

SENATE BILL REPORT

EHB 1638

As of March 29, 2019

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, Jinkins, Cody, Thai, Davis, Appleton, Doglio, Frame, Stanford, Bergquist, Santos and Tarleton.

Brief History: Passed House: 3/05/19, 57-40.

Committee Activity: Health & Long Term Care: 3/29/19.

Brief Summary of Bill

- Removes the philosophical or personal objection exemption for the measles, mumps, and rubella vaccine.
- Allows a child to be exempt from mandatory vaccine requirements if they have 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.
- Requires an individual who fails to mount a positive antibody response following a complete vaccine series be considered a non-responder and be 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.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Greg Attanasio (786-7410)

Background: 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

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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 to substitute for the required immunization. The form also allows a verified history of chickenpox to substitute for the chickenpox vaccine.

For a child to be exempt from all or part of the immunization requirement, one of the following must be presented:

- a written certification signed by a health care practitioner that a particular vaccine is not advisable for the child—the child must receive the vaccine if it ceases to be contraindicated;
- a written certification signed by a parent or legal guardian that the signator's religious beliefs are contrary to the required immunization; or
- 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.

An exemption form must also include a statement signed by a health care practitioner stating they 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.

Summary of Bill: 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.

Immunization Exemptions. For the medical exemption, the reasons a health care practitioner may certify a vaccine is not advisable for a child include 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.

In addition to the medical, religious, and philosophical or 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 or 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.

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 the person 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 the person 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 the person provides the 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 of the immunizations or exemptions of its employees and volunteers in its personnel files.

Appropriation: None.

Fiscal Note: Requested on March 27, 2019.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Low vaccination rates put immune compromised people at great risk. Due to the vaccination program, measles had been eliminated, but has resurfaced as vaccination rates dwindled. Public health dollars need to be diverted from other programs to fight preventable outbreaks. High vaccination rates help protect the most vulnerable children who cannot be vaccinated. Misinformation around vaccines is a huge public health concern.

CON: Vaccination rates are not dwindling and Clark County is not a hotspot for unvaccinated children. The outbreak has been contained and has only affected a small community. Removing the personal exemption would not have prevented this outbreak. The vaccination rate by sixth grade is very high. Eliminating the exemption will not increase rates of vaccination. The adult population has waning immunity to measles and there is no number of vaccinated children that can achieve herd immunity given the adult rates. Public health information is misleading the public about the risks of not being vaccinated. There is no need for a mandate. Removing healthy kids from school does not make immune compromised children any safer. Parents should not be forced to expose their children to risk.

Persons Testifying: PRO: John Wiesman, Secretary, Department of Health; Carey Morris, Early Learning Alliance; Marie DeBell, School Nurse; Temple Lentz, Clark County Council Member; Cydney Craft-Macomber, Mom; Alexis Nims, Washington State PTA.

CON: Karen Rawlins, citizen; Chris Fraser, citizen; Leah Houser, citizen; Karl Kanthak, citizen; Eric Oemig, citizen; Dr. Jason Kinley, citizen; Jena Dalpez, citizen; Rebekah Kauzlarich, citizen; Ralph Havens, citizen; Amber Eleazar, citizen; Kayloni Bonner, citizen; Kimberly Cancelosi, citizen; Erik Dauner, citizen; Margaret Tweet, citizen.

Persons Signed In To Testify But Not Testifying: CON: Vadim Yuryev, citizen; Aleksandr Korchemnyy, 1960; Tatyana Korchemnyy, 1961; Kamariah Wilson, citizen; Andrey Tokarenko, citizen; Cheryl Rode, citizen; Daniel Thompson, citizen; Nina Marko, citizen; Liubov Domashchenko, citizen; Daniil Avdeyev, citizen; Andrey Koren, Septima Trucking LLC; Svetlana Koren, citizen; Yevgeniya Taranova, citizen; Yevgeniy Taranov, citizen; Tevgeniya Taranova, citizen; Bethany Schafer, citizen; John Fredrick, citizen; Yvonne Fredrick, citizen; Hailey Descoteaux, citizen; Laurie Frear, citizen; Phyllis Hess, citizen; Julie Graves-LaForge, citizen; Mike Artemov, citizen; British Brown, citizen; Susie Corgan, citizen; Jaclyn Gallion, citizen; Drella Stein, citizen; Bernadette Pajer, citizen; Bonita Ott, citizen; Erin Kranzler, citizen; Jena Dalpez, citizen; Jared Zeff, citizen; Erin Westaway, citizen; Kate Bauwer, citizen; Pami Garrett, citizen; Megan White, citizen; Yelena Melnik, citizen; Karla Deal, citizen; Yekaterina Negro, citizen; Lana Andriyenko, citizen; Stacy Cossey, citizen; Nicole Rode; Charvel Condon, citizen; Inna Kulik, citizen; Leah Smart, citizen; Yuriy Sergeyevev, citizen; Irina Sipko, citizen; Mary Neagle, citizen; Vera Sergeyeva, citizen; Kristine Hubbs, Doctor; Rebecca Faust, citizen; Anna Nikulenko, citizen; Grant Keller, citizen; Robert Runnells, Risk Management Consultant; Mikkell Lee, citizen; Brienne Champneys, citizen; Joshua Champneys, citizen; Ryan Sweet, citizen; Nina Marko, citizen; Elly McCall, citizen; Philip Wilson, citizen; Lydia Babiy, citizen; Sarah Davis, citizen; Philip Wilson, citizen; Richard Carver, citizen; Miriah Sachs, citizen; Geoff Willson, citizen; Heather Konwent, citizen; Angela Weedon, citizen; Cynthia Choo, citizen; Misty Flowers, citizen; Brianne Johnson, citizen; Candace Ordonez, citizen; Jared Zeff, citizen; Naomi Gagnon, citizen; Katherine Holmes, citizen; Laurie Olson, Moms Across America, President of the Board; Janell Nunez, citizen; Elena Pshechenko, citizen; Megan Harrison, citizen; Lisa Kulik, citizen.