

# HOUSE BILL REPORT

## HB 2009

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**As Reported by House Committee On:**  
Health Care & Wellness

**Title:** An act relating to exemptions from immunizations.

**Brief Description:** Concerning exemptions from immunizations for school-age children.

**Sponsors:** Representatives Robinson, Johnson, Walkinshaw, Magendanz, Jinkins, Gregerson, Harris, Tarleton, Lytton, Riccelli, Cody, Tharinger, Senn, Kilduff, Stanford, Peterson, Moeller, Kagi, Takko, Moscoso, Wylie, Clibborn, Van De Wege, S. Hunt, Farrell, Pollet and Ryu.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/17/15, 2/18/15 [DP].

**Brief Summary of Bill**

- Eliminates the philosophical or personal objection exemption from child immunization requirements.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 10 members: Representatives Cody, Chair; Riccelli, Vice Chair; Harris, Assistant Ranking Minority Member; Clibborn, Jinkins, Johnson, Moeller, Robinson, Tharinger and Van De Wege.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Schmick, Ranking Minority Member; Caldier and Short.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives DeBolt and Rodne.

**Staff:** Alexa Silver (786-7190).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A child's attendance at a public or private school or licensed day care center is conditioned on presenting one of the following before the first day of attendance: (1) proof of full immunization; (2) proof of the initiation of and compliance with a schedule of immunization; or (3) a certificate of exemption. The stated purpose of the law is to protect the health of the public and individuals by providing a means for the eventual achievement of full immunization of school-age children against certain vaccine-preventable diseases. The Board of Health requires vaccination against chickenpox (Varicella), diphtheria, German measles (Rubella), haemophilus influenza type B disease, hepatitis B, measles (Rubeola), mumps, pneumococcal disease, polio (Poliomyelitis), tetanus, and whooping cough (Pertussis).

A child is exempt, in whole or in part, from immunization requirements upon presentation of one of the following:

- a written certification signed by a health care practitioner that a vaccine is not advisable for the child;
- a written certification signed by a parent or legal guardian that the signator's religious beliefs are contrary to the required immunization; or
- a written certification signed by a parent or legal guardian that the signator has either a philosophical or personal objection to immunization of the child.

Exemption forms must include a statement signed by a health care practitioner stating that he or she provided the signator with information about the benefits and risks of immunization to the child. This requirement does not apply if the parent or legal guardian demonstrates membership in a religious body or church in which the religious beliefs or teachings preclude a health care practitioner from providing medical treatment to the child. "Health care practitioner" means a licensed allopathic or osteopathic physician, naturopath, physician assistant, or advanced registered nurse practitioner.

According to the National Conference of State Legislatures, all states require specified vaccines for students and provide exemptions for medical reasons, all but two states grant exemptions based on religious beliefs, and 20 states grant exemptions because of personal, moral, or other beliefs.

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**Summary of Bill:**

The exemption from immunization for a philosophical or personal objection is eliminated.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

## **Staff Summary of Public Testimony:**

(In support) This bill will make schools safer and protect those in the community who cannot protect themselves. There are relatively high rates of unimmunized children in this state. The rate of kindergarteners who are fully vaccinated in Washington is 83 percent. This is one of the lowest rates in the country and is well below the rate to protect the public and children. The current exemption rate in Washington is 4.6 percent, more than triple the national rate, and over two-thirds are for personal belief exemptions. In some schools, the exemption rate is as high as 30 to 40 percent. Those schools are a tinder box for vaccine-preventable disease, which is spread easily in crowded settings. Children attending school should be protected from a preventable risk. There is a concern that some communities are losing their community immunity, which prevents individual cases from becoming epidemics. Washington is one of only 20 states that has a personal belief exemption. People choose not to vaccinate their children because of misinformation and pseudo-science, and the personal belief exemption is sometimes an easier option than gathering information and addressing concerns. Vaccines are safe and effective; they have saved millions of lives and have prevented suffering. Vaccines are subject to years of testing before they are licensed, and then they are continuously monitored through several systems. Without the personal belief exemption, more parents will talk to doctors about the benefits of vaccines. Stronger exemption laws lead to stronger immunization rates. The 2011 law requiring a health care provider's signature has not changed the rate of exemptions. The law in Mississippi works well, and Washington should follow their example.

Diseases that were eradicated are now coming back largely due to the fact that many are choosing not to immunize their children. The recent outbreak of measles is a reminder of the vulnerabilities of communities' health. It puts those who cannot be vaccinated, such as people with cancer, allergies, and immunodeficiencies, at risk. Many people do not realize how dangerous measles can be. It is a highly contagious, life-threatening disease that is spread by coughing, sneezing, and sharing food. One to three patients out of every thousand die. The measles, mumps, and rubella (MMR) vaccine works; after the first dose, 95 to 98 percent of people are protected, and the second dose protects 95 percent of that remaining 5 percent. If the United States does not do more to mandate vaccinations for all children, polio could return to this country. Children have come down with Pertussis, which they caught from unvaccinated children at school. There is no cure for Pertussis, and babies can die from it. Disease outbreaks increase costs to schools, public health, and the medical system. Local public health agencies are having to ramp up and respond to infectious disease outbreaks more often at a time when they are scrambling for resources.

(Opposed) This bill violates the medical ethic of informed consent. It takes away the right to informed decision-making and puts health care providers in the position of administering to people under duress. By removing this exemption, the state makes the risk-benefit assessment, but the decision whether to accept or decline a pharmaceutical product should remain an individual legal right. This bill takes the decision out of the parents' hands and represents a threat to their autonomy and their right to protect their children. Parents should be able to pick and choose among vaccines. Parents who choose not to vaccinate their children are well-informed, highly educated, higher income, and involved in their children's schools. They make the best decisions for their children. Rather than forcing parents who have studied and digested the science to go against their parental instinct, the Legislature

should encourage healthy decision-making and restore trust in government. This is a draconian measure that one would expect in a fascist state. A woman has the right to abort a child with a birth defect, and parents should be given a choice of medical procedures after babies are born, too.

There are no independent peer review studies free of conflict of interest that show the vaccine schedule is safe. Diseases have risks, but every vaccine carries risks, too. Parents should make medical decisions because they bear the burden of those risks. Vaccines do not always work, and they can cause the diseases they are meant to protect against. Vaccines also carry serious risks to life and health, including vasculitis, atypical measles, diabetes, low platelets, encephalitis, arthritis, autism, and major learning disabilities. Autism has been growing in America since the MMR vaccine was introduced. Peer-reviewed articles have been published on the harmful ingredients in vaccines. Aluminum, an ingredient in vaccines, can cause severe migraines. Even if the vaccine schedule is within the acceptable limits of exposure, it is not the only source of exposure. There are genetic factors that impact how a person responds to a vaccine. The state should not force toxins into children's blood, especially knowing there is a high risk of injury. This bill is a pharmaceutical company's dream. It will turn children into a captive market for vaccine manufacturers. There is no limit on the number of vaccines that could be required. Manufacturers will continue to be shielded from liability for injuries or deaths they cause. If a child is injured, damaged, or killed by a vaccine, the parent can only sue the government, not the pharmaceutical company.

Children caught measles in the 1960s along with other childhood diseases, and it built up their immune systems. It is unknown whether the media coverage of the measles outbreak is overblown or appropriate. It is difficult to worry about four cases of measles. Unimmunized children are healthy. The areas with the lowest rates of immunization have the lowest outbreaks of Pertussis. The mortality rates for vaccine-preventable diseases in the United States are low. Mississippi has the highest vaccination rate, but also the highest infant mortality rate.

An education is the right of every child, and children should receive a high quality education. This bill would exclude these children from all schools, licensed preschools, and licensed child care facilities. It unfairly discriminates against families with a particular set of values, unless they are founded in religion. In modern America, beliefs are not required to be grounded in religion. This bill will force parents to compromise their values, lie, move out of state, pull their children from schools, or go to jail.

**Persons Testifying:** (In support) Representative Robinson, prime sponsor; Ralph Munro; Kathy Hennessy; Dr. Beth Harvey; Todd Faubian, Within Reach; Dr. Kathy Lofy, Department of Health; and Dr. Frederick Chen, Washington State Medical Association.

(Opposed) Marisa Delisle; Hannah Nelson; Ziggy Siegfried; Grant Keller; Audrey Adams; Linda Lee; Josh Swenson; Melissa Garcia; Michael Belkin; Janelle Hall, National Vaccine Information Center; Breann Treffry; Lisa Pipella; Judy Fenton, Sound Choice Pharmaceutical Institute; and Sonja Wright.

**Persons Signed In To Testify But Not Testifying:** Kelly Mainig; Erin Collins; Dannie Wit; J. Bombara; Catherine Barashkoff; Andrea Stein; Rick Barnes; Victoria Harper; Karl Kanthak; Karen Leago; Christine Hartman; and Angela Ander.