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HOUSE BILL 1317

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Young and Kraft

1 AN ACT Relating to an individual's right to refuse health-related  
2 measures; adding a new section to chapter 70.54 RCW; and declaring an  
3 emergency.

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

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

7 (1) Notwithstanding laws, rules, orders, or directives made or  
8 promulgated in response to an emergency, including but not limited to  
9 a national security emergency, statewide emergency, local or other  
10 health emergency, or any peacetime emergency, and notwithstanding  
11 existing laws and rules addressing outbreaks or potential outbreaks  
12 or epidemics of a contagious, infectious, or communicable disease,  
13 individuals retain the right to be free and independent and maintain  
14 their inalienable and fundamental right of self-determination to make  
15 their own health decisions, including but not limited to the right to  
16 refuse the following health-related measures:

17 (a) Medical examinations, treatments, or procedures;

18 (b) Drugs and biological products;

19 (c) Testing or participation in tracking or tracing programs; and

20 (d) The wearing of any form of clothing or body covering that is  
21 not otherwise unlawful.

1 (2) An individual who has been directed or ordered by a public or  
2 private business or entity, or a government or its designees,  
3 including but not limited to the secretary of health, a local health  
4 officer, a sheriff or peace officer, a labor and industries agent or  
5 officer, or any designee of such secretary, agent, or officer, to  
6 submit to a directive or order as described in this subsection, may  
7 choose: To decline, to comply, to respond to, or to participate with  
8 said directive or order.

9 (3) The government or its designees, or other employers,  
10 businesses, nonprofits, institutions, churches, travel carriers, or  
11 other public or private entities, may not infringe upon, put  
12 conditions on, restrict, or take away a person's ability to fully  
13 participate in necessary and important services and lifestyle choices  
14 and preferences including, but not limited to, employment, education,  
15 religion, travel, sports, hobbies, entertainment, and lifestyle  
16 preferences, based on a person choosing to decline health-related  
17 measures as described in subsection (1) of this section.

18 (4) Only a person who has proven to be infected with a  
19 communicable disease and exhibiting symptoms of that communicable  
20 disease may be asked to participate in self-isolation or self-  
21 quarantine procedures according to the department of health guidance.  
22 No one may be mandated to participate in self-isolation or self-  
23 quarantine or isolation or quarantine procedures unless they prove to  
24 be infected with a communicable disease and are exhibiting symptoms  
25 of that communicable disease.

26 (5) Notwithstanding existing isolation and quarantine laws, all  
27 potential isolation or quarantine must be of the least restrictive  
28 means possible, include reasonable notice and due process, be  
29 protective of the right of the individual to remain in their home,  
30 live with family members, friends, or significant others at all  
31 times, and not require homes to be altered or renovated such as  
32 adding additional bathrooms. The quarantining of a noninfected person  
33 must be on a voluntary basis and may not be imposed for any reason  
34 including evidence of contact or close proximity with an infected  
35 person or third-party location data. Treatment, testing, tracking, or  
36 prevention orders may not be imposed as a requirement for the ending  
37 of isolation or quarantine of a person. A person in isolation or  
38 quarantine has the right to utilize the health care treatments of  
39 their choice and to have a consenting person of their choice with  
40 them and attending their needs at all times. Quarantine or isolation

1 may not take away or alter the legal or medical custody of a person  
2 who is under a parent or legal guardian. A minor child may not be  
3 forcibly removed from their parent, legal guardian, or home.

4 (6) Before a health care provider or an individual who has been  
5 directed or ordered by a government or its designees, or a public or  
6 private business or entity, including but not limited to a secretary  
7 of health, a local health officer, a sheriff or peace officer, a  
8 labor and industries official or agent, or any designee of such  
9 secretary, agent, or officer, attempts to perform a health-related  
10 measure included in an order or directive or requests participation  
11 in a health-related measure that is included in an order or a  
12 directive including but not limited to the health-related measures  
13 listed in subsection (1) of this section, he or she shall notify the  
14 person of his or her rights to not receive a health-related measure  
15 or not to be subject to isolation as prescribed in this section by  
16 reading aloud to him or her subsections (1) through (5) of this  
17 section.

18 (7) The provider, secretary, officer, or any designee shall also  
19 obtain a signature of acknowledgment of receipt of the notification  
20 required in subsection (6) of this section from any person who  
21 declines to participate.

22 (8) For purposes of this section:

23 (a) "Biological product" has the same meaning as defined in 42  
24 U.S.C. Sec. 262.

25 (b) "Drug" has the same meaning as defined in 21 U.S.C. Sec. 321.

26 (c) "Individual" and "person" includes adults and minor children.

27 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
28 preservation of the public peace, health, or safety, or support of  
29 the state government and its existing public institutions, and takes  
30 effect immediately.

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