
SENATE BILL 5682

State of Washington

67th Legislature

2022 Regular Session

By Senator McCune

Prefiled 01/05/22.

1 AN ACT Relating to protecting the freedom to choose whether to
2 receive a COVID-19 vaccination; amending RCW 28A.210.090 and
3 28A.210.090; adding a new section to chapter 43.70 RCW; providing an
4 effective date; providing an expiration date; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.70
8 RCW to read as follows:

9 Notwithstanding any laws or mandates issued by any government or
10 private entity to the contrary, all citizens of the state have the
11 freedom to choose whether to be vaccinated against COVID-19.

12 **Sec. 2.** RCW 28A.210.090 and 2019 c 362 s 2 are each amended to
13 read as follows:

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

19 (a) A written certification signed by a health care practitioner
20 that a particular vaccine required by rule of the state board of

1 health is, in his or her judgment, not advisable for the child:
2 PROVIDED, That when it is determined that this particular vaccine is
3 no longer contraindicated, the child will be required to have the
4 vaccine;

5 (b) A written certification signed by any parent or legal
6 guardian of the child or any adult in loco parentis to the child that
7 the religious beliefs of the signator are contrary to the required
8 immunization measures; or

9 (c) A written certification signed by any parent or legal
10 guardian of the child or any adult in loco parentis to the child that
11 the signator has either a philosophical or personal objection to the
12 immunization of the child. A philosophical or personal objection may
13 not be used to exempt a child from the measles, mumps, and rubella
14 vaccine.

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

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

26 (c) Any parent or legal guardian of the child or any adult in
27 loco parentis to the child who exempts the child due to religious
28 beliefs pursuant to subsection (1)(b) of this section is not required
29 to have the form provided for in (a) of this subsection signed by a
30 health care practitioner if the parent or legal guardian demonstrates
31 membership in a religious body or a church in which the religious
32 beliefs or teachings of the church preclude a health care
33 practitioner from providing medical treatment to the child.

34 (3) For purposes of this section, "health care practitioner"
35 means a physician licensed under chapter 18.71 or 18.57 RCW, a
36 naturopath licensed under chapter 18.36A RCW, a physician assistant
37 licensed under chapter 18.71A or 18.57A RCW, or an advanced
38 registered nurse practitioner licensed under chapter 18.79 RCW.

39 (4) Notwithstanding any conditions for exemption provided in this
40 section, if the COVID-19 vaccine is added to the list of required

1 vaccinations, any parent or legal guardian of the child or any adult
2 in loco parentis to the child may exempt the child from the
3 requirement for any reason using a form prescribed by the department
4 of health.

5 **Sec. 3.** RCW 28A.210.090 and 2020 c 80 s 27 are each amended to
6 read as follows:

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

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

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

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

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

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

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

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

14 (4) Notwithstanding any conditions for exemption provided in this
15 section, if the COVID-19 vaccine is added to the list of required
16 vaccinations, any parent or legal guardian of the child or any adult
17 in loco parentis to the child may exempt the child from the
18 requirement for any reason using a form prescribed by the department
19 of health.

20 NEW SECTION. Sec. 4. Sections 1 and 2 of this act are necessary
21 for the immediate preservation of the public peace, health, or
22 safety, or support of the state government and its existing public
23 institutions, and take effect immediately.

24 NEW SECTION. Sec. 5. Section 3 of this act takes effect July 1,
25 2022.

26 NEW SECTION. Sec. 6. Section 2 of this act expires July 1,
27 2022.

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