. Stone*, 378 So.2d 218 (Miss. 1979), on 14th Amendment Equal Protection grounds. Parents wishing to bring suit in these states face a substantial uphill battle and, thanks to the U.S. Supreme Court's holding in *Jacobson v. Massachusetts*, 197 U.S. 11 (1905) (a state may use its police power to override religious objections to state laws when the state's interest in preserving the health and safety of the community is compelling), most likely they will not prevail.

C. *Narrowest Religious Exemption States*

In the remaining thirty states and the District of Columbia, which mandate Hepatitis B vaccinations for schoolchildren but provide statutory grounds for claiming religious exemption, the answer is far from uniform. Each state provides a different statutory standard for claiming religious exemption from vaccination.

Some states like New York (Hawaii, Maryland, Massachusetts, New York, North Carolina) require that a parent provide evidence that her beliefs are, in fact, religious and furthermore that they are sincere. Last February, in *Turner v. Liverpool Central School District*, 186 F.Supp.2d 187 (N.D.N.Y. 2002), a plaintiff parent sought an injunction from the court to permit her daughter to return to kindergarten on a religious exemption. The district had denied the parent an exemption when it determined that the basis of her request was religious but philosophical, due to the fringe nature of the "religious" organization to which plaintiff and her child belonged. The court considered the nature of her belief and declared that it "appear[ed] to be religious in nature," *Id.* at 190. The court did not question her sincerity. Upon that basis, the court granted plaintiff an injunction permitting her child to return to school. *See also Mason v. General Brown Elem. Sch. Dist.*, 851 F.2d 47 (2d Cir. 1988) (state need not grant parent religious exemption from vaccination if professed reason for seeking exemption is not sufficiently tied to sincere and notable *religious* belief); *Farina v. Board of Educ.*, 116 F.Supp.2d 503 (E.D.N.Y. 2000) (parents' personal fears do not rise to the level of religious belief and thus cannot form a sufficient basis for a religious exemption under § 2164(9)).

In states like New York that can inquire into the distinctly religious nature of a parent's objection to vaccination, it appears highly unlikely, given the current status of the law, that a parent objecting to Hepatitis B vaccination on quasi-religious/moral grounds will prevail in court. We may encourage parents in New York wishing to keep their children from Hepatitis B

vaccinations to submit the appropriate written request claiming a religious exemption to the appropriate school administrator, but, unless one of the constitutional claims discussed below finds traction, they must be prepared to accept denial both at the school board level and in the courts.

D. *Narrow Religious Exemption States*

In a handful of states (Arkansas, Illinois, Iowa, Kansas, Nebraska, Texas), the statutory language relating to religious exemptions requires that parents and children requesting an exemption be members of a recognized religious organization or denomination but does not require an inquiry into the sincerity of the religious belief in question. This language was tested and declared unconstitutional in the state of Massachusetts (*see Dalli v. Board of Educ.*, 267 N.E. 2d 219 (Mass. 1971)), and in *Sherr v. Northport-East Northport Union Free Sch. Dist.*, 672 F.Supp. 81 (E.D.N.Y. 1987) a federal trial court held the “recognized religion” clause unconstitutional under the 1st Amendment of the U.S. Constitution. However, as there is no controlling Supreme Court decision on point, there is room for other states and federal courts to come to different conclusions. As the law stands today, citizens of Arkansas, Illinois, Iowa, Kansas, Nebraska, and Texas who request exemptions must be members of a recognized religious organization or denomination.

E. *Wide Religious Exemption States*

In other states like Wyoming (Connecticut, Delaware, D.C., Florida, Georgia, Indiana, Kentucky, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Wyoming), the language in the statutory religious exemption clause is more open-ended and exemption friendly. However, such statutes are not always applied in an exemption friendly way by the state health departments charged with administering vaccinations. It remains the duty of the courts to correct this executive abuse. A good example of this kind of judicial oversight can be found in *LePage v. Wyoming*, 18 P.3d 1877 (2001), a case in which The Rutherford Institute represented plaintiff Susan LePage. In *LePage*, the Wyoming Supreme Court reviewed Ms. LePage’s request for a personal religious exemption, a request that had formerly been denied by the Wyoming State Board of Health on grounds that Ms. LePage’s views were moral and philosophical—“based on concerns regarding the health and safety risks of the vaccination as well as the mode of transmission of the hepatitis B virus” *Id.* at 1180—and not distinctly religious. The court examined the language of the Wyoming statute and determined that it mandated the State Board of Health to grant exemption from vaccination to any child whose parent submits a written objection to such vaccination based upon religious grounds.

In its opinion, the court admitted that *LePage* raised interesting constitutional questions—whether the state should inquire into the sincerity of religious belief, whether a religious belief may be genuine though clearly not long held, whether a belief may be both philosophical and religious at the same time, etc—but then cited the facial clarity of the Wyoming statute as cause not to address them. Concerning that statutory language, the court wrote, “We do not believe that the legislature, through its adoption of § 21-4-309(a), anticipated or authorized a broad investigation into an individual’s belief system in an effort to discern the merit of a request for exemption. Rather, we construe the statutory language as mandatory and the exemption as self-executing upon submission of a written objection.” Thus, in Wyoming, at least, (and possibly in any state with a similarly broad religious exemption statute) a parent may gain exemption from vaccination for her child simply by submitting a written form requesting it. The state may not inquire into the nature or sincerity of the religious belief claimed by the parent.

F. Remaining Constitutional Questions in Religious Exemption States

At this point it remains to be seen how a court presented with an ambiguous statute will address the constitutional questions the Wyoming Supreme Court happily declined to consider in *LePage*. In its brief for petitioner in *LePage*, The Rutherford Institute (henceforth “TRI”) argued that any state inquiry into the nature or sincerity of a proclaimed religious belief is not driven by a compelling state interest and is therefore a blatant violation of the Free Exercise Clause of the Federal Constitution. This argument, if it prevails at the Federal level, would strike down any state statute requiring a parent to prove her religious affiliation and the sincerity of her belief before being granted a religious exemption from vaccinations for her child.

TRI’s argument in *LePage* contained three independent dimensions. First, TRI argued that Wyoming’s regulatory delegation of authority over religious exemptions from vaccinations to a State Health Officer is a violation of the Free Exercise Clause insofar as the state did not provide the officer any objective criteria whereby to grant or deny such exemptions. Citing *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1968), *Staub v. City of Baxley*, 355 U.S. 313 (1958), and *Niemotko v. Maryland*, 340 U.S. 269 (1951), TRI argued thus: “The Supreme Court has held repeatedly that an ordinance which makes the peaceful enjoyment of freedoms which the Constitution guarantees contingent upon the uncontrolled will of an official, as by requiring a permit or license (or in this case an exemption) which may be granted or withheld in the discretion of such official, is unconstitutional.” This argument would apply to any state whose Health Department delegated to a single official or small body of officials the task of assessing applications for religious exemption using discretionary means.

Second, TRI argued that the state's delegation to a State Health Official of discretionary power over religious exemptions from vaccination placed a substantial and therefore unconstitutional burden on the free exercise right of parents. TRI's brief quoted extensively the language of *Thomas v. Review Board of the Indiana Employment Security Division*, 450 U. S. 707, 718 (1981). In *Thomas*, the court noted that, "Where the state conditions receipt of an important benefit upon conduct proscribed by a religious faith, or where it denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs, a burden upon religion exists. While the compulsion may be indirect, the infringement upon free exercise is nonetheless substantial."

TRI went on to draw a distinction between the denial of a *benefit* in *Thomas* and the denial of a *right* in *LePage*—that of a free public education. Because Wyoming's executive policy so substantially burdened Mrs. LePage's right of free exercise, TRI argued that it *must* be declared unconstitutional. As public education is a right in all 50 states, the same argument could be marshaled indiscriminately to challenge any state regulatory posture similar to that implemented in Wyoming.

Third, citing *Wiggins v. Sargent*, 753 F.2d 663, 666 (8th Cir. 1985), TRI argued that, although Mrs. LePage's beliefs may have some secular component, the law does not substantiate the mutual exclusion of the secular and the religious. According to the *Wiggins* court, the First Amendment "protects the area where the two overlap." *Id.* at 666-667. The court continued: "The devout Seventh-Day Adventist may enjoy his Saturday leisure; the Orthodox Jew or Mohammedan may dislike the taste of pork. Such *personal considerations are irrelevant to an analysis of the claimants' free exercise rights*, so long as their religious motivation requires them to keep the Sabbath and avoid pork products." *Ibid.* (emphasis added).

Moreover, TRI argued that the Wyoming Health Department's requirement that a parent applying for a religious exemption be able to point to a specific divine command forbidding vaccinations discriminated against non-revelatory religions (like Buddhism and Taoism) and contravened the explicit prescription of First Amendment jurisprudence. TRI quoted from *Callahan v. Woods*, 658 F.2d 679, 684 (9th Cir.1981), to show that First Amendment protection is only unavailable where the objections are based upon "so-called religions which ... are obviously shams and absurdities and whose members are patently devoid of religious sincerity." *Id.* at 683. Thus, despite Mrs. LePage's admitted inability to point to a specific divine command forbidding her child to receive a Hepatitis B vaccination, her belief nevertheless was sufficiently sincere and religious to receive First Amendment protection.

Further, regarding the religious/moral distinction asserted by Wyoming's Health Department in refusing Mrs. LePage's application for religious exemption, TRI found the distinction legally repugnant and quoted *Callahan* again to support its case: "If judicial inquiry into the truth of one's religious beliefs would violate the free exercise clause, an inquiry into one's reasons for adopting those beliefs is similarly intrusive. So long as one's faith is religiously based at the time it is asserted, it should not matter, for constitutional purposes, whether that faith derived from revelation, study, upbringing, gradual evolution, or some source that appears entirely incomprehensible. Nor can the courts easily distinguish between beliefs springing from religious and secular origin. *A secular experience can stimulate a spiritual response*; lives are not so compartmentalized that one can readily keep the two separate." *Id.* at 687.

Concluding its case on behalf of Mrs. LePage, TRI stated: "The only question which may be asked in a constitutional sense . . . is whether the person who conscientiously objects is a religious person."

The above sequence of constitutional arguments is not exclusively tailored for use in Wyoming courts. Such arguments may be developed against any state denial of a religious exemption from vaccinations if the denial is based upon state determination that the claimant's views are either predominantly moral and not religious or are not consistent with past behavior, or if the state grants a single official discretionary power to assess the genuineness of religious exemption claims. If the state in which the civil action is brought is a wide religious exemption state like Wyoming, the court may defer to the breadth and favor of statutory language and ignore the constitutional questions. However, in a narrow religious exemption state like New York, which has a habit of condoning intrusive inspection into the nature and sincerity of a plaintiff's religious beliefs, the constitutional questions, if posed, may very well take center stage.

The following states allow for a personal exemption to mandatory immunizations:

Arizona – Ariz. Rev. Stat. Ann. § 15-873 (A)(1)

The parent or guardian of the pupil submits a signed statement to the school administrator stating that the parent or guardian has received information about immunizations provided by the department of health services, understands the risks and benefits of immunizations and the potential risks of non-immunization and that due to personal beliefs, the parent or guardian does not consent to the immunization of the pupil.

California – Cal. Health and Safety Code § 120365

Immunization of a person shall not be required for admission to a school or other institution listed in Section 120335 if the parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of a minor, or the person seeking admission if an emancipated minor, files with the governing authority a letter or affidavit stating that the immunization is contrary to his or her beliefs.

Colorado – Colo. Rev. Stat. Ann. 25-4-903 (2)(b)

A student shall be exempted from receiving the required immunizations in the following manner:

By submitting to the student's school a statement of exemption signed by one parent or guardian or the emancipated student or student eighteen years of age or older that the parent, guardian, or student is an adherent to a religious belief whose teachings are opposed to immunizations or that the parent or guardian or the emancipated student or student eighteen years of age or older has a personal belief that is opposed to immunizations.

Idaho – Idaho Code § 39-4802 (2)

Any minor child whose parent or guardian has submitted a signed statement to school officials stating their objections on religious or other grounds shall be exempt from the provisions of this chapter.

Louisiana – La. Rev. Stat. 17:170 (E)

No person seeking to enter any school or facility enumerated in Subsection A of this Section shall be required to comply with the provisions of this Section if ... a written dissent from the student or his parent or guardian is presented.

Michigan – Mich. Comp. Laws § 333.9215 (2)

A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.

Minnesota – Minn. Stat. § 121A.15 (2)(d)

If a notarized statement signed by the minor child's parent or guardian or by the emancipated person is submitted to the administrator or other person

having general control and supervision of the school or child care facility stating that the person has not been immunized as prescribed in subdivision 1 because of the conscientiously held beliefs of the parent or guardian of the minor child or of the emancipated person, the immunizations specified in the statement shall not be required. This statement must also be forwarded to the commissioner of the department of health.

North Dakota – N.D. Cent. Code § 23-07-17.1 (3)

Any minor child, through the child's parent or guardian, may submit to the institution authorities either a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child or a certificate signed by the child's parent or guardian whose religious, philosophical, or moral beliefs are opposed to such immunization. The minor child is then exempt from the provisions of this section.

Ohio – Ohio Rev. Code Ann. § 3313.671 (A)(3)

A pupil who presents a written statement of the pupil's parent or guardian in which the parent or guardian objects to the immunization for good cause, including religious convictions, is not required to be immunized. A pupil who presents a written statement of the pupil's parent or guardian in which the parent or guardian objects to the immunization for good cause, including religious convictions, is not required to be immunized.

Oklahoma – 70 Okl. Stat. § 1210.192 (2)

Any minor child, through the parent, guardian, or legal custodian of the child, may submit to the health authority charged with the enforcement of the immunization laws of this state a written statement by the parent, guardian or legal custodian of the child objecting to immunization of the child whereupon the child shall be exempt from the immunization laws of this state.

Vermont – 18 Ver. Stat. Ann. § 1122 (a)(3)

A person may remain in school without a required immunization if the person, or in the case of a minor the person's parent or guardian states in writing that the person, parent or guardian has religious beliefs or moral convictions opposed to immunization.

Washington – Wash. Rev. Code 28A.210.090 (3)

Any child shall be exempt in whole or in part from the immunization measures required by RCW 28A.210.060 through 28A.210.170 upon the presentation of

any one or more of the following, on a form prescribed by the department of health a written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child.

Wisconsin – Wis. Stat. § 252.04 (3)

The immunization requirement is waived if the student, if an adult, or the students parent, guardian or legal custodian submits a written statement to the school, day care center or nursery school objecting to the immunization for reasons of health, religion or personal conviction. At the time any school, day care center or nursery school notifies a student, parent, guardian or legal custodian of the immunization requirements, it shall inform the person in writing of the persons right to a waiver under this subsection.

The following states allow for wide religious exemptions; these states only require notification or parental statement:

Connecticut – Conn. Gen. Stat. Ann. § 10-204(a)(3)

Any such child who ... presents a statement from the parents or guardian of such child that such immunization would be contrary to the religious beliefs of such child ... shall be exempt from the appropriate provisions of this section.

Delaware – 14 Del. Code § 131 (a)(6)

Provision for exemption from the immunization program for an enrollee whose parents or legal guardian, because of individual religious beliefs, reject the concept of immunization. Such a request for exemption shall be supported by the affidavit herein set forth:

AFFIDAVIT OF RELIGIOUS BELIEF

STATE OF DELAWARE
..... COUNTY

1. (I) (We) (am) (are) the (parent(s)) (legal guardian(s)) of
.....
Name of Child

2. (I) (We) hereby (swear) (affirm) that (I) (we) subscribe to a belief in a relation to a Supreme Being involving duties superior to those arising from any human relation.

3. (I) (We) further (swear) (affirm) that our belief is sincere and meaningful and occupies a place in (my) (our) life parallel to that filled by the orthodox belief in God.

4. This belief is not a political, sociological or philosophical view of a merely personal moral code.

5. This belief causes (me) (us) to request an exemption from the mandatory school vaccination program for.....
Name of Child

.....
Signature of Parent(s) or Legal Guardian(s)

SWORN TO AND SUBSCRIBED before me, a registered Notary Public, this

..... day of, 20.....

.....(Seal)
Notary Public

District of Columbia – D.C. Code § 38-506 (1)

No certification of immunization shall be required for the admission to a school of a student for whom the responsible person objects in good faith and in writing, to the chief official of the school, that immunization would violate his or her religious beliefs.

Florida – Fla. Stat. Ann. § 232.032 (3)(a)

The provisions of this section shall not apply if:

The parent or guardian of the child objects in writing that the administration of immunizing agents conflicts with his or her religious tenets or practices.

Georgia – Ga. Code Ann. § 20-2-771 (e)

This Code section shall not apply to a child whose parent or legal guardian objects to immunization of the child on the grounds that the immunization conflicts with the religious beliefs of the parent or guardian; however, the immunization may be required in cases when such disease is in epidemic stages. For a child to be exempt from immunization on religious grounds, the parent or guardian must first furnish the responsible official of the school or facility an affidavit in which the parent or guardian swears or affirms that the

immunization required conflicts with the religious beliefs of the parent or guardian.

Indiana – Ind. Code Ann. § 20-8.1-7-2 (a)

A religious objection does not exempt a child from any testing, examination, immunization, or treatment required under this chapter unless the objection is:

(1) Made in writing;

(2) Signed by the child's parent; and

(3) Delivered to the child's teacher or to the individual who might order a test, an exam, an immunization, or a treatment absent the objection.

Kentucky – Ky. Rev. Stat. Ann. § 214.036

Nothing contained [herein] ... shall be construed to require the ... immunization of any child whose parents are opposed to medical immunization against disease, and who object by a written sworn statement to the immunization of such child on religious grounds.

Missouri – Mo. Ann. Stat. § 167.181 (3)

This section shall not apply to any child if one parent or guardian objects in writing to his school administrator against the immunization of the child, because of religious beliefs

Nevada – Nev. Rev. Stat. Ann. § 392.435

A public school shall not refuse to enroll a child as a pupil because the child has not been immunized pursuant to NRS 392.435 if the parents or guardian of the child has submitted to the board of trustees of the school district or the governing body of a charter school in which the child has been accepted for enrollment a written statement indicating that their religious belief prohibits immunization of such child or ward.

New Hampshire – N.H. Rev. Stat. Ann. § 141-C:20-C

A child shall be exempt from immunization if:

A parent or legal guardian objects to immunization because of religious beliefs. The parent or legal guardian shall sign a notarized form stating that the child has not been immunized because of religious beliefs.

New Jersey – N.J. Stat. Ann. § 26:1A-9.1

Provisions in the State Sanitary Code in implementation of this act shall provide for exemption for pupils from mandatory immunization if the parent or guardian of the pupil objects thereto in a written statement signed by the parent or guardian upon the ground that the proposed immunization interferes with the free exercise of the pupil's religious rights. This exemption may be suspended by the State Commissioner of Health during the existence of an emergency as determined by the State Commissioner of Health.

New Mexico – N.M. Stat. Ann. § 24-5-3 (A)(3)

Any minor child through his parent or guardian may file with the health authority charged with the duty of enforcing the immunization laws affidavits or written affirmation from his parent or legal guardian that his religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.

Oregon – Or. Rev. Stat. § 433.267 (1)(c)

As a condition of attendance in any school or children's facility in this state, every child through grade 12 shall submit to the administrator one of the following statements unless the school or facility which the child attends already has on file a record which indicates that the child has received immunizations against the restrictable diseases prescribed by rules of the Health Division as provided in ORS 433.273:

A statement signed by the parent that the child has not been immunized as described in paragraph (a) of this subsection because the child is being reared as an adherent to a religion the teachings of which are opposed to such immunization

Pennsylvania – 24 P.S. § 13-1303a (d)

The provisions of this section shall not apply in the case of any child whose parent or guardian objects in writing to such immunization on religious grounds.

Rhode Island – R.I. Gen. Laws § 16-38-2 (a)

Every person upon entering any public or private school including any college or university in this state as a pupil shall furnish to the administrative head of the school evidence that the person has been immunized against any diseases that may from time to time be prescribed by regulation of the director of health

and tested for tuberculosis, or a certificate from a licensed physician stating that the person is not a fit subject for immunization for medical reasons, or a certificate signed by the pupil, if over eighteen (18) years of age, or by the parent or guardian stating that immunization and/or testing for communicable diseases is contrary to that person's religious beliefs.

South Carolina – S.C. Code Ann. § 44-29-180 (D)

A South Carolina Certificate of Special Exemption signed by the school principal, authorized representative, or day care director may be issued to transfer students while awaiting arrival of medical records from their former area of residence or to other students who have been unable to secure immunizations or documentation of immunizations already received. A South Carolina Certificate of Special Exemption may be issued only once and is valid for only thirty calendar days from date of enrollment. At the expiration of this special exemption, the student must present a valid South Carolina Certificate of Immunization, a valid South Carolina Certificate of Medical Exemption, or a valid South Carolina Certificate of Religious Exemption.

Tennessee – Tenn. Code Ann. § 37-10-402

In the absence of an epidemic or immediate threat thereof, this section does not apply to any child whose parent or guardian files with proper authorities a signed, written statement that such immunization and other preventative measures conflict with the religious tenets and practices of the parent or guardian affirmed under penalties of perjury.

Utah – Utah Code Ann. § 53A-11-302 (3)(c)

A student is exempt from receiving the required immunizations if there is presented to the appropriate official of the school one or more of the following:

A statement that the person is a bona fide member of a specified, recognized religious organization whose teachings are contrary to immunizations, signed by one of the following persons:

- (i) one of the student's parents;
- (ii) the student's guardian;
- (iii) a legal age brother or sister of a student who has no parent or guardian; or
- (iv) the student, if of legal age.

Virginia – Va. Code Ann. § 22.1-271.2 (C)

No certificate of immunization shall be required for the admission to school of any student if the student or his parent or guardian submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices

Wyoming – Wyo. Stat. § 21-4-309 (a)

Waivers shall be authorized by the state or county health officer upon submission of written evidence of religious objection ... to the administration of any vaccine.

The following states allow a narrow religious exemption (requires membership in recognized church):

Arkansas – Ark. Code Ann. § 6-18-702 (d)(2)

The provisions of this section shall not apply if the parents or legal guardian of that child object thereto on the grounds that immunization conflicts with the religious tenets and practices of a recognized church or religious denomination of which the parent or guardian is an adherent or member.

Hawaii – Haw. Rev. Stat. § 325-34

No person shall be subjected to vaccination, revaccination or immunization, who shall in writing object thereto on the grounds that the requirements are not in accordance with the religious tenets of an established church of which the person is a member or adherent, or, if the person is a minor or under guardianship, whose parent or guardian shall in writing object thereto on such grounds, but no objection shall be recognized when, in the opinion of the director of health, there is danger of an epidemic from any communicable disease.

Iowa – Iowa Code § 139A.8 (4)(b)

Immunization is not required for a person's enrollment in any elementary or secondary school or licensed child care center if ... the following applies:

The applicant, or if the applicant is a minor, the applicant's parent or legal guardian, submits an affidavit signed by the applicant, or if the applicant is a minor, the applicant's parent or legal guardian, stating that the immunization conflicts with the tenets and practices of a recognized religious denomination of which the applicant is an adherent or member.

Kansas – Kan. Stat. Ann. § 72-5209 (b)(2)

As an alternative to the certification required under subsection (a), a pupil shall present ... a written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations.

Nebraska – Neb. Rev. Stat. § 79-221 (2)

Immunization shall not be required for a student's enrollment in any school in this state if he or she submits to the admitting official either of the following:

An affidavit signed by the student or, if he or she is a minor, by a legally authorized representative of the student, stating that the immunization conflicts with the tenets and practice of a recognized religious denomination of which the student is an adherent or member or that immunization conflicts with the personal and sincerely followed religious beliefs of the student.

Texas – Tex. Educ. Code § 38.001

Immunization is not required for a person's admission to any elementary or secondary school if the person applying for admission submits to the admitting official an affidavit signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member, except that this exemption does not apply in times of emergency or epidemic declared by the commissioner of public health.

The following states allow the narrowest religious exemption of all states (requires detail or sincerity of belief)

Illinois – 105 Ill. Ann. Stat. 5/27-8.1 (8)

Parents or legal guardians who object to health examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection.

Maryland – Md. Code Ann. Health-Gen. § 18-403 (a)

Unless the Secretary declares an emergency or disease epidemic, the Department may not require the immunization of an individual if:

(1) The individual objects to immunization because it conflicts with the individual's bona fide religious beliefs and practices; or

(2) The individual is a minor and the individual's parent or guardian objects to immunization because it conflicts with the parent or guardian's bona fide religious beliefs and practices.

Massachusetts – Mass. Gen. Laws Ann. Ch. 76 § 15

In the absence of an emergency or epidemic of disease declared by the department of public health, no child whose parent or guardian states in writing that vaccination or immunization conflicts with his sincere religious beliefs shall be required to present said physician's certificate in order to be admitted to school.

New York – NY CLS Pub. Health § 2164 (9)

This section shall not apply to children whose parent, parents, or guardian hold genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to such children being admitted or received into school or attending school.

North Carolina – N.C. Gen. Stat. § 130A-157

If the bona fide religious beliefs of an adult or the parent, guardian or person in loco parentis of a child are contrary to the immunization requirements contained in this Part, the adult or the child shall be exempt from the requirements. Upon submission of a written statement of the bona fide religious beliefs and opposition to the immunization requirements, the person may attend the college, university, school or facility without presenting a certificate of immunization.