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**SENATE BILL 5139**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Fortunato and McCune

AN ACT Relating to protecting the rights of Washington residents by ensuring individuals can decline an immunization or vaccination for COVID-19 and addressing workers terminated for refusing vaccination; and adding a new section to chapter 70.54 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 70.54 RCW to read as follows:

(1) No state agency or political subdivision of the state may enact or issue a rule, ordinance, order, or any similar policy that would result in an individual being required to submit to vaccination or immunization for COVID-19 despite his or her religious, philosophical, or personal objections.

(2) No state agency or political subdivision of the state may take any other action that would result in an individual being required to submit to vaccination or immunization for COVID-19 despite his or her religious, philosophical, or personal objections including, but not limited to, requiring vaccination or immunization for COVID-19 as a condition of employment, access to education, travel, entry to a public place, or contracting with a state agency or political subdivision.

(3) No employer, school or university, transportation provider, or any place of public resort, accommodation, assemblage, or amusement may require, directly or indirectly, any person to submit to vaccination or immunization for COVID-19.

(4)(a) Every employer that was subject to proclamation 21-14 when it was in effect must offer to restore to employment or compensate for any lost wages due to firing for any employee or volunteer who was terminated or resigned due to proclamation 21-14. Employees and volunteers who choose to return to employment or volunteer work must be provided with the same position, compensation, benefits, work responsibilities, and all other similar rights and obligations, as they maintained at the time of their separation from employment or volunteer work under proclamation 21-14.

(b) Any employee who would be entitled to return to work under this section, but who chooses not to exercise that right, is eligible to receive benefits as defined in RCW 50.04.040, and as otherwise consistent with chapter 50.04 RCW.

(c)(i) An employer that is subject to this act may not terminate another employee to reopen the position of a person who is entitled to employment or a volunteer position under this section.

(ii) This section may not be construed to protect an employee or volunteer whose job or position was restored under this section from being terminated or disciplined by his or her employer or supervisor for unsatisfactory work conduct or any other reason unrelated to proclamation 21-14.

(5) Any rule, ordinance, order, policy, or action enacted, issued, or taken in violation of this section is null and void as against the public policy of the state.

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