
HOUSE BILL 2626

State of Washington

66th Legislature

2020 Regular Session

By Representatives Eslick, Dent, McCaslin, Kraft, Sutherland, Shea, Jenkin, and Young

1 AN ACT Relating to providing a limited informed consent exemption
2 to state vaccination requirements; amending RCW 28A.210.080 and
3 43.216.690; adding a new chapter to Title 70 RCW; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** (1) A person or his or her dependent or
7 dependent child is exempt from any immunization requirement imposed
8 by any law, rule, or order, including as a condition of employment,
9 school attendance, professional licensure, or educational
10 certification or degree, unless:

11 (a) The vaccine has been licensed for use by the United States
12 food and drug administration;

13 (b) The vaccine product has been evaluated for its long-term
14 potential to cause cancer, impair fertility, mutate genes, or cause
15 autoimmune, neurological, or any other chronic or serious adverse
16 effects;

17 (c) The pivotal clinical trial relied upon by the United States
18 food and drug administration for approval of the vaccine product has
19 been evaluated for its safety:

20 (i) For no less than three years after the vaccine product is
21 administered; and

- 1 (ii) Against a control group that received:
2 (A) A true placebo; or
3 (B) Another vaccine product approved by the United States food
4 and drug administration based on a pivotal clinical trial that has
5 evaluated the safety of that vaccine product against a control group
6 that received a true placebo;
7 (d) Studies have been conducted to determine what injuries and
8 health conditions are caused by the vaccine product when administered
9 alone as well as with other state-mandated vaccines;
10 (e) The risk of permanent disability and death from the vaccine
11 product has been proven to be less than that caused by the disease it
12 is intended to prevent;
13 (f) The infection targeted by the vaccine product is readily
14 transmissible person-to-person in a public setting; and
15 (g) The vaccine product has been proven to prevent person-to-
16 person transmission of the target infection.
17 (2) The exemption in subsection (1) of this section may be known
18 as the "informed consent exemption" and may be exercised by any
19 person on behalf of himself or herself or his or her dependent or
20 dependent child without any precondition or other requirement.
21 (3) For purposes of this section, "true placebo" means an inert
22 substance such as saline, with no pharmacological or immunological
23 action.

24 **Sec. 2.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
25 read as follows:

26 (1) (~~The~~) Except as provided in section 1 of this act, the
27 attendance of every child at every public and private school in the
28 state and licensed day care center shall be conditioned upon the
29 presentation before or on each child's first day of attendance at a
30 particular school or center, of proof of either (a) full
31 immunization, (b) the initiation of and compliance with a schedule of
32 immunization, as required by rules of the state board of health, or
33 (c) a certificate of exemption as provided for in RCW 28A.210.090.
34 The attendance at the school or the day care center during any
35 subsequent school year of a child who has initiated a schedule of
36 immunization shall be conditioned upon the presentation of proof of
37 compliance with the schedule on the child's first day of attendance
38 during the subsequent school year. Once proof of full immunization or
39 proof of completion of an approved schedule has been presented, no

1 further proof shall be required as a condition to attendance at the
2 particular school or center.

3 (2) (a) Beginning with sixth grade entry, every public and private
4 school in the state shall provide parents and guardians with
5 information about meningococcal disease and its vaccine at the
6 beginning of every school year. The information about meningococcal
7 disease shall include:

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

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

14 (b) This subsection shall not be construed to require the
15 department of health or the school to provide meningococcal
16 vaccination to students.

17 (c) The department of health shall prepare the informational
18 materials and shall consult with the office of superintendent of
19 public instruction.

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

21 (3) (a) Beginning with sixth grade entry, every public school in
22 the state shall provide parents and guardians with information about
23 human papillomavirus disease and its vaccine at the beginning of
24 every school year. The information about human papillomavirus disease
25 shall include:

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

29 (ii) Current recommendations from the United States centers for
30 disease control and prevention regarding the receipt of vaccines for
31 human papillomavirus disease and where the vaccination can be
32 received.

33 (b) This subsection shall not be construed to require the
34 department of health or the school to provide human papillomavirus
35 vaccination to students.

36 (c) The department of health shall prepare the informational
37 materials and shall consult with the office of the superintendent of
38 public instruction.

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

1 (4) Private schools are required by state law to notify parents
2 that information on the human papillomavirus disease prepared by the
3 department of health is available.

4 **Sec. 3.** RCW 43.216.690 and 2019 c 362 s 3 are each amended to
5 read as follows:

6 (1) Except as provided in section 1 of this act and subsection
7 (2) of this section, a child day care center licensed under this
8 chapter may not allow on the premises an employee or volunteer, who
9 has not provided the child day 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.** Section 1 of this act constitutes a new
37 chapter in Title 70 RCW.

1 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

--- END ---