

# SENATE BILL REPORT

## SB 5365

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As Reported by Senate Committee On:  
Health & Long Term Care, February 22, 2019

**Title:** An act relating to vaccination and antibody titer test notification.

**Brief Description:** Concerning vaccination and antibody titer test notification.

**Sponsors:** Senators Wagoner, Padden, Bailey and Wilson, L..

**Brief History:**

**Committee Activity:** Health & Long Term Care: 2/22/19 [DP-WM, DNP, w/oRec].

**Brief Summary of Bill**

- Requires health care providers to notify individuals or their guardian prior to administering a vaccination of the option to consent to an antibody titer test and of the legal requirements for vaccination.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Bailey, Becker, Rivers and Van De Wege.

**Minority Report:** Do not pass.

Signed by Senators Dhingra and Keiser.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Frockt.

**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 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,

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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 that the practitioner 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.

An antibody titer test is a blood test that detects the presence and measures the amount of antibodies within a person's blood and can be used to determine whether a person has had an infection or is immune to a disease.

**Summary of Bill:** Beginning January 1, 2020, licensed health care providers must notify the person to be immunized, or in the case of a child, the child's parent or legal guardian:

- of the option to consent to an antibody titer test to determine whether or not the individual has developed immunity before administering any dose of vaccine against a disease for which naturally acquired immunity may already exist and for which an antibody titer test exists;
- of the option to consent to an antibody titer test before administering a second or subsequent dose of any vaccine for which a primary dose or primary series may be sufficient to develop immunity; and
- prior to administering any vaccine or antibody titer test, 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.

Documented laboratory evidence of a positive antibody titer obtained through 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.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: If you already have immunity for a disease you don't need a booster shot. Most people do not know the test is available and this bill simply requires that people be informed of this option. Additional doses of a vaccine for someone who already has immunity has no positive affect. It only creates a risk of an adverse event. Titer testing notification is a step toward personalized medicine and can save children from potential injury or death.

CON: Titer tests are only recommended in limited situations and only after the full series of vaccines. They are not available for all diseases and are not always reliable. Testing delays immunization and could reduce immunization rates.

**Persons Testifying:** PRO: Senator Keith Wagoner, Prime Sponsor; Susie Olson Corgan; Bernadette Pajer.

CON: Michele Roberts, Washington State Department of Health.

**Persons Signed In To Testify But Not Testifying:** No one.