

# SENATE BILL REPORT

## SHB 2706

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As of February 18, 2010

**Title:** An act relating to exemption from immunization.

**Brief Description:** Concerning exemption from immunization.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Bailey, Driscoll, Johnson, Morrell, Hinkle, Green and Kenney; by request of Governor Gregoire).

**Brief History:** Passed House: 2/11/10, 82-15.

**Committee Activity:** Health & Long-Term Care: 2/18/10.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Rhoda Donkin (786-7465)

**Background:** By the first day of school, children attending either public or private school, or licensed daycare in Washington must provide proof of immunization against certain contagious diseases as determined by the Washington State Board of Health (BOH). However, a parent or guardian may submit a certification form to exempt a child partially or completely if a physician certified that a particular vaccine is not advisable for the child, or the parent or guardian submits a religious, personal, or philosophical objection to the child's immunization.

Under the BOH rules, the required school immunization schedule includes vaccination against 11 diseases: diptheria, tetanus, whooping cough, polio, measles, German measles, mumps, chickenpox, hepatitis B, influenza type B, and pneumococcal disease.

Nearly all states allow medical and religious exemptions from their school immunization requirements. There are 20 states allowing exemptions based on philosophical objections, according to the Centers for Disease Control and Prevention report covering 2007-2008.

**Summary of Bill:** The certification form used to exempt a child from school immunization requirements is revised, beginning with forms used on or after the bill's effective date. The form must include a statement to be signed by a health care practitioner stating that the individual requesting the exemption was counseled by the practitioner on the risks and benefits of immunization.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The following practitioners besides physicians are permitted to provide a medical exemption with certification of counseling to patients on vaccine risks and benefits: naturopaths, physician assistants, and advanced registered nurse practitioners.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This state has one of the most liberal vaccine exemption statutes in the country. At a time when we are trying to increase immunization rates, we must make sure that our exemption process is being used only for medical reasons and issues of conviction, not convenience. We have made it easier to get an exemption than to get a vaccination. This is wrong. This bill gives parents the opportunity to be fully informed about the risks and benefits of vaccines from health care providers who have the best interest of children in mind. Parents need good information. This bill will provide a critical step toward increasing our vaccine rate. Most of the school districts in the state are now linked to the Department of Health's Child Profile. This is going to help school nurses keep track of immunizations.

CON: This bill further railroads parents into getting vaccines. We don't need more vaccines. We need safer ones. All this does is force parents to vaccinate their children if they want them to attend school. It requires a visit to a health care practitioner, which costs money, if parents don't want to vaccinate. This is unconstitutional. We are against privatizing vaccine policy in this state. It is wrong to ask health care practitioners, who have a vested interest in making money from health care, to be the ones to provide information about the pros and cons of vaccines. Parents need access to independent studies so they can make safe and informed decisions about vaccinating their children.

**Persons Testifying:** PRO: Dr. Beth Harvey, Washington Chapter American Academy of Pediatrics; Sydney Smith Zvara, Association of Washington Health Care Plans; Dr. Susan Powell, Community Health Care; Lynn Nelson, School Nurse Organization of Washington; Teresa Mosqueda, Children's Alliance; Jonathan Seib, Governor's Policy Office; Mary Selecky, Department of Health.

CON: Ann Clifton, Mercury Awareness Team; Shelby Shrauner, Voice of the Future, Children's Advocacy Alliance.