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**SENATE BILL 5682**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators McCune, Fortunato, Padden, Short, J. Wilson, and L. Wilson

Prefiled 01/05/22. Read first time 01/10/22. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to protecting the freedom to choose whether to  
2 receive a COVID-19 vaccination; amending RCW 28A.210.090 and  
3 28A.210.090; adding a new section to chapter 43.70 RCW; providing an  
4 effective date; providing an expiration date; and declaring an  
5 emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.70  
8 RCW to read as follows:

9 Notwithstanding any laws or mandates issued by any government or  
10 private entity to the contrary, all citizens of the state have the  
11 freedom to choose whether to be vaccinated against COVID-19.

12 **Sec. 2.** RCW 28A.210.090 and 2019 c 362 s 2 are each amended to  
13 read as follows:

14 (1) Any child shall be exempt in whole or in part from the  
15 immunization measures required by RCW 28A.210.060 through 28A.210.170  
16 upon the presentation of any one or more of the certifications  
17 required by this section, on a form prescribed by the department of  
18 health:

19 (a) A written certification signed by a health care practitioner  
20 that a particular vaccine required by rule of the state board of

1 health is, in his or her judgment, not advisable for the child:  
2 PROVIDED, That when it is determined that this particular vaccine is  
3 no longer contraindicated, the child will be required to have the  
4 vaccine;

5 (b) A written certification signed by any parent or legal  
6 guardian of the child or any adult in loco parentis to the child that  
7 the religious beliefs of the signator are contrary to the required  
8 immunization measures; or

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

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

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

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

34 (3) For purposes of this section, "health care practitioner"  
35 means a physician licensed under chapter 18.71 or 18.57 RCW, a  
36 naturopath licensed under chapter 18.36A RCW, a physician assistant  
37 licensed under chapter 18.71A or 18.57A RCW, or an advanced  
38 registered nurse practitioner licensed under chapter 18.79 RCW.

39 (4) Notwithstanding any conditions for exemption provided in this  
40 section, if the COVID-19 vaccine is added to the list of required

1 vaccinations, any parent or legal guardian of the child or any adult  
2 in loco parentis to the child may exempt the child from the  
3 requirement for any reason using a form prescribed by the department  
4 of health.

5 **Sec. 3.** RCW 28A.210.090 and 2020 c 80 s 27 are each amended to  
6 read as follows:

7 (1) Any child shall be exempt in whole or in part from the  
8 immunization measures required by RCW 28A.210.060 through 28A.210.170  
9 upon the presentation of any one or more of the certifications  
10 required by this section, on a form prescribed by the department of  
11 health:

12 (a) A written certification signed by a health care practitioner  
13 that a particular vaccine required by rule of the state board of  
14 health is, in his or her judgment, not advisable for the child:  
15 PROVIDED, That when it is determined that this particular vaccine is  
16 no longer contraindicated, the child will be required to have the  
17 vaccine;

18 (b) A written certification signed by any parent or legal  
19 guardian of the child or any adult in loco parentis to the child that  
20 the religious beliefs of the signator are contrary to the required  
21 immunization measures; or

22 (c) A written certification signed by any parent or legal  
23 guardian of the child or any adult in loco parentis to the child that  
24 the signator has either a philosophical or personal objection to the  
25 immunization of the child. A philosophical or personal objection may  
26 not be used to exempt a child from the measles, mumps, and rubella  
27 vaccine.

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

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

1 (c) Any parent or legal guardian of the child or any adult in  
2 loco parentis to the child who exempts the child due to religious  
3 beliefs pursuant to subsection (1)(b) of this section is not required  
4 to have the form provided for in (a) of this subsection signed by a  
5 health care practitioner if the parent or legal guardian demonstrates  
6 membership in a religious body or a church in which the religious  
7 beliefs or teachings of the church preclude a health care  
8 practitioner from providing medical treatment to the child.

9 (3) For purposes of this section, "health care practitioner"  
10 means a physician licensed under chapter 18.71 or 18.57 RCW, a  
11 naturopath licensed under chapter 18.36A RCW, a physician assistant  
12 licensed under chapter 18.71A RCW, or an advanced registered nurse  
13 practitioner licensed under chapter 18.79 RCW.

14 (4) Notwithstanding any conditions for exemption provided in this  
15 section, if the COVID-19 vaccine is added to the list of required  
16 vaccinations, any parent or legal guardian of the child or any adult  
17 in loco parentis to the child may exempt the child from the  
18 requirement for any reason using a form prescribed by the department  
19 of health.

20 NEW SECTION. Sec. 4. Sections 1 and 2 of this act are necessary  
21 for the immediate preservation of the public peace, health, or  
22 safety, or support of the state government and its existing public  
23 institutions, and take effect immediately.

24 NEW SECTION. Sec. 5. Section 3 of this act takes effect July 1,  
25 2022.

26 NEW SECTION. Sec. 6. Section 2 of this act expires July 1,  
27 2022.

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