

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1638**

Chapter 362, Laws of 2019

(partial veto)

66th Legislature  
2019 Regular Session

MEASLES, MUMPS, AND RUBELLA VACCINE--SCHOOLS AND DAY CARE CENTERS

EFFECTIVE DATE: July 28, 2019

Passed by the House April 23, 2019  
Yeas 56 Nays 40

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 17, 2019  
Yeas 25 Nays 22

CYRUS HABIB

**President of the Senate**

Approved May 10, 2019 10:36 AM with the  
exception of sections 1 and 4, which  
are vetoed.

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the  
House of Representatives of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED HOUSE BILL 1638** as passed  
by the House of Representatives and  
the Senate on the dates hereon set  
forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 13, 2019

**Secretary of State  
State of Washington**

---

ENGROSSED HOUSE BILL 1638

---

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

**State of Washington                      66th Legislature                      2019 Regular Session**

**By** Representatives Harris, Stonier, Robinson, Macri, Jinkins, Cody, Thai, Davis, Appleton, Doglio, Frame, Stanford, Bergquist, Santos, and Tarleton

Read first time 01/25/19. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to promoting immunity against vaccine preventable  
2 diseases; amending RCW 28A.210.080 and 28A.210.090; adding a new  
3 section to chapter 43.216 RCW; and creating a new section.

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

5            ***\*Sec. 1. RCW 28A.210.080 and 2007 c 276 s 1 are each amended to***  
6 ***read as follows:***

7            ***(1) Except as provided in subsection (2) of this section, the***  
8 ***attendance of every child at every public and private school in the***  
9 ***state and licensed day care center shall be conditioned upon the***  
10 ***presentation before or on each child's first day of attendance at a***  
11 ***particular school or center, of proof of either (a) full***  
12 ***immunization, (b) the initiation of and compliance with a schedule of***  
13 ***immunization, as required by rules of the state board of health, or***  
14 ***(c) a certificate of exemption as provided for in RCW 28A.210.090.***  
15 ***The attendance at the school or the day care center during any***  
16 ***subsequent school year of a child who has initiated a schedule of***  
17 ***immunization shall be conditioned upon the presentation of proof of***  
18 ***compliance with the schedule on the child's first day of attendance***  
19 ***during the subsequent school year. Once proof of full immunization or***  
20 ***proof of completion of an approved schedule has been presented, no***

1 further proof shall be required as a condition to attendance at the  
2 particular school or center.

3 (2) Proof of disease immunity through documentation of laboratory  
4 evidence of antibody titer or a health care provider's attestation of  
5 a child's history of a disease sufficient to provide immunity against  
6 that disease constitutes proof of immunization for that specific  
7 disease.

8 (3)(a) Beginning with sixth grade entry, every public and private  
9 school in the state shall provide parents and guardians with  
10 information about meningococcal disease and its vaccine at the  
11 beginning of every school year. The information about meningococcal  
12 disease shall include:

13 (i) Its causes and symptoms, how meningococcal disease is spread,  
14 and the places where parents and guardians may obtain additional  
15 information and vaccinations for their children; and

16 (ii) Current recommendations from the United States centers for  
17 disease control and prevention regarding the receipt of vaccines for  
18 meningococcal disease and where the vaccination can be received.

19 (b) This subsection shall not be construed to require the  
20 department of health or the school to provide meningococcal  
21 vaccination to students.

22 (c) The department of health shall prepare the informational  
23 materials and shall consult with the office of superintendent of  
24 public instruction.

25 (d) This subsection does not create a private right of action.

26 ~~((3))~~ (4)(a) Beginning with sixth grade entry, every public  
27 school in the state shall provide parents and guardians with  
28 information about human papillomavirus disease and its vaccine at the  
29 beginning of every school year. The information about human  
30 papillomavirus disease shall include:

31 (i) Its causes and symptoms, how human papillomavirus disease is  
32 spread, and the places where parents and guardians may obtain  
33 additional information and vaccinations for their children; and

34 (ii) Current recommendations from the United States centers for  
35 disease control and prevention regarding the receipt of vaccines for  
36 human papillomavirus disease and where the vaccination can be  
37 received.

38 (b) This subsection shall not be construed to require the  
39 department of health or the school to provide human papillomavirus  
40 vaccination to students.

1           (c) *The department of health shall prepare the informational*  
2 *materials and shall consult with the office of the superintendent of*  
3 *public instruction.*

4           (d) *This subsection does not create a private right of action.*

5           (~~(4)~~) (5) Private schools are required by state law to notify  
6 *parents that information on the human papillomavirus disease prepared*  
7 *by the department of health is available.*

*\*Sec. 1 was vetoed. See message at end of chapter.*

8           **Sec. 2.** RCW 28A.210.090 and 2011 c 299 s 1 are each amended to  
9 read as follows:

10           (1) Any child shall be exempt in whole or in part from the  
11 immunization measures required by RCW 28A.210.060 through 28A.210.170  
12 upon the presentation of any one or more of the certifications  
13 required by this section, on a form prescribed by the department of  
14 health:

15           (a) A written certification signed by a health care practitioner  
16 that a particular vaccine required by rule of the state board of  
17 health is, in his or her judgment, not advisable for the child:  
18 PROVIDED, That when it is determined that this particular vaccine is  
19 no longer contraindicated, the child will be required to have the  
20 vaccine;

21           (b) A written certification signed by any parent or legal  
22 guardian of the child or any adult in loco parentis to the child that  
23 the religious beliefs of the signator are contrary to the required  
24 immunization measures; or

25           (c) A written certification signed by any parent or legal  
26 guardian of the child or any adult in loco parentis to the child that  
27 the signator has either a philosophical or personal objection to the  
28 immunization of the child. A philosophical or personal objection may  
29 not be used to exempt a child from the measles, mumps, and rubella  
30 vaccine.

31           (2) (a) The form presented on or after July 22, 2011, must include  
32 a statement to be signed by a health care practitioner stating that  
33 he or she provided the signator with information about the benefits  
34 and risks of immunization to the child. The form may be signed by a  
35 health care practitioner at any time prior to the enrollment of the  
36 child in a school or licensed day care. Photocopies of the signed  
37 form or a letter from the health care practitioner referencing the  
38 child's name shall be accepted in lieu of the original form.

1 (b) A health care practitioner who, in good faith, signs the  
2 statement provided for in (a) of this subsection is immune from civil  
3 liability for providing the signature.

4 (c) Any parent or legal guardian of the child or any adult in  
5 loco parentis to the child who exempts the child due to religious  
6 beliefs pursuant to subsection (1)(b) of this section is not required  
7 to have the form provided for in (a) of this subsection signed by a  
8 health care practitioner if the parent or legal guardian demonstrates  
9 membership in a religious body or a church in which the religious  
10 beliefs or teachings of the church preclude a health care  
11 practitioner from providing medical treatment to the child.

12 (3) For purposes of this section, "health care practitioner"  
13 means a physician licensed under chapter 18.71 or 18.57 RCW, a  
14 naturopath licensed under chapter 18.36A RCW, a physician assistant  
15 licensed under chapter 18.71A or 18.57A RCW, or an advanced  
16 registered nurse practitioner licensed under chapter 18.79 RCW.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.216  
18 RCW to read as follows:

19 (1) Except as provided in subsection (2) of this section, a child  
20 day care center licensed under this chapter may not allow on the  
21 premises an employee or volunteer, who has not provided the child day  
22 care center with:

23 (a) Immunization records indicating that he or she has received  
24 the measles, mumps, and rubella vaccine; or

25 (b) Proof of immunity from measles through documentation of  
26 laboratory evidence of antibody titer or a health care provider's  
27 attestation of the person's history of measles sufficient to provide  
28 immunity against measles.

29 (2)(a) The child day care center may allow a person to be  
30 employed or volunteer on the premises for up to thirty calendar days  
31 if he or she signs a written attestation that he or she has received  
32 the measles, mumps, and rubella vaccine or is immune from measles,  
33 but requires additional time to obtain and provide the records  
34 required in subsection (1)(a) or (b) of this section.

35 (b) The child day care center may allow a person to be employed  
36 or volunteer on the premises if the person provides the child day  
37 care center with a written certification signed by a health care  
38 practitioner, as defined in RCW 28A.210.090, that the measles, mumps,  
39 and rubella vaccine is, in the practitioner's judgment, not advisable

1 for the person. This subsection (2)(b) does not apply if it is  
2 determined that the measles, mumps, and rubella vaccine is no longer  
3 contraindicated.

4 (3) The child day care center shall maintain the documents  
5 required in subsection (1) or (2) of this section in the person's  
6 personnel record maintained by the child day care center.

7 (4) For purposes of this section, "volunteer" means a nonemployee  
8 who provides care and supervision to children at the child day care  
9 center.

10 **\*NEW SECTION. Sec. 4. The department of health may adopt rules**  
11 **necessary to implement RCW 28A.210.080 and 28A.210.090.**

**\*Sec. 4 was vetoed. See message at end of chapter.**

Passed by the House April 23, 2019.

Passed by the Senate April 17, 2019.

Approved by the Governor May 10, 2019, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 13, 2019.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 1 and 4,  
Engrossed House Bill No. 1638 entitled:

"AN ACT Relating to promoting immunity against vaccine  
preventable diseases."

Section 1 authorizes an exemption for proof of immunity based on an  
antibody test called a titer test. This provision is written too  
broadly because it applies to all vaccines, not just to Measles,  
Mumps, and Rubella (or MMR) and other conditions in which an antibody  
test is reliable. In addition, the Board of Health already allows the  
use of an antibody test for those vaccines in which the test is  
reliable, like MMR, so this provision is also unnecessary.

Section 4 contains a rulemaking clause that is unnecessary. Current  
law already permits the state Board of Health to perform these  
rulemaking functions, not the Department of Health as this section  
provides.

These minor changes will not disturb the substance of the bill.

For these reasons I have vetoed Sections 1 and 4 of Engrossed House  
Bill No. 1638.

With the exception of Sections 1 and 4, Engrossed House Bill No. 1638  
is approved."

--- END ---