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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

Prefiled 01/05/22. Read first time 01/10/22. Referred to Committee on Health & Long Term Care.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds Washingtonians are  
6 facing state and federal novel coronavirus COVID-19 vaccination  
7 requirements in the workplace that may result in termination for  
8 unvaccinated employees who are not granted medical or religious  
9 exemptions and accommodations by their employers. The legislature  
10 also finds that many Washingtonians who have exercised the right to  
11 decline vaccination may have developed natural immunity to novel  
12 coronavirus COVID-19, and that such immunity is superior to  
13 vaccination for preventing novel coronavirus COVID-19. A study by the  
14 Yale University school of public health found that immunity from  
15 vaccination against novel coronavirus COVID-19 waned far more rapidly  
16 than natural immunity. A Harvard University study conducted over 10  
17 months found strong evidence that natural immunity is robust. Out of  
18 4,615 Massachusetts health care workers examined in the study, the  
19 423 who had a prior infection from novel coronavirus COVID-19 had  
20 zero subsequent reinfections observed whereas 49 health care workers  
21 who were fully vaccinated but had no prior infection experienced

1 subsequent reinfection. Additionally, a Johns Hopkins University  
2 school of medicine study in conjunction with the national institute  
3 of allergy and infectious diseases found that T cell response to  
4 novel coronavirus COVID-19 in individuals infected with the initial  
5 viral variants fully recognized subsequent variants whereas immune  
6 protection from vaccines or antibody treatments were less protective  
7 against subsequent variants. Therefore, the legislature hereby finds  
8 that natural immunity from a prior infection from novel coronavirus  
9 COVID-19 verified by a subsequent antibody test will suffice for  
10 exemption from a novel coronavirus COVID-19 vaccination requirement  
11 in Washington.

12 NEW SECTION. **Sec. 2.** All county or state-supported novel  
13 coronavirus COVID-19 test sites under chapter 70.42 RCW must provide  
14 free novel coronavirus COVID-19 antibody testing for employees whose  
15 employers require proof of novel coronavirus COVID-19 vaccination.

16 NEW SECTION. **Sec. 3.** If a public or private employer requires  
17 proof of novel coronavirus COVID-19 vaccination, the employer must  
18 accept a positive novel coronavirus COVID-19 antibody test, which may  
19 not be required more than twice annually, as an alternative to proof  
20 of vaccination.

21 NEW SECTION. **Sec. 4.** Sections 1 through 3 and 5 of this act  
22 constitute a new chapter in Title 49 RCW.

23 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of  
25 the state government and its existing public institutions, and takes  
26 effect immediately.

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