



September 4, 2025

Vaccines for Children Program Immunization Programs and Participating Providers

Re: Vaccines for Children Program, 42 U.S.C. § 1396s

Dear Colleagues:

The U.S. Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) enforces federal civil rights laws which prohibit discrimination in the delivery of health and human services based on race, color, national origin, disability, age, sex, religion, and the exercise of conscience, and also enforces the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security and Breach Notification Rules.

OCR enforces 26 conscience statutes applicable to various funding streams as well as 21 religious nondiscrimination provisions in other federal statutes and regulations, which include a number of grant and block grant programs.¹ Conscience statutes protect the exercise of conscience from discrimination by federal programs, state or local governments, or health care entities that receive certain streams of federal funding. These statutes protect a variety of individuals and entities, including patients, health care workers, health care providers, and health insurance plans. These protections are applicable to specific health programs and cover a range of topics depending on the statute, including abortion, sterilization, assisted suicide, advanced directives, vaccines, and compulsory health services.

These conscience statutes include the federal Vaccines for Children Program (VCP), which requires that state plans for medical assistance include “a pediatric vaccine distribution program (which may be administered by the State department of health).”² The VCP ensures that children who are uninsured, Medicaid-eligible, or otherwise meet the eligibility criteria have access to qualified pediatric vaccines. Providers participating in the VCP must comply “with applicable State law, including any such law relating to any religious or other exemption.”³ By specifically mandating that a state’s plan for administering Medicaid must respect state laws regarding religious exemptions, Congress recognized the importance of Americans’ religious convictions regarding vaccines and laws protecting such.

VCP providers are responsible for following state laws “relating to” religious and other exemptions to vaccination laws. Express religious exemptions contained in compulsory vaccination statutes are examples of such laws; so, too, are state statutes that mirror the federal Religious Freedom Restoration Act (RFRA).⁴ State religious freedom statutes should especially be considered when compulsory vaccination statutes expressly provide only medical or non-

¹ See 45 C.F.R. § 88.1; U.S. Dep’t Health & Human Servs., Office for Civil Rights (OCR), *Your Protections Against Discrimination Based on Conscience and Religion*, <https://www.hhs.gov/conscience/your-protections-against-discrimination-based-on-conscience-and-religion/index.html>.

² 42 U.S.C. § 1396s(a)(1).

³ 42 U.S.C. § 1396s(c)(2)(B)(ii).

⁴ 42 U.S.C. §§ 2000bb-1, *et seq.*

religious exemptions. State-level religious freedom laws may also be implicated when a vaccine mandate applies to such a limited population that it undermines the mandate's intended purpose.

The Centers for Medicare & Medicaid Services (CMS), through the Centers for Disease Control and Prevention (CDC), provides operational funding to 61 state, local, and territorial immunization programs to implement and oversee their Vaccine for Children Programs.⁵ Each of these jurisdictions is obligated to ensure its VCP immunization programs and VCP providers comply with applicable state laws that require recognition of religious exemptions from their state's laws regarding compulsory vaccination.⁶ To the extent political subdivisions of a state, including state or local boards of education, may administer the state VCP or receive funds or vaccines through the program, such political subdivisions may also be required to ensure the program is managed consistent with its statutory requirements.⁷

OCR is available to lend assistance and provide support as states and other jurisdictions make good faith efforts to ensure they and their health care providers comply with our nation's robust protections for religion and conscience. OCR's website has more information about conscience protection statutes and regulations, as well as information about the various religious nondiscrimination authorities OCR enforces. To learn more about the conscience statutes or religious nondiscrimination statutes, view OCR's webpage here: <https://www.hhs.gov/conscience/your-protections-against-discrimination-based-on-conscience-and-religion/index.html>.

Additionally, OCR issued a final rule in January 2024 to clarify OCR's authorities and process for enforcing the conscience statutes. This rule provides a more detailed summary of the conscience statutes and explains OCR's process by which it may enforce these authorities. The rule is available at <https://www.federalregister.gov/documents/2024/01/11/2024-00091/safeguarding-the-rights-of-conscience-as-protected-by-federal-statutes>.

OCR is tasked with enforcement of many of our nation's laws that protect the rights of conscience and religious nondiscrimination. It is a priority of the Department to enforce these laws and help health care entities and health care providers understand these laws. OCR is available to provide technical assistance related to conscience protections, or receive complaints related to conscience. If you have questions, please contact OCR at OCRMail@hhs.gov.

Sincerely,

/s/ Paula M. Stannard

Paula M. Stannard

Director, Office for Civil Rights

⁵ See Centers for Disease Control and Prevention, *About the Vaccines for Children (VFC) Program* (June 26, 2024), <https://www.cdc.gov/vaccines-for-children/about/index.html>.

⁶ See 42 U.S.C. § 1396s(c)(2)(B)(ii).

⁷ See 42 U.S.C. § 1396a(a)(1).