
SENATE BILL 5139

State of Washington

68th Legislature

2023 Regular Session

By Senator Fortunato

Prefiled 01/04/23.

1 AN ACT Relating to protecting the rights of Washington residents
2 by ensuring individuals can decline an immunization or vaccination
3 for COVID-19 and addressing workers terminated for refusing
4 vaccination; and adding a new section to chapter 70.54 RCW.

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

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

8 (1) No state agency or political subdivision of the state may
9 enact or issue a rule, ordinance, order, or any similar policy that
10 would result in an individual being required to submit to vaccination
11 or immunization for COVID-19 despite his or her religious,
12 philosophical, or personal objections.

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

1 (3) No employer, school or university, transportation provider,
2 or any place of public resort, accommodation, assemblage, or
3 amusement may require, directly or indirectly, any person to submit
4 to vaccination or immunization for COVID-19.

5 (4) (a) Every employer that was subject to proclamation 21-14 when
6 it was in effect must offer to restore to employment or compensate
7 for any lost wages due to firing for any employee or volunteer who
8 was terminated or resigned due to proclamation 21-14. Employees and
9 volunteers who choose to return to employment or volunteer work must
10 be provided with the same position, compensation, benefits, work
11 responsibilities, and all other similar rights and obligations, as
12 they maintained at the time of their separation from employment or
13 volunteer work under proclamation 21-14.

14 (b) Any employee who would be entitled to return to work under
15 this section, but who chooses not to exercise that right, is eligible
16 to receive benefits as defined in RCW 50.04.040, and as otherwise
17 consistent with chapter 50.04 RCW.

18 (c) (i) An employer that is subject to this act may not terminate
19 another employee to reopen the position of a person who is entitled
20 to employment or a volunteer position under this section.

21 (ii) This section may not be construed to protect an employee or
22 volunteer whose job or position was restored under this section from
23 being terminated or disciplined by his or her employer or supervisor
24 for unsatisfactory work conduct or any other reason unrelated to
25 proclamation 21-14.

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

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