

# FINAL BILL REPORT

## EHB 1638

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### PARTIAL VETO C 362 L 19 Synopsis as Enacted

**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.

**House Committee on Health Care & Wellness**  
**Senate Committee on Health & Long Term Care**

#### **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.

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*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.*

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:**

##### 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.

##### II. Immunization Exemptions.

A philosophical/personal objection may not be used to exempt a child from the measles, mumps, and rubella (MMR) vaccine. The Department of Health may adopt rules to implement the vaccination requirements.

##### 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.

#### **Votes on Final Passage:**

House	57	40	
Senate	25	22	(Senate amended)
House	56	40	(House concurred)

**Effective:** July 28, 2019

**Partial Veto Summary:** The Governor vetoed provisions that: (1) allow 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 to constitute proof of immunization for a specific disease; and (2) provide rulemaking authority to the Department of Health.