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**SENATE BILL 5365**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Wagoner, Padden, Bailey, and Wilson, L.

Read first time 01/18/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to vaccination and antibody titer test  
2 notification; adding a new section to chapter 43.70 RCW; and creating  
3 new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature intends for this bill to  
6 be in honor of Holly Marie Stavola and inspired by New Jersey's  
7 "Holly's Law," which honors her memory. Holly died on February 4,  
8 2000, of the sequela of encephalopathy--a well-recognized vaccine  
9 adverse event, listed on the federal vaccine injury table--which she  
10 developed following her second dose of the measles, mumps, and  
11 rubella (MMR) vaccine.

12 The legislature finds that Washington state rule allows for  
13 serologic proof of immunity based on positive antibody titer, signed  
14 by a health care provider, in lieu of state immunization requirements  
15 for school or day care attendance. Antibody titer can be attained  
16 through vaccination or natural exposure. With many vaccines, the  
17 primary dose or series may be sufficient for the development of  
18 positive antibody titer in the majority of the population, and  
19 exposure to subsequent doses may not be necessary to significantly  
20 improve protection of the individual. This act establishes a  
21 requirement for health care providers to notify individuals prior to

1 vaccine administration of the option to obtain serologic proof of  
2 immunity in lieu of vaccination for all vaccines for which there is a  
3 licensed antibody titer test.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70  
5 RCW to read as follows:

6 (1) Beginning January 1, 2020, a health care provider licensed  
7 under Title 18 RCW shall:

8 (a) Prior to administering any dose of any vaccine against a  
9 disease for which naturally acquired immunity may already exist in  
10 the individual and for which there is a licensed antibody titer test,  
11 notify the person to be immunized, or in the case of a child, the  
12 child's parent or legal guardian, or any adult in loco parentis to  
13 the child of the option to consent to an antibody titer test to  
14 determine whether or not the individual has developed positive  
15 antibody titer;

16 (b) Prior to administering a second or subsequent dose of any  
17 vaccine for which the primary dose or primary series may be  
18 sufficient for the development of positive antibody titer in the  
19 majority of the population and for which there is a licensed antibody  
20 titer test, notify the person to be immunized, or in the case of a  
21 child, the child's parent or legal guardian, or any adult in loco  
22 parentis to the child of the option to consent to an antibody titer  
23 test to determine whether or not the individual has developed  
24 positive antibody titer in response to a previously administered dose  
25 or series of the vaccine, or intervening natural infection; and

26 (c) Prior to administering any vaccine or antibody titer test,  
27 notify the person to be immunized, or in the case of a child, the  
28 child's parent or legal guardian, or any adult in loco parentis to  
29 the child that there is no state requirement for vaccination or  
30 serologic proof of immunity for any individual of any age other than  
31 for the attendance of a child at public or private school, or a  
32 licensed day care center in this state, and that in those settings  
33 exemptions from state immunization requirements are available, as  
34 described in RCW 28A.210.090.

35 (2) Documented laboratory evidence of a positive antibody titer  
36 obtained via a licensed antibody titer test constitutes serologic  
37 proof of immunity and satisfies the state immunization requirement  
38 for that disease for school or day care attendance.

1 (3) The board shall adopt rules necessary for the implementation  
2 of this section.

3 (4) The following definitions apply throughout this section:

4 (a) "Antibody titer test" means a test to measure the presence  
5 and amount of antibodies in a serum sample against a particular  
6 antigen as serologic proof of immunity.

7 (b) "Health care provider" means any licensed health care  
8 professional or public or private health care facility in this state  
9 that administers vaccines.

10 NEW SECTION. **Sec. 3.** This act may be known and cited as the  
11 vaccine consumer protection act.

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