
HOUSE BILL 1305

State of Washington

67th Legislature

2021 Regular Session

By Representatives Kraft, Young, Sutherland, Eslick, and Chase

Read first time 01/19/21. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the right to refuse vaccines and health-
2 related measures; adding a new section to chapter 70.54 RCW; and
3 declaring an emergency.

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

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

7 (1) Regardless of laws, rules, orders, or directives made or
8 promulgated in response to an emergency, including but not limited to
9 a national security emergency, statewide emergency, local or other
10 health emergency, or any peacetime emergency, and regardless of
11 existing laws and rules addressing outbreaks or potential outbreaks
12 or epidemics of a contagious, infectious, or communicable disease,
13 individuals retain the right to be free and independent and maintain
14 their inalienable and fundamental right of self-determination to make
15 their own health decisions, including but not limited to the right to
16 refuse the following health-related measures:

- 17 (a) Medical treatments or procedures;
18 (b) Testing;
19 (c) Physical or mental examination;
20 (d) Vaccination;
21 (e) Experimental procedures and protocols;

1 (f) Collection of specimens;

2 (g) Proving the adequate presence of titers or immunity;

3 (h) Participation in tracking or tracing programs;

4 (i) The wearing of masks;

5 (j) The maintaining of measured distance from other humans and
6 animals that is not otherwise unlawful;

7 (k) The involuntary sharing of personal data or medical
8 information; and

9 (1) Other recommended or mandated health-related measures.

10 (2) An individual who has been directed or ordered by a public or
11 private business or entity, or a government or its designees,
12 including but not limited to the secretary of health, a local health
13 officer, a sheriff or peace officer, a labor and industries agent or
14 officer, or any designee of such secretary, agent, or officer, to
15 submit to a directive or order as described in this subsection, may
16 choose: To decline, to comply, to respond to, or to participate with
17 said directive or order.

18 (3) The government or its designees, or other employers,
19 businesses, nonprofits, institutions, churches, travel carriers, or
20 other public or private entities, may not infringe upon, put
21 conditions on, restrict, or take away a person's ability to fully
22 participate in necessary and important services and lifestyle choices
23 and preferences including, but not limited to, employment, education,
24 religion, travel, sports, hobbies, entertainment, and lifestyle
25 preferences, based on a person choosing to decline health-related
26 measures as described in subsection (1) of this section.

27 (4) Only a person who has proven to be infected with a
28 communicable disease and exhibiting symptoms of that communicable
29 disease may be asked to participate in self-isolation or self-
30 quarantine procedures according to the department of health guidance.
31 No one may be mandated to participate in self-isolation or self-
32 quarantine or isolation or quarantine procedures.

33 (5) Regardless of existing isolation and quarantine laws, all
34 potential isolation or quarantine must be of the least restrictive
35 means possible, include reasonable notice and due process, be
36 protective of the right of the individual to remain in their home,
37 live with family members, friends, or significant others at all
38 times, and not require homes to be altered or renovated such as
39 adding additional bathrooms. The quarantining of a noninfected person
40 must be on a voluntary basis and may not be imposed for any reason

1 including evidence of contact or close proximity with an infected
2 person or third-party location data. Treatment, testing, tracking, or
3 prevention orders may not be imposed as a requirement for the ending
4 of isolation or quarantine of a person. A person in isolation or
5 quarantine has the right to utilize the health care treatments of
6 their choice and to have a consenting person of their choice with
7 them and attending their needs at all times. Quarantine or isolation
8 may not take away or alter the legal or medical custody of a person
9 who is under a parent, legal guardian, or durable power of attorney.
10 A minor child may not be forcibly removed from their parent, legal
11 guardian, or home.

12 (6) A person living in a long-term care facility may not be kept
13 in the facility against the person's will, or in the case of an
14 incapacitated person against the will of the person's durable power
15 of attorney or appointed guardian. A long-term care facility may
16 require the person or the person's durable power of attorney or
17 appointed guardian to sign a waiver of liability for leaving the
18 facility.

19 (7) Before a health care provider or an individual who has been
20 directed or ordered by a government or its designees, or a public or
21 private business or entity, including but not limited to a secretary
22 of health, a local health officer, a sheriff or peace officer, a
23 labor and industries official or agent, or any designee of such
24 secretary, agent, or officer, attempts to perform a health-related
25 measure included in an order or directive or requests participation
26 in a health-related measure that is included in an order or a
27 directive including but not limited to the health-related measures
28 listed in subsection (1) of this section, he or she shall notify the
29 person of his or her rights to not receive a health-related measure
30 or not to be subject to isolation as prescribed in this section by
31 reading aloud to him or her subsections (1) through (6) of this
32 section.

33 (a) If the person being ordered is a minor, subsections (1)
34 through (6) of this section must be read and provided in writing to
35 the minor's parent or legal guardian and to the minor if the minor is
36 over five years of age.

37 (b) If the person is an incapacitated individual living in a
38 long-term care facility, subsections (1) through (6) of this section
39 must be read and provided in writing to the individual and the
40 individual's durable power of attorney or appointed guardian.

1 (c) If the person is an individual with a developmental
2 disability that has the mental capacity of someone under 18,
3 subsections (1) through (6) of this section must be read and provided
4 in writing to the individual and the individual's parent, legal
5 guardian, or appointed guardian.

6 (8) A minor may only receive a vaccination if the minor's parent
7 or legal guardian has provided written consent.

8 (9) The provider, secretary, officer, or any designee shall also
9 obtain a signature of acknowledgment of receipt of the notification
10 required in subsection (7) of this section from any person who
11 declines to participate and:

12 (a) In the case of a minor, the minor's parent or legal guardian;

13 (b) In the case of an incapacitated individual living in a long-
14 term care facility, the individual's durable power of attorney or
15 appointed guardian;

16 (c) In the case of an individual with a developmental disability
17 that has the mental capacity of someone under 18, the individual's
18 parent, legal guardian, or appointed guardian.

19 (10) For purposes of this section, "individual" and "person"
20 includes adults and minor children.

21 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately.

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