While Colleges and Universities Can Require Students to Be Immunized, Those with Religious Objections to Immunization Are Exempt Except in Narrow Instances

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Massachusetts, like most states, provides for compulsory vaccination for all students entering colleges and universities certified by a physician. (Mass. Gen. L. ch. 76, § 15.) A special certification is required for undergraduate and graduate health science students, and a waivable certification concerning the meningococcal vaccine is required for those living in a dormitory or a comparable congregate living arrangement licensed or approved by the college, university, or secondary school. (Mass. Gen. L. ch. 76, §§ 15C & 15D.) However, there are two exceptions to the required certification: the first is the certification of the physician that the physical condition of the student is such that his or her health would be endangered by the vaccination; the second is a declaration that the immunization conflicts with the sincere religious beliefs of the student.

The only exception to the religious exemption to mandatory immunization may be in a very narrowly defined teaching hospital or school-sponsored clinical program where students come into direct contact with patients who are at high risk for infectious diseases. While there is currently no case law on point, the college or university should be prepared to show that it has considered whether there are less restrictive means to achieve this goal.

Client Tip: *Immunization of students can be mandatory except for those whose health would be adversely affected and for those whose sincere religious beliefs conflict with immunization. Institutions with clinical programs where all students are required to have immunizations due to their contact with patients at high risk of infection should review whether they have considered less restrictive means to achieve this goal.*

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