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**SENATE BILL 5365**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Wagoner, Padden, Bailey, and Wilson, L.

AN ACT Relating to vaccination and antibody titer test notification; adding a new section to chapter 43.70 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature intends for this bill to be in honor of Holly Marie Stavola and inspired by New Jersey's "Holly's Law," which honors her memory. Holly died on February 4, 2000, of the sequela of encephalopathy--a well-recognized vaccine adverse event, listed on the federal vaccine injury table--which she developed following her second dose of the measles, mumps, and rubella (MMR) vaccine.

The legislature finds that Washington state rule allows for serologic proof of immunity based on positive antibody titer, signed by a health care provider, in lieu of state immunization requirements for school or day care attendance. Antibody titer can be attained through vaccination or natural exposure. With many vaccines, the primary dose or series may be sufficient for the development of positive antibody titer in the majority of the population, and exposure to subsequent doses may not be necessary to significantly improve protection of the individual. This act establishes a requirement for health care providers to notify individuals prior to vaccine administration of the option to obtain serologic proof of immunity in lieu of vaccination for all vaccines for which there is a licensed antibody titer test.

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

(1) Beginning January 1, 2020, a health care provider licensed under Title 18 RCW shall:

(a) Prior to administering any dose of any vaccine against a disease for which naturally acquired immunity may already exist in the individual and for which there is a licensed antibody titer test, notify the person to be immunized, or in the case of a child, the child's parent or legal guardian, or any adult in loco parentis to the child of the option to consent to an antibody titer test to determine whether or not the individual has developed positive antibody titer;

(b) Prior to administering a second or subsequent dose of any vaccine for which the primary dose or primary series may be sufficient for the development of positive antibody titer in the majority of the population and for which there is a licensed antibody titer test, notify the person to be immunized, or in the case of a child, the child's parent or legal guardian, or any adult in loco parentis to the child of the option to consent to an antibody titer test to determine whether or not the individual has developed positive antibody titer in response to a previously administered dose or series of the vaccine, or intervening natural infection; and

(c) Prior to administering any vaccine or antibody titer test, notify the person to be immunized, or in the case of a child, the child's parent or legal guardian, or any adult in loco parentis to the child that there is no state requirement for vaccination or serologic proof of immunity for any individual of any age other than for the attendance of a child at public or private school, or a licensed day care center in this state, and that in those settings exemptions from state immunization requirements are available, as described in RCW 28A.210.090.

(2) Documented laboratory evidence of a positive antibody titer obtained via a licensed antibody titer test constitutes serologic proof of immunity and satisfies the state immunization requirement for that disease for school or day care attendance.

(3) The board shall adopt rules necessary for the implementation of this section.

(4) The following definitions apply throughout this section:

(a) "Antibody titer test" means a test to measure the presence and amount of antibodies in a serum sample against a particular antigen as serologic proof of immunity.

(b) "Health care provider" means any licensed health care professional or public or private health care facility in this state that administers vaccines.

NEW SECTION. **Sec.**  This act may be known and cited as the vaccine consumer protection act.

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