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HOUSE BILL 2092

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Shea, McCaslin, and Taylor

Read first time 02/13/17. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to regulating the content of the immunization  
2 exemption form by prohibiting the form from requiring detailed  
3 statements regarding objections to vaccination, prohibiting the form  
4 from requiring a declaration regarding potential risks, and requiring  
5 the form to indicate when a signator is exercising his or her freedom  
6 of religion; and amending RCW 28A.210.090.

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

8 **Sec. 1.** RCW 28A.210.090 and 2011 c 299 s 1 are each amended to  
9 read as follows:

10 (1) Any child shall be exempt in whole or in part from the  
11 immunization measures required by RCW 28A.210.060 through 28A.210.170  
12 upon the presentation of any one or more of the certifications  
13 required by this section, on a form prescribed by the department of  
14 health:

15 (a) A written certification signed by a health care practitioner  
16 that a particular vaccine required by rule of the state board of  
17 health is, in his or her judgment, not advisable for the child:  
18 PROVIDED, That when it is determined that this particular vaccine is  
19 no longer contraindicated, the child will be required to have the  
20 vaccine;

1 (b) A written certification signed by any parent or legal  
2 guardian of the child or any adult in loco parentis to the child that  
3 the religious beliefs of the signator are contrary to the required  
4 immunization measures; or

5 (c) A written certification signed by any parent or legal  
6 guardian of the child or any adult in loco parentis to the child that  
7 the signator has either a philosophical or personal objection to the  
8 immunization of the child.

9 (2)(a) Except as provided in (c) of this subsection, the form  
10 ((presented on or after July 22, 2011,)) must include a statement to  
11 be signed by a health care practitioner stating that he or she  
12 provided the signator with information about the benefits and risks  
13 of immunization to the child. The form may be signed by a health care  
14 practitioner at any time prior to the enrollment of the child in a  
15 school or licensed day care. Photocopies of the signed form or a  
16 letter from the health care practitioner referencing the child's name  
17 shall be accepted in lieu of the original form.

18 (b) A health care practitioner who, in good faith, signs the  
19 statement provided for in (a) of this subsection is immune from civil  
20 liability for providing the signature.

21 (c) Any parent or legal guardian of the child or any adult in  
22 loco parentis to the child who exempts the child due to religious  
23 beliefs pursuant to subsection (1)(b) of this section is not required  
24 to have the form provided for in (a) of this subsection signed by a  
25 health care practitioner ((if the parent or legal guardian  
26 demonstrates membership in a religious body or a church in which the  
27 religious beliefs or teachings of the church preclude a health care  
28 practitioner from providing medical treatment to the child)).

29 (3) The exemption form prepared by the department of health:

30 (a) May not require a signator to make detailed statements  
31 regarding his or her religious or philosophical objection to  
32 vaccination;

33 (b) May not require a signator to provide a declaration regarding  
34 the potential risks of exempting the child from immunization; and

35 (c) Must indicate for an exemption under subsection (1)(b) of  
36 this section that the signator is exercising his or her freedom of  
37 religion as guaranteed by the First Amendment to the United States  
38 Constitution and Article I, section 11 of the Washington state  
39 Constitution.

1        (4) For purposes of this section, "health care practitioner"  
2 means a physician licensed under chapter 18.71 or 18.57 RCW, a  
3 naturopath licensed under chapter 18.36A RCW, a physician assistant  
4 licensed under chapter 18.71A or 18.57A RCW, or an advanced  
5 registered nurse practitioner licensed under chapter 18.79 RCW.

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