

EHB 1638 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED 04/17/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
4 read as follows:

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

21 (2) Proof of disease immunity through documentation of laboratory
22 evidence of antibody titer or a health care provider's attestation of
23 a child's history of a disease sufficient to provide immunity against
24 that disease constitutes proof of immunization for that specific
25 disease.

26 (3)(a) Beginning with sixth grade entry, every public and private
27 school in the state shall provide parents and guardians with
28 information about meningococcal disease and its vaccine at the
29 beginning of every school year. The information about meningococcal
30 disease shall include:

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

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

7 (b) This subsection shall not be construed to require the
8 department of health or the school to provide meningococcal
9 vaccination to students.

10 (c) The department of health shall prepare the informational
11 materials and shall consult with the office of superintendent of
12 public instruction.

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

14 ~~((3))~~ (4) (a) Beginning with sixth grade entry, every public
15 school in the state shall provide parents and guardians with
16 information about human papillomavirus disease and its vaccine at the
17 beginning of every school year. The information about human
18 papillomavirus disease shall include:

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

22 (ii) Current recommendations from the United States centers for
23 disease control and prevention regarding the receipt of vaccines for
24 human papillomavirus disease and where the vaccination can be
25 received.

26 (b) This subsection shall not be construed to require the
27 department of health or the school to provide human papillomavirus
28 vaccination to students.

29 (c) The department of health shall prepare the informational
30 materials and shall consult with the office of the superintendent of
31 public instruction.

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

33 ~~((4))~~ (5) Private schools are required by state law to notify
34 parents that information on the human papillomavirus disease prepared
35 by the department of health is available.

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

38 (1) Any child shall be exempt in whole or in part from the
39 immunization measures required by RCW 28A.210.060 through 28A.210.170

1 upon the presentation of any one or more of the certifications
2 required by this section, on a form prescribed by the department of
3 health:

4 (a) A written certification signed by a health care practitioner
5 that a particular vaccine required by rule of the state board of
6 health is, in his or her judgment, not advisable for the child:
7 PROVIDED, That when it is determined that this particular vaccine is
8 no longer contraindicated, the child will be required to have the
9 vaccine;

10 (b) A written certification signed by any parent or legal
11 guardian of the child or any adult in loco parentis to the child that
12 the religious beliefs of the signator are contrary to the required
13 immunization measures; or

14 (c) A written certification signed by any parent or legal
15 guardian of the child or any adult in loco parentis to the child that
16 the signator has either a philosophical or personal objection to the
17 immunization of the child. A philosophical or personal objection may
18 not be used to exempt a child from the measles, mumps, and rubella
19 vaccine.

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

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

31 (c) Any parent or legal guardian of the child or any adult in
32 loco parentis to the child who exempts the child due to religious
33 beliefs pursuant to subsection (1) (b) of this section is not required
34 to have the form provided for in (a) of this subsection signed by a
35 health care practitioner if the parent or legal guardian demonstrates
36 membership in a religious body or a church in which the religious
37 beliefs or teachings of the church preclude a health care
38 practitioner from providing medical treatment to the child.

39 (3) For purposes of this section, "health care practitioner"
40 means a physician licensed under chapter 18.71 or 18.57 RCW, a

1 naturopath licensed under chapter 18.36A RCW, a physician assistant
2 licensed under chapter 18.71A or 18.57A RCW, or an advanced
3 registered nurse practitioner licensed under chapter 18.79 RCW.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.216
5 RCW to read as follows:

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

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

12 (b) Proof of immunity from measles through documentation of
13 laboratory evidence of antibody titer or a health care provider's
14 attestation of the person's history of measles sufficient to provide
15 immunity against measles.

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

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

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

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

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

ADOPTED 04/17/2019

1 On page 1, line 2 of the title, after "diseases;" strike the
2 remainder of the title and insert "amending RCW 28A.210.080 and
3 28A.210.090; adding a new section to chapter 43.216 RCW; and creating
4 a new section."

EFFECT: (1) Removes the provision allowing a child to be exempt from vaccine requirements if the child has a parent or sibling with a history of immune system problems or an adverse reaction to a particular vaccine.

(2) Removes provisions that exempt individuals from further vaccination if they fail to mount a positive antibody response following a complete vaccine series.

(3) Removes the grandfather clause for high school students who currently hold a personal exemption.

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