S-3239.2

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**SENATE BILL 5681**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators McCune, Fortunato, Short, J. Wilson, and L. Wilson

AN ACT Relating to antibody tests for proof of natural immunity to novel coronavirus COVID-19; adding a new chapter to Title 49 RCW; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds Washingtonians are facing state and federal novel coronavirus COVID-19 vaccination requirements in the workplace that may result in termination for unvaccinated employees who are not granted medical or religious exemptions and accommodations by their employers. The legislature also finds that many Washingtonians who have exercised the right to decline vaccination may have developed natural immunity to novel coronavirus COVID-19, and that such immunity is superior to vaccination for preventing novel coronavirus COVID-19. A study by the Yale University school of public health found that immunity from vaccination against novel coronavirus COVID-19 waned far more rapidly than natural immunity. A Harvard University study conducted over 10 months found strong evidence that natural immunity is robust. Out of 4,615 Massachusetts health care workers examined in the study, the 423 who had a prior infection from novel coronavirus COVID-19 had zero subsequent reinfections observed whereas 49 health care workers who were fully vaccinated but had no prior infection experienced subsequent reinfection. Additionally, a Johns Hopkins University school of medicine study in conjunction with the national institute of allergy and infectious diseases found that T cell response to novel coronavirus COVID-19 in individuals infected with the initial viral variants fully recognized subsequent variants whereas immune protection from vaccines or antibody treatments were less protective against subsequent variants. Therefore, the legislature hereby finds that natural immunity from a prior infection from novel coronavirus COVID-19 verified by a subsequent antibody test will suffice for exemption from a novel coronavirus COVID-19 vaccination requirement in Washington.

NEW SECTION. **Sec.**  All county or state-supported novel coronavirus COVID-19 test sites under chapter 70.42 RCW must provide free novel coronavirus COVID-19 antibody testing for employees whose employers require proof of novel coronavirus COVID-19 vaccination.

NEW SECTION. **Sec.**  If a public or private employer requires proof of novel coronavirus COVID-19 vaccination, the employer must accept a positive novel coronavirus COVID-19 antibody test, which may not be required more than twice annually, as an alternative to proof of vaccination.

NEW SECTION. **Sec.**  Sections 1 through 3 and 5 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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