

OEC Guidance Regarding Public Act 21-6, “An Act Concerning Immunizations”

On April 28, 2021, Governor Lamont signed into law [Public Act 21-6](#), “An Act Concerning Immunizations,” which updates Connecticut’s immunization requirements for students attending preK-12 schools, child care centers, group child care homes and family child care homes, and institutions of higher education by removing exemptions that are not medical. This document is intended to address questions that child care centers, group child care homes and family child care homes have regarding the implementation of this new law.

Overview

Q1: What does this new law do?

A1: In very general terms, this law eliminates the religious exemption from immunization requirements for children attending a pre-kindergarten or other preschool program located within a facility required to be licensed by the Office of Early Childhood (i.e. child care centers, group child care homes and family child care homes). The law may also affect school age children who attend child care centers, group child care homes, and family child care homes. By way of background, Connecticut law requires that before being permitted to attend any child care center, group child care home or family child care home, children must receive as age-appropriate certain immunizations. The law previously contained an exemption from this requirement for children who, through a parent or guardian, documented that the immunizations were contrary to the religious beliefs of the parent(s)/guardian or the child. The new law does, however, allow children who asserted a valid exemption prior to April 28, 2021, to extend the timeframe within which they must comply with the immunization requirement if they submit a written declaration from the child’s physician, physician assistant (PA), or advanced practice registered nurse (APRN) that an alternative immunization schedule is recommended. The new law also retains the medical exemption from immunization requirements for children who can document that the immunization is medically contraindicated.

Q2: Does this have anything to do with the COVID-19 vaccine?

A2: No, this law pertains to the exemption on religious grounds from the vaccination requirements as outlined in Connecticut General Statutes §§ 19-79 (a) and 19a-87b (f) and the Regulations of Connecticut State Agencies §§ 19a-79-6a (e) and 19a-87b-10 (l). The COVID-19 vaccine is not currently included among this group of required immunizations.

Q3: Are medical exemptions to statutory vaccination requirements still available under this new law?

A3: Yes, the new law retains the prior law’s medical exemption from vaccination requirements for children and adds a requirement that the Commissioner of Public Health develop a particular form for use by medical professionals for this purpose.

Q4: Does the removal of religious exemptions apply to both public and private pre-kindergarten programs, other preschool programs, child care centers, group child care homes, or family child care homes?

A4: Yes.

Q5: Does the removal of religious exemptions apply to youth camps?

A5: No, youth camps are not referenced in Public Act 21-6.

Q6: What is a pre-kindergarten or preschool program?

A6: According to Merriam-Webster’s dictionary, preschool and pre-kindergarten are synonymous and constitute the period in a child’s life that ordinarily precedes attendance at elementary school. Preschool and pre-kindergarten programs may be located in a public or private school, child care center, group child care home, or family child care home.

Q7: How does this law apply to children in pre-kindergarten or other preschool programs operating in a licensed child care center, group child care home or family child care home?

A7: (a) Any child enrolled in a pre-kindergarten or other preschool program *on or before* April 28, 2021, and who presented a valid religious exemption to the program *before* April 28, 2021, must comply with immunization requirements by September 1, 2022, or within 14 days after transferring to a different public or private program, whichever is later, unless the child also presents a written declaration from a physician, a physician assistant (PA) or advance practice registered nurse (APRN), stating that additional immunizations are in process as recommended by one of those types of medical professionals, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health. Under this circumstance, the timeframe within which they must comply with the immunization requirements is guided by this alternative vaccination schedule.

(b) Children enrolled in a pre-kindergarten or other preschool program *on or before* April 28, 2021, but who did not present a valid religious exemption to the program *before* April 28, 2021, should have complied and must continue to comply with the immunization requirement set forth in Connecticut General Statutes § 19-79 (a) and 19a-87b (f) and the Regulations of Connecticut State Agencies §§ 19a-79-6a (e) and 19a-87b-10 (l) before being permitted to attend.

(c) Children enrolled in a pre-kindergarten or other preschool program *after* April 28, 2021, must comply with the immunization requirement set forth in Connecticut General Statutes §§ 19-79 (a) and 19a-87b (f) and the Regulations of Connecticut State Agencies §§ 19a-79-6a (e) and 19a-87b-10 (l) before being permitted to attend.

Q8: How does this law apply to children in pre-kindergarten or other preschool programs operating in a public or nonpublic school that is not a licensed child care center, group child care home, or family child care home?

A8: Students enrolled in a preschool or other pre-kindergarten program on or *before* April 28, 2021, and who presented a valid religious exemption to the school by that date, but did not present a written declaration from a physician, a physician assistant or advance practice registered nurse stating that additional immunizations are in process as recommended by one of those types of medical professionals, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health, must comply with the immunization guidelines and schedules specified by the Commissioner of Public Health by (1) September 1, 2022, or (2) within 14 days after transferring schools, whichever is later. Such students may, however, be permitted to follow an alternative vaccination schedule if recommended by a medical professional. Validly submitted religious exemptions for pre-kindergarten students may be valid upon such student’s transfer to Kindergarten, but not beyond (1) September 1, 2022, or (2) within 14 days after transferring schools within Connecticut (public or private school), whichever is later.

Q9: What does it mean for a child to be “enrolled in,” “applying to enroll in” or “transfer” to pre-kindergarten or other preschool program, child care center, group child care home, or family child care home?

A9: Generally speaking, a child is enrolled in or is applying to enroll in a pre-kindergarten or other preschool program, child care center, group child care home, or family child care home at such time as a parent or guardian submits to such program all forms, documentation and/or enrollment fees required by the law and such program.

A transfer is a two-step process: (1) the child withdraws from a pre-kindergarten or other preschool program, child care center, group child care home, or family child care home to enroll at another; and (2) a parent or guardian submits to the new program all forms, documentation and/or enrollment fees required by the law and such program.

Q10: How should we treat children who had a valid religious exemption from a prior year but withdrew from pre-kindergarten or other preschool program, child care center, group child care home, or family child care home as a result of the pandemic (or for other reasons), and who now wish to exercise that same exemption upon reenrollment?

A10: The child can assert the religious exemption if the child was enrolled in a pre-kindergarten or other preschool program *on or before* April 28, 2021, a valid religious exemption was asserted *before* April 28, 2021, and the child reenrolls *on or before* September 1, 2022. The child must, however, comply with immunization requirements by September 1, 2022, unless the child also presents a written declaration from a physician, a physician assistant (PA) or advance practice registered nurse (APRN), stating that additional immunizations are in process as recommended by one of those types of medical professionals, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health. Under this circumstance, the timeframe within which they must comply with the immunization requirements is guided by this alternative vaccination schedule.

If the child reenrolls after September 1, 2022, the religious exemption may not be asserted and the child must comply with immunization requirements within 14 days after reenrollment unless the child also presents a written declaration from a physician, a physician assistant (PA) or advance practice registered nurse (APRN), stating that additional immunizations are in process as recommended by one of those types of medical professionals, rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health. Under this circumstance, the timeframe within which they must comply with the immunization requirements is guided by this alternative vaccination schedule.

Q11: What is a “valid religious exemption”?

A11: To be valid, the religious exemption must be “a statement . . . from the parent(s) or guardian of [the] child” that specifies that the immunization is “contrary to the religious beliefs” of the child or parent(s)/guardian, and must be properly acknowledged, as prescribed in General Statutes Sections 1-32, 1-34, and 1-35, by one the following individuals: (1) a judge of a court of record or a family support magistrate, (2) a clerk or deputy clerk of a court having a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, (6) an attorney admitted to the bar of this state, or (7) a school nurse. There is no particular form that must be used, and there is no requirement that more than one parent/guardian sign the statement.

Statements that failed to contain all legally necessary components prior to April 28, 2021, are invalid and may not be used as a basis for religious exemption.

Q12: How does this law apply to school age children, who also attend a child care center, group child care home, or family child care home?

A12: Any child enrolled in grades K-12 *on or before* April 28, 2021, *and* whose parent(s) or guardian had presented a valid religious exemption *before* April 28, 2021, remains exempt from the immunization requirements contained in General Statutes §§ 19-79 (a) and 19a-87b (f) and the Regulations of Connecticut State Agencies §§ 19a-79-6a (e) and 19a-87b-10 (l).

Q13: Who may continue to be exempt from immunization requirements after April 28, 2021?

A13:

- Any child enrolled in grades K-12 *on or before* April 28, 2021 *and* whose parent(s) or guardian had presented a religious exemption *before* April 28, 2021.
- Any child who transfers to a school in Connecticut, provided that (i) the child was enrolled in K-12th grade in another Connecticut school *on or before* April 28, 2021, and (ii) the child's parents or guardian had presented a religious exemption to the child's school *before* April 28, 2021.
- Any child who, on or before April 28, 2021, was enrolled in a preschool program or other prekindergarten program and who had presented a religious exemption before April 28, 2021, but did not present a written declaration from a physician, a physician assistant, or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such professionals rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health, *but only until the later of* September 1, 2022, or fourteen days after transferring to a public or nonpublic school.
- Any child who, on or before April 28, 2021, was enrolled in a preschool program or other prekindergarten program and who had presented a religious exemption before April 28, 2021, and who presents a written declaration from a physician, a physician assistant, or an advanced practice registered nurse stating that additional immunizations are in process as recommended by such professionals rather than as recommended under guidelines and schedules specified by the Commissioner of Public Health.
- Any child who presents a certificate in the form prescribed by the Commissioner of Public Health that an immunization is medically contraindicated because of the physical condition of such child.

Child's Circumstances	Immunization requirement
No religious exemption presented before April 28, 2021, and no documentation of medical contraindication.	Must comply with immunization requirements in CT law to attend school or child care. C.G.S. § 10-204a contains immunization requirements to attend public or nonpublic schools. C.G.S § 19-79 (a) contains immunization requirements to attend licensed child care centers or group child care homes. C.G.S. § 19a-87b contains immunization requirements to attend licensed family child care homes.
Child enrolled in K through 12 th grade in CT prior to April 29, 2021 who presented valid documentation of a religious exemption prior to April 28, 2021.	Exempt from immunization requirements contained in C.G.S. §§ 10-204a, 19-79 (a), and 19a-87b.
Child enrolled in K through 12 th grade in CT prior to April 29, 2021 who presented valid documentation of a religious exemption prior to April 28, 2021 and transfers to a new school in CT.	Exempt from immunization requirements contained in C.G.S. §§ 10-204a, 19-79 (a), and 19a-87b.
Child who presents a certificate in a form prescribed by the Commissioner of Public Health signed by a physician, physician assistant, or APRN stating that an immunization or immunizations are medically contraindicated because of the physical condition of such child.	Exempt from immunizations as stated by the medical professional.
Child enrolled in pre-k or preschool prior to April 29, 2021 who presented valid documentation of a religious exemption prior to April 28, 2021 and presents a written declaration from a physician, physician assistant, or APRN in a form prescribed by the Commissioner of Public Health with the details of an alternate vaccination schedule.	Exempt from immunization requirements to the extent the alternate vaccination schedule recommended for the child by the medical professional is followed.
Child enrolled in pre-k or preschool prior to April 29, 2021 who presented valid documentation of a religious exemption prior to April 28, 2021 and did NOT present a written declaration from a physician, physician assistant, or APRN in a form prescribed by the Commissioner of Public Health with the details of an alternate vaccination schedule.	Exempt from immunization requirements contained in C.G.S. §§ 10-204a, 19-79 (a), and 19a-87b until the later of September 1, 2022, or 14 days after the child transfers to a public or nonpublic school, or applies to enroll in a child care center, group child care home, or family child care home.
Child enrolled in pre-k or preschool prior to April 29, 2021 who presented valid documentation of a religious exemption prior to April 28, 2021 but did NOT present a written declaration from a physician, physician assistant, or APRN in a form prescribed by the Commissioner of Public Health with the details of an alternate vaccination schedule, and child transfers to a nonpublic school, or applies to enroll in a child care center, group child care home, or family child care home after September 1, 2022.	Must comply with immunization requirements in C.G.S. § 10-204a within 14 days after transferring to a public or nonpublic school, or Must comply with immunization requirements in C.G.S. § 19-79 (a), and 19a-87b within 14 days after applying to enroll in a child care center, group child care home, or family child care home.