
SUBSTITUTE HOUSE BILL 1628

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Human Services (originally sponsored by Representatives Leonard, Dellwo, Riley, Rust, Valle, Brown, Karahalios, Flemming, Linville, Thibaudeau, Brough, Pruitt, Jones, Basich, King, Wang, Patterson, Johanson, Kessler, Bray, G. Cole, G. Fisher, Jacobsen, Locke, Sheldon, Rayburn, Cothorn, Wineberry, Voloria, Morris, J. Kohl, L. Johnson and Anderson)

Read first time 03/01/93.

1 AN ACT Relating to immunization; amending RCW 28A.210.070,
2 28A.210.080, 28A.210.110, 28A.210.120, and 28A.210.170; adding new
3 sections to chapter 43.70 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) There has been an increase in the number of children
7 contracting vaccine-preventable infectious diseases;

8 (2) This trend has occurred despite the availability of safe and
9 effective immunizations that can prevent these debilitating and life-
10 threatening diseases;

11 (3) Parents and guardians of children are often unaware of the need
12 for timely immunizations and the public health risks of the failure to
13 be properly immunized;

14 (4) Investments in childhood immunization generate significant
15 health care cost savings. For each dollar spent on immunization,
16 eleven dollars of health care expenditures are avoided.

17 The legislature declares that it is in the public health interest
18 of the people of the state of Washington that all children should be
19 properly immunized.

1 **Sec. 2.** RCW 28A.210.070 and 1990 c 33 s 191 are each amended to
2 read as follows:

3 As used in RCW 28A.210.060 through 28A.210.170:

4 (1) "Chief administrator" shall mean the person with the authority
5 and responsibility for the immediate supervision of the operation of a
6 school or (~~day care center~~) child care facility as defined in this
7 section or, in the alternative, such other person as may hereafter be
8 designated in writing for the purposes of RCW 28A.210.060 through
9 28A.210.170 by the statutory or corporate board of directors of the
10 school district, school, or (~~day care center~~) child care facility or,
11 if none, such other persons or person with the authority and
12 responsibility for the general supervision of the operation of the
13 school district, school or (~~day care center~~) child care facility.

14 (2) "Full immunization" shall mean immunization against certain
15 vaccine-preventable diseases in accordance with schedules and with
16 immunizing agents approved by the state board of health.

17 (3) "Local health department" shall mean the city, town, county,
18 district or combined city-county health department, board of health, or
19 health officer which provides public health services.

20 (4) "School" shall mean and include each building, facility, and
21 location at or within which any or all portions of a preschool,
22 kindergarten and grades one through twelve program of education and
23 related activities are conducted for two or more children by or in
24 behalf of any public school district and by or in behalf of any private
25 school or private institution subject to approval by the state board of
26 education pursuant to RCW 28A.305.130(6), 28A.195.010 through
27 28A.195.050, and 28A.410.120.

28 (5) "~~Day care center~~) Child care facility" shall mean an
29 individual or agency which regularly provides care for (~~a group of~~
30 ~~thirteen or more~~) children for periods of less than twenty-four hours
31 and is licensed pursuant to chapter 74.15 RCW.

32 (6) "Child" shall mean any person, regardless of age, in attendance
33 at a public or private school or a licensed (~~day care center~~) child
34 care facility.

35 **Sec. 3.** RCW 28A.210.080 and 1990 c 33 s 192 are each amended to
36 read as follows:

37 The attendance of every child at every public and private school in
38 the state and licensed (~~day care center~~) child care facility shall be

1 conditioned upon the presentation before or on each child's first day
2 of attendance at a particular school or (~~center~~) facility, of proof
3 of either (1) full immunization, (2) the initiation of and compliance
4 with a schedule of immunization, as required by rules of the state
5 board of health, or (3) a certificate of exemption as provided for in
6 RCW 28A.210.090. The attendance at the school or the (~~day-care~~
7 ~~center~~) child care facility during any subsequent school year of a
8 child who has initiated a schedule of immunization shall be conditioned
9 upon the presentation of proof of compliance with the schedule on the
10 child's first day of attendance during the subsequent school year.
11 Once proof of full immunization or proof of completion of an approved
12 schedule has been presented, no further proof shall be required as a
13 condition to attendance at the particular school or (~~center~~)
14 facility.

15 **Sec. 4.** RCW 28A.210.110 and 1991 c 3 s 291 are each amended to
16 read as follows:

17 A child's proof of immunization or certification of exemption shall
18 be presented to the chief administrator of the public or private school
19 or (~~day-care-center~~) child care facility or to his or her designee
20 for that purpose. The chief administrator shall:

21 (1) Retain such records pertaining to each child at the school or
22 (~~day-care-center~~) child care facility for at least the period the
23 child is enrolled in the school or attends such (~~center~~) facility;

24 (2) Retain a record at the school or (~~day-care-center~~) child care
25 facility of the name, address, and date of exclusion of each child
26 excluded from school or the (~~center~~) facility pursuant to RCW
27 28A.210.120 for not less than three years following the date of a
28 child's exclusion;

29 (3) File a written annual report with the department of health on
30 the immunization status of students or children attending the (~~day~~
31 ~~care-center~~) child care facility at a time and on forms prescribed by
32 the department of health; and

33 (4) Allow agents of state and local health departments access to
34 the records retained in accordance with this section during business
35 hours for the purposes of inspection and copying.

36 **Sec. 5.** RCW 28A.210.120 and 1990 c 33 s 196 are each amended to
37 read as follows:

1 It shall be the duty of the chief administrator of every public and
2 private school and (~~day care center~~) child care facility to prohibit
3 the further presence at the school or (~~day care center~~) child care
4 facility for any and all purposes of each child for whom proof of
5 immunization, certification of exemption, or proof of compliance with
6 an approved schedule of immunization has not been provided in
7 accordance with RCW 28A.210.080 and to continue to prohibit the child's
8 presence until such proof of immunization, certification of exemption,
9 or approved schedule has been provided. The exclusion of a child from
10 a school shall be accomplished in accordance with rules of the state
11 board of education. The exclusion of a child from a (~~day care~~
12 ~~center~~) child care facility shall be accomplished in accordance with
13 rules of the department of social and health services. Prior to the
14 exclusion of a child, each school or (~~day care center~~) child care
15 facility shall provide written notice to the parent(s) or legal
16 guardian(s) of each child or to the adult(s) in loco parentis to each
17 child, who is not in compliance with the requirements of RCW
18 28A.210.080. The notice shall fully inform such person(s) of the
19 following: (1) The requirements established by and pursuant to RCW
20 28A.210.060 through 28A.210.170; (2) the fact that the child will be
21 prohibited from further attendance at the school unless RCW 28A.210.080
22 is complied with; (3) such procedural due process rights as are
23 hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170,
24 as appropriate; and (4) the immunization services that are available
25 from or through the local health department and other public agencies.

26 **Sec. 6.** RCW 28A.210.170 and 1990 c 33 s 200 are each amended to
27 read as follows:

28 The department of social and health services shall and is hereby
29 empowered to adopt rules pursuant to chapter 34.05 RCW which establish
30 the procedural and substantive due process requirements governing the
31 exclusion of children from (~~day care centers~~) child care facilities
32 pursuant to RCW 28A.210.120.

33 NEW SECTION. **Sec. 7.** (1) Effective July 1, 1993, in coordination
34 with any federal or local funding currently dedicated to this purpose,
35 the secretary shall establish up to five demonstration projects for the
36 purpose of increasing immunization utilization rates among preschool
37 children.

1 (a) The projects shall be established to identify the most
2 effective, cost-efficient, and least burdensome manner to increase
3 immunization rates. They shall be structured in a manner to permit the
4 evaluation of different approaches to enhance timely immunization
5 utilization rates among preschool children.

6 (b) The projects also shall be utilized to demonstrate the
7 feasibility and efficacy of the components of a state-wide registry
8 system as provided in section 8 of this act.

9 (c) In selecting demonstration project sites, the secretary shall
10 select sites in both rural and urban areas of the state and in areas
11 east and west of the Cascade mountains.

12 (2) The secretary shall undertake an effort to coordinate and
13 disseminate information regarding existing local efforts to increase
14 immunization rates among preschool children. The department shall
15 include local government, health care providers, and interested
16 organizations in this effort.

17 NEW SECTION. **Sec. 8.** The secretary shall establish a state-wide
18 registry for immunization tracking and recall. In selecting a system
19 of registry, the secretary shall consult with the federal centers for
20 disease control for partnership in a national registry. The goals of
21 the registry shall be to:

22 (1) Track the immunization status of all children in Washington
23 state, on a geographic and demographic basis;

24 (2) Allow easy access by public and private immunization providers,
25 so that they can determine the immunization status of children in their
26 care;

27 (3) Facilitate the provision of personalized periodic immunization
28 reminders to parents; and

29 (4) Incorporate the use of existing computer and data processing
30 capabilities of the department, local public health departments and
31 districts, and health care providers to the greatest extent
32 practicable.

33 NEW SECTION. **Sec. 9.** The department shall implement a sustained
34 public education campaign to increase immunization awareness and
35 increase utilization of immunization services. The campaign shall be
36 directed to parents and guardians of preschool children, child care

1 providers, health care providers, and other appropriate population
2 groups.

3 (1) The department may contract with a private nonprofit
4 organization to conduct the media campaign.

5 (2) The department shall make every effort to utilize existing
6 information, materials, and resources, and shall actively seek federal,
7 local, and private cash or in-kind matching funds or grants for the
8 public awareness campaign.

9 NEW SECTION. **Sec. 10.** Sections 1 and 7 through 9 of this act are
10 each added to chapter 43.70 RCW.

11 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately.

--- END ---