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**HOUSE BILL 1305**

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**State of Washington 67th Legislature 2021 Regular Session**

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

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

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

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

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

(a) Medical treatments or procedures;

(b) Testing;

(c) Physical or mental examination;

(d) Vaccination;

(e) Experimental procedures and protocols;

(f) Collection of specimens;

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

(h) Participation in tracking or tracing programs;

(i) The wearing of masks;

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

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

(l) Other recommended or mandated health-related measures.

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

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

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

(5) Regardless of existing isolation and quarantine laws, all potential isolation or quarantine must be of the least restrictive means possible, include reasonable notice and due process, be protective of the right of the individual to remain in their home, live with family members, friends, or significant others at all times, and not require homes to be altered or renovated such as adding additional bathrooms. The quarantining of a noninfected person must be on a voluntary basis and may not be imposed for any reason including evidence of contact or close proximity with an infected person or third-party location data. Treatment, testing, tracking, or prevention orders may not be imposed as a requirement for the ending of isolation or quarantine of a person. A person in isolation or quarantine has the right to utilize the health care treatments of their choice and to have a consenting person of their choice with them and attending their needs at all times. Quarantine or isolation may not take away or alter the legal or medical custody of a person who is under a parent, legal guardian, or durable power of attorney. A minor child may not be forcibly removed from their parent, legal guardian, or home.

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

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

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

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

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

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

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

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

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

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

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

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

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