



# AMERICAN ATHEISTS

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March 29, 2019

The Honorable Sen. Annette Cleveland  
Chair, Senate Health & Long Term Care Committee  
Senate Hearing Rm 4  
J.A. Cherberg Building  
Olympia, WA 98504-0466

**Re: AMEND WA HB 1638, Testimony from American Atheists regarding a bill to protect young people through vaccination**

Dear Chairperson Cleveland and Members of the Senate Health & Long Term Care Committee:

American Atheists, on behalf of its nearly 1,500 constituents in Washington, thanks you for considering the vitally important issue of vaccination for young people in Washington State. While HB 1638 is a step in the right direction, this bill does not do enough to close the loopholes that allow children to go unvaccinated. Vaccination is a vital public health issue, and therefore we urge you to amend this legislation in order to fulfill its life-saving purpose – to protect children in Washington from preventable disease.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of providers and institutions.

Washington, like most states, has public health statutes that require that children be vaccinated to attend school and licensed day care centers. However, Washington allows for exemptions from this general rule both for medical reasons and for religious, personal, or philosophical beliefs contrary to vaccination. While HB 1638 was originally intended to limit these exemptions for certain diseases, in its current form, the bill not only fails to effectively do so, but it actually creates new exemptions!

- 1) HB 1638 provides that a parent or caretaker’s personal or philosophical objection may not exempt a child from the measles, mumps, or rubella vaccine. We urge you to strike

this objection altogether – personal or philosophical objections should not allow one to endanger the health of their children nor others’ children. Washington is one of only 17 states that allow philosophical exemptions.<sup>1</sup> Moreover, there is no logical reason for limiting this objection only for these three diseases.

- 2) This bill does not currently amend the provision that allows parents and caretakers to exempt their children from vaccination requirements that are contrary to their religious beliefs. We urge you to strike this objection as well. If this loophole is not stricken, Washington parents who previously made a personal or philosophical objection will instead simply make a religious objection.
- 3) HB 1638 creates a new provision which allows a parent or caretaker, merely by self-certification, to declare that they have a family history of vaccination problems such that they should be exempt from vaccination requirements. Medical waivers should require the signature of a medical provider – they should not rely on hearsay, supposition, and supposed family history. This provision is unnecessary and duplicative - we urge you to strike it in its entirety.

Non-essential exemptions to immunization requirements endanger all children in order to accommodate the religious or philosophical beliefs of a few. Such exemptions are unacceptable from both a public health and moral perspective. Successful population immunity to disease depends upon a significant level of vaccination, as high as 95% for some diseases.<sup>2</sup> Because some people are unable to receive vaccination for medical reasons, it is therefore inappropriate and dangerous to allow for arbitrary compliance by the rest of the population. This is the reason that every state has laws requiring immunization to attend public school. These concerns are even more so true for day care centers, where staff are very likely to have contact with children who have not yet received their full course of vaccination.

The current loophole in Washington’s vaccination requirements put children at significant risk for contracting debilitating and potentially deadly infectious diseases. Children exempt from immunization requirements are more than 35 times more likely to contract measles<sup>3</sup> and nearly 6 times more likely to contract pertussis (whooping cough),<sup>4</sup> compared to immunized children.

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<sup>1</sup> National Conference of State Legislatures. (Jan. 1, 2019). States with Religious and Philosophical Exemptions from School Immunization Requirements. Available at <http://www.ncsl.org/research/health/school-immunization-exemption-state-laws.aspx>.

<sup>2</sup> Salathe, Marcel. (Feb. 3, 2015). *Why a few unvaccinated children are an even bigger threat than you think*. Washington Post. Available at [https://www.washingtonpost.com/posteverything/wp/2015/02/03/why-a-few-unvaccinated-children-are-an-even-bigger-threat-than-you-think/?utm\\_term=.69e466010275](https://www.washingtonpost.com/posteverything/wp/2015/02/03/why-a-few-unvaccinated-children-are-an-even-bigger-threat-than-you-think/?utm_term=.69e466010275).

<sup>3</sup> Salmon DA, Haber M, Gangarosa EJ, Phillips L, Smith NJ, Chen RT. (1999). *Health consequences of religious and philosophical exemptions from immunization laws: individual and societal risk of measles*. JAMA. 1999;282:47-53.

<sup>4</sup> Feikin DR, Lezotte DC, Hamman RF, Salmon DA, Chen RT, and Hoffman RE. (2007). *Individual and Community Risks of Measles and Pertussis Associated With Personal Exemptions to Immunization*. JAMA 2007;284:3145-3150.

According to the CDC, the opt-out rate for vaccination in Washington for nonmedical reasons in 2017-2018 was 3.9%, which is nearly double the national average of 2.0%.<sup>5</sup> In Clark County the vaccination rate is only 78%, with some schools in the county reporting rates below 40%.<sup>6</sup> Tragically, these lagging vaccination rates are likely responsible for the measles outbreak which prompted Governor Inslee to declare a state of emergency on January 25<sup>th</sup> of this year. The majority of cases documented were in children under the age of 10.<sup>7</sup>

History illustrates that outbreaks often occur in communities that are unsupportive of vaccination. For example, measles is a vaccine-preventable disease that has plagued multiple religious communities known to be either hesitant to vaccinate or completely against vaccination.<sup>8</sup> However, lawmakers have a responsibility to protect all youth, regardless of their religion or lack thereof. No young person should be subject to harm or illness based on the religious beliefs of their caretakers or their classmates.

Finally, we note that the religious and philosophical exemptions in Washington's vaccination law are not required by the US Constitution. A number of states, including California, Mississippi, and West Virginia do not allow for these types of religious exemptions. As the US Supreme Court has made clear, "The right to practice religion freely does not include liberty to expose the community or child communicable disease, or the latter to ill health or death.... Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they reached the age of full and legal discretion when they can make that choice for themselves."<sup>9</sup>

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<sup>5</sup> Mellerson JL, Maxwell CB, Knighton CL, Kriss JL, Seither R, Black CL. (2018). *Vaccination Coverage for Selected Vaccines and Exemption Rates Among Children in Kindergarten — United States, 2017–18 School Year*. MMWR Morb Mortal Wkly Rep 2018;67:1115–1122. DOI: <http://dx.doi.org/10.15585/mmwr.mm6740a3>.

<sup>6</sup> Washington State Dept. of Health. School Immunization Data Tables. Available at <https://www.doh.wa.gov/DataandStatisticalReports/HealthBehaviors/Immunization/SchoolReports/DataTables>.

<sup>7</sup> Lambert, J. (Feb. 8, 2019). Measles Cases Mount in Pacific Northwest Outbreak. NPR. Available at <https://www.npr.org/sections/health-shots/2019/02/08/692665531/measles-cases-mount-in-pacific-northwest-outbreak>.

<sup>8</sup> See, e.g., Genes, N. (June 20, 2006). *Measles in Boston: Collision of Church and State, Science and Journalism*. Medgadget. Available at [http://medgadget.com/2006/06/measles\\_in\\_bost.html](http://medgadget.com/2006/06/measles_in_bost.html); WebMD. (August 1, 2006). *Vaccination Fear Causes Measles Spate*. CBS News. Available at [http://www.cbsnews.com/2100-500368\\_162-1857987.html](http://www.cbsnews.com/2100-500368_162-1857987.html).

<sup>9</sup> *Prince v. Massachusetts*, 321 U.S. 158 (1944).

Thank you for considering this critical issue. We strongly urge you to amend HB 1638 in order to pass a law which will effectively protect Washington's children. If you should have any questions regarding American Atheists' position on this legislation, please contact me at 908.276.7300 x309 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'AG', with a long horizontal flourish extending to the right.

Alison Gill, Esq.  
Vice President, Legal and Policy  
American Atheists

cc: All Members of the Washington Senate Health & Long Term Care Committee