

# HOUSE BILL REPORT

## ESB 5005

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### As Reported by House Committee On: Health Care & Wellness

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

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

**Sponsors:** Senators Keiser, Honeyford, Pflug, Becker, Regala, Carrell, Hobbs, Nelson, Rockefeller, Shin and Chase.

#### **Brief History:**

##### **Committee Activity:**

Health Care & Wellness: 3/9/11, 3/16/11 [DPA].

#### **Brief Summary of Engrossed Bill (As Amended by House)**

- Requires the form used to exempt a child from school immunizations to include a statement, to be signed by a health care practitioner, that immunization information on the benefits and risks to the child has been provided to the parent or legal guardian.
- Excuses certain parents or legal guardians from the requirement to have the statement on the exemption form signed by a health care practitioner if the parent or legal guardian demonstrates membership in a church in which the religious beliefs preclude a health care practitioner from providing medical treatment.
- Provides civil liability protection to health care practitioners who sign a statement that immunization information on the benefits and risks to the child has been provided to the parent or legal guardian.

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#### **HOUSE COMMITTEE ON HEALTH CARE & WELLNESS**

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Cody, Chair; Jinkins, Vice Chair; Bailey, Clibborn, Green, Kelley, Moeller and Van De Wege.

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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.*

**Minority Report:** Do not pass. Signed by 2 members: Representatives Schmick, Ranking Minority Member; Harris.

**Staff:** Morgan Powell (786-7119) and Chris Cordes (786-7103).

**Background:**

State law requires school children and children in licensed day care centers to provide proof of immunization against certain vaccine-preventable diseases. The stated purpose of the law is to promote the protection of the health of the public and individuals by providing a means for the eventual achievement of full immunization of school-age children against these diseases.

The Washington State Board of Health (Board) has adopted requirements, which specify the immunizations all children must receive before entering schools, preschools, and day care. However, a child will be exempt in whole or in part from the immunizations measures required by the Board when one of the following certifications is submitted:

- a written certification signed by a physician stating that a particular vaccine is not advisable for the child (Once such vaccine is no longer contraindicated the child will be required to be vaccinated.);
- a written certification signed by any parent or legal guardian of the child stating that the signator has religious beliefs contrary to the required immunization measures; or
- a written certification signed by any parent or legal guardian of the child stating the signator has philosophical or personal objections to the immunization.

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**Summary of Amended Bill:**

The form used to exempt a child from school immunization requirements must include a statement, to be signed by a health care practitioner, that immunization information about the benefits and risks to the child was provided to the parent or legal guardian signing the immunization exemption.

The form may be signed at any time prior to the child's enrollment in school or licensed day care.

Photocopies of the form, or a letter from the health care practitioner, referencing the child's name, may be used in lieu of the form.

This change applies to forms used on or after the bill's effective date.

Civil liability protection is extended to health care practitioners who, in good faith, sign a statement that immunization information on the benefits and risks to the child has been provided to the parent or legal guardian.

A parent or legal guardian exempting a child from school immunization requirements because of religious beliefs is not required to have the statement on the exemption form

signed by a health care practitioner if the parent or legal guardian demonstrates membership in a religious body or church in which the religious beliefs or teachings preclude a health care practitioner from providing medical treatment to the child.

In addition to physicians, all health care practitioners are permitted to sign the written certification stating that a particular vaccine is not advisable for the child.

A health care practitioner is defined as a licensed physician, licensed naturopath, licensed physician assistant, or a licensed advanced registered nurse practitioner.

**Amended Bill Compared to Engrossed Bill:**

The amended bill:

- provides liability protection to health care practitioners who, in good faith, sign the immunization exemption forms stating that immunization information on the benefits and risks to the child has been provided to the parent or legal guardian;
- allows a health care practitioner to sign the form stating that immunization information on the benefits and risks to the child has been provided to the parent or legal guardian at any time prior to the enrollment of the child in a school or licensed day care;
- allows photocopies of the form or a letter referencing the child's name to be accepted in lieu of the original form; and
- excuses any parent who is exempting a child from immunization because of religious beliefs from the requirement to have the form signed by a health care practitioner, if the parent demonstrates membership in a religious body or church in which the religious beliefs or teachings preclude a health care practitioner from providing medical treatment to the child.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The state has one of the highest exemption rates in the country regarding immunization from certain vaccine-preventable diseases. School-age children are exposed to diseases that immunizations can eradicate. Non-immunized children put other children at risk. A majority of parents are obtaining exemptions of required immunizations for philosophical reasons because getting an exemption is easier than locating medical records and scheduling an appointment to receive the required immunization for their child. Exemptions that require a signature from a health care practitioner will help make claiming an exemption a decision based less on convenience. There are large public health costs, and costs to families, when an outbreak of a vaccine-preventable disease occurs.

(Opposed) The bill pressures individuals to comply with state mandated vaccinations by requiring a signature by a health care practitioner in order to get an exemption from such vaccinations. The bill undermines parental rights to religious and philosophical vaccination exemptions. Similar bills have been defeated and deemed unconstitutional. If the bill passes, the law will inevitably be challenged in court and waste taxpayer's dollars. It is important that a parent be able to choose how, when, and if their child gets vaccinated without meeting with a doctor. Medical providers pressure parents to vaccinate children despite medical reasons to refrain from receiving vaccinations. The bill imposes upon the parent the expense and inconvenience of vaccine education, which has often times already been reviewed. Most parents seeking exemptions have done countless hours of research on the issue. Many doctors advocate for vaccines which creates a conflict of interest when requiring a signature from a health care practitioner for any exemption. Doctors do not routinely allow free meet and greet sessions, so parents have to pay to get the required signature for the waiver from immunizations. The bill does not require a health care practitioner to sign the form. Some doctors are opposed to providing care to children who do not receive vaccinations. If doctors are unwilling to sign, the exemptions are essentially eliminated.

**Persons Testifying:** (In support) Senator Keiser, prime sponsor; Maxine Hayes, Department of Health; Gary Goldbaum, Washington State Association of Local Public Health Officers; Nigel Turner, Tacoma-Pierce County Health Department; Julie Weinberg, Washington State Nurses Association; and Lynn Nelson, School Nurse Organization of Washington.

(Opposed) Ezra Eickemeyer, National Vaccine Information Center; DiAnna Brannan, Christian Homeschool Network; Julaine Hall; Janelle Hall, Talk About Curing Autism; Terese Raney; Dawson Raney; and Audrey Adams.

**Persons Signed In To Testify But Not Testifying:** More than 20 persons signed in. Please see committee staff for information.