
HOUSE BILL 1006

State of Washington

67th Legislature

2021 Regular Session

By Representative Klippert

Prefiled 12/08/20.

1 AN ACT Relating to protecting the right of every Washington
2 resident to decline an immunization or vaccination based on religion
3 or conscience; amending RCW 28A.210.090, 28A.210.090, 43.216.690, and
4 43.06.220; adding a new section to chapter 70.54 RCW; providing an
5 effective date; providing an expiration date; and declaring an
6 emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54
9 RCW to read as follows:

10 (1) No state agency or political subdivision of the state may
11 enact or issue a rule, ordinance, order, or policy that would result
12 in an individual being required to submit to vaccination or
13 immunization despite his or her religious, philosophical, or personal
14 objections.

15 (2) No state agency or political subdivision of the state may
16 take any other action that would result in an individual being
17 required to submit to vaccination or immunization despite his or her
18 religious, philosophical, or personal objections including, but not
19 limited to, requiring vaccination or immunization as a condition of
20 employment or contracting with the state agency or political
21 subdivision.

1 (3) Any rule, ordinance, order, policy, or action enacted,
2 issued, or taken in violation of this section is null and void as
3 against the public policy of the state.

4 **Sec. 2.** RCW 28A.210.090 and 2019 c 362 s 2 are each amended to
5 read as follows:

6 (1) Any child shall be exempt in whole or in part from the
7 immunization measures required by RCW 28A.210.060 through 28A.210.170
8 upon the presentation of any one or more of the certifications
9 required by this section, on a form prescribed by the department of
10 health:

11 (a) A written certification signed by a health care practitioner
12 that a particular vaccine required by rule of the state board of
13 health is, in his or her judgment, not advisable for the child:
14 PROVIDED, That when it is determined that this particular vaccine is
15 no longer contraindicated, the child will be required to have the
16 vaccine;

17 (b) A written certification signed by any parent or legal
18 guardian of the child or any adult in loco parentis to the child that
19 the religious beliefs of the signator are contrary to the required
20 immunization measures; or

21 (c) A written certification signed by any parent or legal
22 guardian of the child or any adult in loco parentis to the child that
23 the signator has either a philosophical or personal objection to the
24 immunization of the child. (~~A philosophical or personal objection
25 may not be used to exempt a child from the measles, mumps, and
26 rubella vaccine.~~)

27 (2) (a) The form presented on or after July 22, 2011, must include
28 a statement to be signed by a health care practitioner stating that
29 he or she provided the signator with information about the benefits
30 and risks of immunization to the child. The form may be signed by a
31 health care practitioner at any time prior to the enrollment of the
32 child in a school or licensed day care. Photocopies of the signed
33 form or a letter from the health care practitioner referencing the
34 child's name shall be accepted in lieu of the original form.

35 (b) A health care practitioner who, in good faith, signs the
36 statement provided for in (a) of this subsection is immune from civil
37 liability for providing the signature.

38 (c) Any parent or legal guardian of the child or any adult in
39 loco parentis to the child who exempts the child due to religious

1 beliefs pursuant to subsection (1)(b) of this section is not required
2 to have the form provided for in (a) of this subsection signed by a
3 health care practitioner if the parent or legal guardian demonstrates
4 membership in a religious body or a church in which the religious
5 beliefs or teachings of the church preclude a health care
6 practitioner from providing medical treatment to the child.

7 (3) For purposes of this section, "health care practitioner"
8 means a physician licensed under chapter 18.71 or 18.57 RCW, a
9 naturopath licensed under chapter 18.36A RCW, a physician assistant
10 licensed under chapter 18.71A or 18.57A RCW, or an advanced
11 registered nurse practitioner licensed under chapter 18.79 RCW.

12 **Sec. 3.** RCW 28A.210.090 and 2020 c 80 s 27 are each amended to
13 read as follows:

14 (1) Any child shall be exempt in whole or in part from the
15 immunization measures required by RCW 28A.210.060 through 28A.210.170
16 upon the presentation of any one or more of the certifications
17 required by this section, on a form prescribed by the department of
18 health:

19 (a) A written certification signed by a health care practitioner
20 that a particular vaccine required by rule of the state board of
21 health is, in his or her judgment, not advisable for the child:
22 PROVIDED, That when it is determined that this particular vaccine is
23 no longer contraindicated, the child will be required to have the
24 vaccine;

25 (b) A written certification signed by any parent or legal
26 guardian of the child or any adult in loco parentis to the child that
27 the religious beliefs of the signator are contrary to the required
28 immunization measures; or

29 (c) A written certification signed by any parent or legal
30 guardian of the child or any adult in loco parentis to the child that
31 the signator has either a philosophical or personal objection to the
32 immunization of the child. (~~(A philosophical or personal objection
33 may not be used to exempt a child from the measles, mumps, and
34 rubella vaccine.)~~)

35 (2)(a) The form presented on or after July 22, 2011, must include
36 a statement to be signed by a health care practitioner stating that
37 he or she provided the signator with information about the benefits
38 and risks of immunization to the child. The form may be signed by a
39 health care practitioner at any time prior to the enrollment of the

1 child in a school or licensed day care. Photocopies of the signed
2 form or a letter from the health care practitioner referencing the
3 child's name shall be accepted in lieu of the original form.

4 (b) A health care practitioner who, in good faith, signs the
5 statement provided for in (a) of this subsection is immune from civil
6 liability for providing the signature.

7 (c) Any parent or legal guardian of the child or any adult in
8 loco parentis to the child who exempts the child due to religious
9 beliefs pursuant to subsection (1)(b) of this section is not required
10 to have the form provided for in (a) of this subsection signed by a
11 health care practitioner if the parent or legal guardian demonstrates
12 membership in a religious body or a church in which the religious
13 beliefs or teachings of the church preclude a health care
14 practitioner from providing medical treatment to the child.

15 (3) For purposes of this section, "health care practitioner"
16 means a physician licensed under chapter 18.71 or 18.57 RCW, a
17 naturopath licensed under chapter 18.36A RCW, a physician assistant
18 licensed under chapter 18.71A RCW, or an advanced registered nurse
19 practitioner licensed under chapter 18.79 RCW.

20 **Sec. 4.** RCW 43.216.690 and 2019 c 362 s 3 are each amended to
21 read as follows:

22 (1) Except as provided in subsection (2) of this section, a child
23 day care center licensed under this chapter may not allow on the
24 premises an employee or volunteer, who has not provided the child day
25 care center with:

26 (a) Immunization records indicating that he or she has received
27 the measles, mumps, and rubella vaccine; or

28 (b) Proof of immunity from measles through documentation of
29 laboratory evidence of antibody titer or a health care provider's
30 attestation of the person's history of measles sufficient to provide
31 immunity against measles.

32 (2)(a) The child day care center may allow a person to be
33 employed or volunteer on the premises for up to thirty calendar days
34 if he or she signs a written attestation that he or she has received
35 the measles, mumps, and rubella vaccine or is immune from measles,
36 but requires additional time to obtain and provide the records
37 required in subsection (1)(a) or (b) of this section.

1 (b) The child day care center may allow a person to be employed
2 or volunteer on the premises if the person provides the child day
3 care center with ((a)):

4 (i) A written certification signed by a health care practitioner,
5 as defined in RCW 28A.210.090, that the measles, mumps, and rubella
6 vaccine is, in the practitioner's judgment, not advisable for the
7 person. This subsection (2)(b)(i) does not apply if it is determined
8 that the measles, mumps, and rubella vaccine is no longer
9 contraindicated;

10 (ii) A written certification signed by the employee or volunteer
11 that the religious beliefs of the employee or volunteer are contrary
12 to measles, mumps, and rubella vaccine; or

13 (iii) A written certification signed by the employee or volunteer
14 that the employee or volunteer has either a philosophical or personal
15 objection to the measles, mumps, and rubella vaccine.

16 (3) The child day care center shall maintain the documents
17 required in subsection (1) or (2) of this section in the person's
18 personnel record maintained by the child day care center.

19 (4) For purposes of this section, "volunteer" means a nonemployee
20 who provides care and supervision to children at the child day care
21 center.

22 **Sec. 5.** RCW 43.06.220 and 2019 c 472 s 2 are each amended to
23 read as follows:

24 (1) The governor after proclaiming a state of emergency and prior
25 to terminating such, may, in the area described by the proclamation
26 issue an order prohibiting:

27 (a) Any person being on the public streets, or in the public
28 parks, or at any other public place during the hours declared by the
29 governor to be a period of curfew;

30 (b) Any number of persons, as designated by the governor, from
31 assembling or gathering on the public streets, parks, or other open
32 areas of this state, either public or private;

33 (c) The manufacture, transfer, use, possession or transportation
34 of a molotov cocktail or any other device, instrument or object
35 designed to explode or produce uncontained combustion;

36 (d) The transporting, possessing or using of gasoline, kerosene,
37 or combustible, flammable, or explosive liquids or materials in a
38 glass or uncapped container of any kind except in connection with the

1 normal operation of motor vehicles, normal home use or legitimate
2 commercial use;

3 (e) The sale, purchase or dispensing of alcoholic beverages;

4 (f) The sale, purchase or dispensing of other commodities or
5 goods, as he or she reasonably believes should be prohibited to help
6 preserve and maintain life, health, property or the public peace;

7 (g) The use of certain streets, highways or public ways by the
8 public; and

9 (h) Such other activities as he or she reasonably believes should
10 be prohibited to help preserve and maintain life, health, property or
11 the public peace.

12 (2) The governor after proclaiming a state of emergency and prior
13 to terminating such may, in the area described by the proclamation,
14 issue an order or orders concerning waiver or suspension of statutory
15 obligations or limitations in the following areas:

16 (a) Liability for participation in interlocal agreements;

17 (b) Inspection fees owed to the department of labor and
18 industries;

19 (c) Application of the family emergency assistance program;

20 (d) Regulations, tariffs, and notice requirements under the
21 jurisdiction of the utilities and transportation commission;

22 (e) Application of tax due dates and penalties relating to
23 collection of taxes;

24 (f) Permits for industrial, business, or medical uses of alcohol;
25 and

26 (g) Such other statutory and regulatory obligations or
27 limitations prescribing the procedures for conduct of state business,
28 or the orders, rules, or regulations of any state agency if strict
29 compliance with the provision of any statute, order, rule, or
30 regulation would in any way prevent, hinder, or delay necessary
31 action in coping with the emergency, unless (i) authority to waive or
32 suspend a specific statutory or regulatory obligation or limitation
33 has been expressly granted to another statewide elected official,
34 (ii) the waiver or suspension would conflict with federal
35 requirements that are a prescribed condition to the allocation of
36 federal funds to the state, (~~or~~) (iii) the waiver or suspension
37 would conflict with the rights, under the First Amendment, of freedom
38 of speech or of the people to peaceably assemble, or (iv) the waiver
39 or suspension would result in an individual being required to submit
40 to vaccination or immunization despite his or her religious,

1 philosophical, or personal objections. The governor shall give as
2 much notice as practical to legislative leadership and impacted local
3 governments when issuing orders under this subsection (2)(g).

4 (3) In imposing the restrictions provided for by RCW 43.06.010,
5 and 43.06.200 through 43.06.270, the governor may impose them for
6 such times, upon such conditions, with such exceptions and in such
7 areas of this state he or she from time to time deems necessary.

8 (4) No order or orders concerning waiver or suspension of
9 statutory obligations or limitations under subsection (2) of this
10 section may continue for longer than thirty days unless extended by
11 the legislature through concurrent resolution. If the legislature is
12 not in session, the waiver or suspension of statutory obligations or
13 limitations may be extended in writing by the leadership of the
14 senate and the house of representatives until the legislature can
15 extend the waiver or suspension by concurrent resolution. For
16 purposes of this section, "leadership of the senate and the house of
17 representatives" means the majority and minority leaders of the
18 senate and the speaker and the minority leader of the house of
19 representatives.

20 (5) Any person willfully violating any provision of an order
21 issued by the governor under this section is guilty of a gross
22 misdemeanor.

23 NEW SECTION. **Sec. 6.** Section 2 of this act expires July 1,
24 2022.

25 NEW SECTION. **Sec. 7.** (1) Sections 1, 2, 4, and 5 of this act
26 are necessary for the immediate preservation of the public peace,
27 health, or safety, or support of the state government and its
28 existing public institutions, and take effect immediately.

29 (2) Section 3 of this act takes effect July 1, 2022.

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