

SENATE BILL REPORT

SB 5667

As of January 20, 2022

Title: An act relating to the possession and use of forged and falsified COVID-19 vaccination documents.

Brief Description: Concerning the possession and use of forged and falsified COVID-19 vaccination documents.

Sponsors: Senators Salomon, Hunt, Keiser, Mullet, Van De Wege and Wellman.

Brief History:

Committee Activity: Law & Justice: 1/24/22.

Brief Summary of Bill

- Creates a misdemeanor crime to knowingly exhibit, display, or otherwise offer as genuine, fraudulent proof of vaccination against COVID-19.
- Creates a class C felony crime to knowingly sell, offer or expose for sale, or otherwise transfer, or possess with the intent to do the same, a document, printed form, or other writing which falsely purports to be proof of vaccination against COVID-19.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: In Washington, over 5 million individuals, or about 71 percent of Washington's total population who are five years old or older, have been fully vaccinated against COVID-19. These individuals, along with those who have received their first dose of the COVID-19 vaccine, are given a small white card with a federal logo showing the vaccine type, the number of doses received, the date of each vaccine dose, and the healthcare professional or clinic site providing the vaccine dose. Widespread vaccination

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remains the primary means available to protect the Washington State health care system, avoid the return to stringent public health measures, and pull the state out of the COVID-19 pandemic.

Under normal circumstances, COVID-19 vaccination cards are distributed by authorized health care providers to vaccine recipients at the time the recipient receives a COVID-19 vaccine. Since August 2021, U.S. Customs and Border Protection officers have seized thousands of fraudulent COVID-19 vaccination cards at international mail facilities and at express consignment carrier facilities.

On August 20, 2021, Governor Jay Inslee signed Proclamation 21-14.1 which, in part and with some exceptions, prohibits the following:

- any worker from engaging in work for a state agency if the worker has not been fully vaccinated against COVID-19;
- any state agency from permitting any worker to engage in work for the agency if the worker has not been fully vaccinated against COVID-19 and provided proof as required;
- any worker from engaging in work for the operator of an educational setting if the worker has not been fully vaccinated against COVID-19;
- any operator of an educational setting from permitting a worker to engage in work for the operator if the worker has not been fully vaccinated against COVID-19 and provided proof as required;
- any health care provider from failing to be fully vaccinated against COVID-19 after October; and
- any operator of a health care setting from permitting a health care provider to engage in work for the operator as an employee, contractor, or volunteer in their capacity as a health care provider if the health care provider has not been fully vaccinated against COVID-19 and provided proof thereof as required.

Providers who do not work in a health care setting must provide proof of vaccination to the operator of the facility in which the provider works, if any, or, if requested, to a lawful authority. A lawful authority includes, but is not limited to, law enforcement, local health jurisdiction, and the state Department of Health.

Though there is currently no state-wide mandate for patrons of private businesses to provide proof of vaccination status prior to entry, King County has implemented a vaccine requirement for restaurants, bars, indoor recreation, and large outdoor events, and Jefferson and Clallam Counties have implemented vaccine requirements for restaurants and bars.

Summary of Bill: An individual who with the intent to defraud, to exhibit, to display, or otherwise offer as genuine, fraudulent proof of COVID-19 vaccination status at any retail or service establishment open to the public or public space that requires proof of vaccination against COVID-19 as a condition of entry is guilty of a misdemeanor.

A misdemeanor is punishable by up to 90 days in jail, a \$1,000 fine, or both.

An individual who knowingly sells, offers or exposes for sale, or otherwise transfers, or possesses with the intent to do the same, a document, printed form, or other writing which falsely purports to be a verification issued by a governmental agency of a person having received one or more doses of a vaccine against COVID-19 is guilty of a class C felony.

A class C felony is punishable by up to five years in prison, a \$10,000 fine, or both.

Appropriation: None.

Fiscal Note: Requested on January 17, 2022.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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