

SENATE BILL REPORT

ESB 5005

As Amended by House, March 25, 2011

Title: An act relating to exemption from immunization.

Brief Description: Concerning exemption from immunization.

Sponsors: Senators Keiser, Honeyford, Pflug, Becker, Regala, Carrell, Hobbs, Nelson, Rockefeller, Shin and Chase.

Brief History:

Committee Activity: Health & Long-Term Care: 1/17/11, 1/19/11 [DP].

Passed Senate: 2/22/11, 35-11.

Passed House: 3/25/11, 66-29.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker, Ranking Minority Member; Carrell, Kline, Parlette, Pflug and Pridemore.

Staff: Rhoda Donkin (786-7465)

Background: Before the first day of school, students at Washington's public and private schools (preschool through 12th grade) and children attending licensed day care must provide proof of immunization against certain vaccine-preventable diseases as determined by the Washington State Board of Health (BOH). However, a parent or guardian may exempt a child for one of several reasons including if a physician advises against a specific vaccine for a child, parents certify that the vaccine conflicts with their religious beliefs, or parents certify that they have philosophical or personal objections to the child's immunization.

Under BOH rules, the required immunization schedule includes vaccinations against 11 diseases. Nearly all states allow medical and religious exemptions from their school immunization requirements. According to a 2005 Centers for Disease Control and Prevention report, 20 states allow exemptions based on philosophical or personal objections.

Summary of Engrossed Bill: Modifications are made to the certification, that a parent or guardian must present, to exempt a child from school immunization requirements. The form used to certify the exemption for either medical, religious, or personal objections must

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include a statement, signed by a health care practitioner, that the parent or guardian has been informed of the benefits and risks of the immunization to the child.

A health care practitioner is defined as a licensed physician, licensed naturopath, licensed physician assistant, or advanced registered nurse practitioner.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Exemptions from lifesaving vaccines should not be acts of convenience. This state has a higher rate of exemptions than the national average. This does not reflect the high rate people with strong philosophical or medical objections. It reflects the fact that getting an exemption is as easy as signing a simple form that releases a child from immunization. We are seeing an increase in diseases such as pertussis in areas of the state where vaccine rates are lower. This change in law is necessary so anyone seeking an exemption is informed of the consequences. Our state has to improve our vaccine rates and this is one way to do that.

CON: Parents shouldn't have to go through more hoops to exempt their child from the required vaccinations. These vaccines increase the heavy metals in the body and that is dangerous.

Persons Testifying: PRO: Beth Harvey, M.D. Wash Chapt. American Academy of Pediatrics; Karen Thies, School Nurse Organization of WA; Anthony Chen, WA Assn. Family Physicians; Mary Selecky, Secretary Department of Health; Dr. Steve Albrecht, WA Academy of Family Physicians.

CON: Ann Clifton, Mercury Awareness Team of Washington.

House Amendment(s):

- Liability protection is provided for health care practitioners who sign the new immunization forms.
- Health care practitioners may sign forms at any time before the enrollment of the child in a school or licensed day care.
- Photocopies of the signed form or a letter from the health care practitioner are allowed in lieu of the original form.
- A parent or legal guardian who exempts his or her child from immunization requirements because of religious beliefs is not required to have the form signed by a health care practitioner if they belong to a church with teachings that preclude a health professional from providing medical treatment to the child.