

# HOUSE BILL REPORT

## EHB 1638

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### As Amended by the Senate

**Title:** An act relating to promoting immunity against vaccine preventable diseases.

**Brief Description:** Promoting immunity against vaccine preventable diseases.

**Sponsors:** Representatives Harris, Stonier, Robinson, Macri, Jenkins, Cody, Thai, Davis, Appleton, Doglio, Frame, Stanford, Bergquist, Santos and Tarleton.

### Brief History:

#### Committee Activity:

Health Care & Wellness: 2/8/19, 2/15/19 [DP].

#### Floor Activity:

Passed House: 3/5/19, 57-40.

Senate Amended.

Passed Senate: 4/17/19, 25-22.

### Brief Summary of Engrossed Bill

- Removes the philosophical or personal objection exemption for the measles, mumps, and rubella vaccine.
- Clarifies that a child may be exempt from mandatory vaccine requirements if he or she has a parent or sibling with a history of immune system problems or an adverse reaction to a particular vaccine.
- Allows proof of disease immunity through laboratory evidence or history of disease to substitute for immunization.
- Clarifies that an individual who fails to mount a positive antibody response following a complete vaccine series is exempt from further vaccination.
- Requires employees and volunteers at child day care centers to receive the measles, mumps, and rubella vaccine, provide proof of immunity from the measles, or provide a certification that the vaccine is not medically advisable.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

*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.*

**Majority Report:** Do pass. Signed by 10 members: Representatives Cody, Chair; Macri, Vice Chair; Davis, Harris, Jinkins, Riccelli, Robinson, Stonier, Thai and Tharinger.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers and Maycumber.

**Minority Report:** Without recommendation. Signed by 1 member: Representative DeBolt.

**Staff:** Jim Morishima (786-7191).

## **Background:**

### I. Immunization Requirements.

A child is prohibited from attending a school or licensed day care center unless one of the following is presented prior to the child's first day: (1) proof of full immunization; (2) proof of the initiation and compliance with a schedule of immunization; or (3) a certificate of exemption. Full immunization includes vaccines for chickenpox, diphtheria, measles, German measles, haemophilus influenza type B disease, hepatitis B, mumps, pneumococcal disease, polio, tetanus, and whooping cough. The certificate of immunization status form published by the Department of Health allows laboratory evidence of immunity (titer) to substitute for the required immunization. The form also allows a verified history of chickenpox to substitute for the chickenpox vaccine.

### II. Immunization Exemptions.

There are three exemptions from the immunization requirement:

- The Medical Exemption: to claim a medical exemption, a written certification signed by a health care practitioner that a particular vaccine is not advisable for the child must be presented.
- The Religious Exemption: to claim a religious exemption, a written certification signed by a parent or legal guardian that the signator's religious beliefs are contrary to the required immunization must be presented.
- The Philosophical/Personal Exemption: to claim a philosophical/personal exemption, a written certification signed by a parent or legal guardian that the signator has either a philosophical or personal objection to immunization of the child must be presented.

An exemption form must also include a statement signed by a health care practitioner stating that he or she provided the signator with information about the benefits and risks of immunization, unless the parent or 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.

"Health care practitioner" is defined as a licensed allopathic or osteopathic physician, naturopath, physician assistant, or advanced registered nurse practitioner.

### III. Child Day Care Centers.

A child day care center is an agency that regularly provides early childhood education and early learning services to a group of children for periods of less than 24 hours. Child day care centers are licensed by the Department of Children, Youth, and Families.

### **Summary of Engrossed Bill:**

#### I. Immunization Requirements.

Proof of disease immunity through documentation of laboratory evidence of antibody titer or a health care provider's attestation of a child's history of a disease sufficient to provide immunity against that disease constitutes proof of immunization for that specific disease. Individuals who fail to mount a positive antibody response following a complete vaccine series must be considered non-responders and further vaccination may not be required.

#### II. Immunization Exemptions.

For the medical exemption, the reasons for which a health care practitioner may certify that a vaccine is not advisable for a child include, but are not limited to, if the child has a biological parent, brother, or sister, with a documented history of immune system problems or a documented adverse reaction to a particular vaccine required by the State Board of Health (Board).

In addition to the medical, religious, and philosophical/personal exemptions, a child is exempt from the immunization requirements upon presentment of a written certification signed by a parent, guardian, or adult in local parentis that the child has a biological parent or sibling with either of the following, documented by a health care practitioner:

- a history of immune system problems sufficient to make a particular vaccine contraindicated for the child under guidance issued by the United States Centers for Disease Control and Prevention (CDC); or
- an adverse reaction to a particular vaccine required by the State Board of Health sufficient to make the particular vaccine contraindicated for the child under guidance issued by the CDC.

A philosophical/personal objection may not be used to exempt a child from the measles, mumps, and rubella (MMR) vaccine.

The validity of an exemption held by a high school student prior to the effective date of the act is unaffected and remains valid while the student is enrolled in high school.

#### III. Child Day Care Centers.

A child day care center may not allow on the premises an employee or volunteer who has not provided the day care center with immunization records indicating that he or she has received the MMR vaccine or proof of immunity from measles through documentation of antibody titer or a history of measles sufficient to provide immunity against the disease.

The child day care center may allow a person to be employed or volunteer on the premises for 30 days if the person signs a written attestation that he or she has received the MMR

vaccine or is immune, but needs additional time to obtain the required documentation. Additionally, the child day care center may allow a person to be employed or volunteer on the premises if he or she provides the child day care center with a written certification signed by a health care practitioner that the MMR vaccine is not advisable for the person.

The child day care center must maintain the required documentation regarding the immunization or exemption of its employees and volunteers in its personnel files.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment removes the following provisions:

- the prohibition against requiring further vaccination for individuals who fail to mount a positive antibody response following a complete vaccination series;
- the list of examples of reasons for which a health care practitioner may certify that a vaccine is not advisable for a child;
- the new exemption created in the underlying bill for children who have biological parents or siblings with immune system problems or adverse reactions to vaccines;  
and
- the statement that the bill does not affect the validity of a pre-existing exemption held by a high school student while the student is enrolled in high school.

**Appropriation:** None.

**Fiscal Note:** Available.

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

#### **Staff Summary of Public Testimony:**

(In support) This issue crosses all lines. The measles outbreak in Washington is larger and faster than any in history. Measles can spread quickly leaving the vulnerable unprotected. Adverse health impacts of measles can include hearing loss, pneumonia, encephalitis, or even death. Measles is also extraordinarily contagious. Measles is a serious cause of death for children worldwide. The current measles outbreak is diverting needed health care and community resources. People are afraid of going out in public. People who have compromised immune systems depend on the rest of us to stay safe; this is known as community or herd immunity. Ninety-five percent of people need to be vaccinated to achieve community immunity. People who choose not to be vaccinated are putting infants and cancer survivors at risk. The measles vaccine is 97 percent effective; adverse effects are rare. The measles vaccine has no relation to autism. States with tighter exemptions to the vaccine have fewer infections. Most of the people who were infected in this current outbreak were unvaccinated; this was a preventable outbreak.

(Opposed) Vaccines are classified as unavoidably unsafe. This is not a one in a million issue. Ten to 15 percent of people can be adversely affected by vaccines. The consequences can include encephalitis and even death. More kids die from vaccines themselves than measles. The number of deaths from the measles is overstated and the number of deaths from vaccines

is understated. This is deliberate. Vaccine manufacturers are protected from legal liability under federal law. Congress is in the thrall of the vaccine manufacturers. Eliminating vaccine exemptions puts a large minority of people at risk. The problem is not low vaccination rates, it is high vaccination rates. Measles is no longer dangerous because of modern health care. Infants are already protected because of passive immunity. Prior to the measles vaccine, immunity rates were already high. Washington already has high vaccination rates, but ignores the unintended consequences of this type of bill. States that have removed the personal exemption do not have 100 percent vaccination rates. Removing exemptions will force people to go underground. Vaccines are not perfect products. Not everyone who receives a vaccine will become immune, so you cannot achieve herd immunity through vaccines. People who come from outside of the country cause outbreaks. Disease control is the key. This bill forces medical interventions on people without informed consent. The increase in the number of mandatory vaccines has caused an explosion of diseases, including food allergies and autism. Vaccines are not subject to double-blind placebo studies and have inadequate safety testing. People who object to vaccines are not free riders; they are people with strongly held objections to vaccines.

**Persons Testifying:** (In support) Representative Harris, prime sponsor; Representative Stonier; John Wiesman, Department of Health; Rupin Thakkar, American Academy of Pediatrics; Roy Magnusson, PeaceHealth System; John Blom, Clarke County Health Department; and Gary Goldbaum.

(Opposed) Toni Bark; Brian Hooker, Focus for Health; Robert Kennedy, Children's Health Defense Fund; and Mary Holland, New York University School of Law.

**Persons Signed In To Testify But Not Testifying:** Susie Corgan; Jaclyn Galion; Bernadette Pajer; Nicole Sadowski; Karl Kanthak; Jena Dalpez; Leah Houser; Andrea Stein; James Lyons-Weiler; Amber Moffitt; Christie Nadzieja; Sonja Huebner; Megan White; Eric Ranger; Launa Johnson; Amber Wood; Kate Bauwer; Timothy Webb; May Neagle; Jason Kinley; Tom Saeman; Paula Bryant-Trerise; Adalbert Jarzyna; Victor Carpenter; James Bryant-Trerise; Lacey Walter; Grant Keller; Radona Devereaux; Misty Flowers; Luke Yamaguchi; Cynthia Stewart; Andrea Tainter; Kelly Larson; Violet Lee; Anik St Martin; Marisa Corless; Brady Corless; Russell Clifton; Bernadette Pajer; Marin Corless; Camille Corless; Ralph Havens; Breana Sagdal; Erin Pattillo; Karen Rawlins; Ann Davis; Laurie Frear; Bethany Schoeff; Natalie Chavez; Janell Nunez; Kimberly Gibbs-Egan; Brian Thompson; Laurie Olson; Amy Markhoff; Ari Anthony; Lani Ladbon; Amanda Dangerfield; LeAnn Hollmuller; Amy Baron Hatch; Stephanie Wright; Erin Smith; Robert Runnells; and Krista Cooper.