
ENGROSSED HOUSE BILL 1638

State of Washington

66th Legislature

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By Representatives Harris, Stonier, Robinson, Macri, Jinkins, Cody, Thai, Davis, Appleton, Doglio, Frame, Stanford, Bergquist, Santos, and Tarleton

Read first time 01/25/19. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to promoting immunity against vaccine preventable
2 diseases; amending RCW 28A.210.080 and 28A.210.090; adding a new
3 section to chapter 43.216 RCW; and creating new sections.

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

5 **Sec. 1.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
6 read as follows:

7 (1) Except as provided in subsection (2) of this section, the
8 attendance of every child at every public and private school in the
9 state and licensed day care center shall be conditioned upon the
10 presentation before or on each child's first day of attendance at a
11 particular school or center, of proof of either (a) full
12 immunization, (b) the initiation of and compliance with a schedule of
13 immunization, as required by rules of the state board of health, or
14 (c) a certificate of exemption as provided for in RCW 28A.210.090.
15 The attendance at the school or the day care center during any
16 subsequent school year of a child who has initiated a schedule of
17 immunization shall be conditioned upon the presentation of proof of
18 compliance with the schedule on the child's first day of attendance
19 during the subsequent school year. Once proof of full immunization or
20 proof of completion of an approved schedule has been presented, no

1 further proof shall be required as a condition to attendance at the
2 particular school or center.

3 (2) Proof of disease immunity through documentation of laboratory
4 evidence of antibody titer or a health care provider's attestation of
5 a child's history of a disease sufficient to provide immunity against
6 that disease constitutes proof of immunization for that specific
7 disease. Individuals who fail to mount a positive antibody response
8 following a complete vaccine series must be considered nonresponders
9 and further vaccination may not be required.

10 (3)(a) Beginning with sixth grade entry, every public and private
11 school in the state shall provide parents and guardians with
12 information about meningococcal disease and its vaccine at the
13 beginning of every school year. The information about meningococcal
14 disease shall include:

15 (i) Its causes and symptoms, how meningococcal disease is spread,
16 and the places where parents and guardians may obtain additional
17 information and vaccinations for their children; and

18 (ii) Current recommendations from the United States centers for
19 disease control and prevention regarding the receipt of vaccines for
20 meningococcal disease and where the vaccination can be received.

21 (b) This subsection shall not be construed to require the
22 department of health or the school to provide meningococcal
23 vaccination to students.

24 (c) The department of health shall prepare the informational
25 materials and shall consult with the office of superintendent of
26 public instruction.

27 (d) This subsection does not create a private right of action.

28 ~~((3))~~ (4)(a) Beginning with sixth grade entry, every public
29 school in the state shall provide parents and guardians with
30 information about human papillomavirus disease and its vaccine at the
31 beginning of every school year. The information about human
32 papillomavirus disease shall include:

33 (i) Its causes and symptoms, how human papillomavirus disease is
34 spread, and the places where parents and guardians may obtain
35 additional information and vaccinations for their children; and

36 (ii) Current recommendations from the United States centers for
37 disease control and prevention regarding the receipt of vaccines for
38 human papillomavirus disease and where the vaccination can be
39 received.

1 (b) This subsection shall not be construed to require the
2 department of health or the school to provide human papillomavirus
3 vaccination to students.

4 (c) The department of health shall prepare the informational
5 materials and shall consult with the office of the superintendent of
6 public instruction.

7 (d) This subsection does not create a private right of action.

8 ~~((4))~~ (5) Private schools are required by state law to notify
9 parents that information on the human papillomavirus disease prepared
10 by the department of health is available.

11 **Sec. 2.** RCW 28A.210.090 and 2011 c 299 s 1 are each amended to
12 read as follows:

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

18 (a) A written certification signed by a health care practitioner
19 that a particular vaccine required by rule of the state board of
20 health is, in his or her judgment, not advisable for the child:
21 PROVIDED, That when it is determined that this particular vaccine is
22 no longer contraindicated, the child will be required to have the
23 vaccine. The reasons for which a health care practitioner may certify
24 that a vaccine is not advisable for a child include, but are not
25 limited to, if the child has a biological parent, brother, or sister,
26 with a documented history of immune system problems or a documented
27 adverse reaction to a particular vaccine required by rule of the
28 state board of health;

29 (b) 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 religious beliefs of the signator are contrary to the required
32 immunization measures; ~~((~~4~~))~~

33 (c) A written certification signed by any parent or legal
34 guardian of the child, or any adult in loco parentis to the child,
35 that the child has a biological parent, brother, or sister, with
36 either of the following, documented by a health care practitioner:

37 (i) A history of immune system problems sufficient to make a
38 particular vaccine contraindicated for the child under guidelines

1 issued by the United States centers for disease control and
2 prevention; or

3 (ii) An adverse reaction to a particular vaccine required by rule
4 of the state board of health sufficient to make the particular
5 vaccine contraindicated for the child under guidelines issued by the
6 United States centers for disease control and prevention; or

7 (d) A written certification signed by any parent or legal
8 guardian of the child or any adult in loco parentis to the child that
9 the signator has either a philosophical or personal objection to the
10 immunization of the child. A philosophical or personal objection may
11 not be used to exempt a child from the measles, mumps, and rubella
12 vaccine.

13 (2) (a) The form presented on or after July 22, 2011, must include
14 a statement to be signed by a health care practitioner stating that
15 he or she provided the signator with information about the benefits
16 and risks of immunization to the child. The form may be signed by a
17 health care practitioner at any time prior to the enrollment of the
18 child in a school or licensed day care. Photocopies of the signed
19 form or a letter from the health care practitioner referencing the
20 child's name shall be accepted in lieu of the original form.

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

24 (c) Any parent or legal guardian of the child or any adult in
25 loco parentis to the child who exempts the child due to religious
26 beliefs pursuant to subsection (1)(b) of this section is not required
27 to have the form provided for in (a) of this subsection signed by a
28 health care practitioner if the parent or legal guardian demonstrates
29 membership in a religious body or a church in which the religious
30 beliefs or teachings of the church preclude a health care
31 practitioner from providing medical treatment to the child.

32 (3) For purposes of this section, "health care practitioner"
33 means a physician licensed under chapter 18.71 or 18.57 RCW, a
34 naturopath licensed under chapter 18.36A RCW, a physician assistant
35 licensed under chapter 18.71A or 18.57A RCW, or an advanced
36 registered nurse practitioner licensed under chapter 18.79 RCW.

37 NEW SECTION. Sec. 3. A new section is added to chapter 43.216
38 RCW to read as follows:

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

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

7 (b) Proof of immunity from measles through documentation of
8 laboratory evidence of antibody titer or a health care provider's
9 attestation of the person's history of measles sufficient to provide
10 immunity against measles.

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

17 (b) The child day care center may allow a person to be employed
18 or volunteer on the premises if the person provides the child day
19 care center with a written certification signed by a health care
20 practitioner, as defined in RCW 28A.210.090, that the measles, mumps,
21 and rubella vaccine is, in the practitioner's judgment, not advisable
22 for the person. This subsection (2)(b) does not apply if it is
23 determined that the measles, mumps, and rubella vaccine is no longer
24 contraindicated.

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

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

31 NEW SECTION. **Sec. 4.** The department of health may adopt rules
32 necessary to implement RCW 28A.210.080 and 28A.210.090.

33 NEW SECTION. **Sec. 5.** Nothing in this act affects the validity
34 of an exemption held by a high school student under RCW 28A.210.090
35 prior to the effective date of this section. Such an exemption must
36 remain valid while the student is enrolled in high school.

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