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June 18, 2019

Dear Medical Provider,

With the passage of HB 1638 removing the personal/philosophical exemption to the Measles, Mumps, and Rubella vaccine (MMR), questions have arisen regarding the other two exemptions available to families who had previously utilized the personal philosophical/exemption. The purpose of this letter is to clarify the two remaining exemptions and your role as medical provider in signing the exemption form after discussing the risks and benefits of vaccination with the parent or guardian of your patient.

First, the personal/philosophical exemption remains for all other vaccines on the childcare and school schedule. Second, the medical and religious exemptions remain unchanged for all vaccines, including the MMR. Families who previously utilized the personal/philosophical exemption may choose instead either the religious or medical exemption for their child(ren), whichever best fits the needs of their child(ren) and their personally held religious beliefs.

Families who exempt from one or more vaccines most often have multiple reasons for doing so. Those reasons may include personal, religious, and medical. Medical Exemptions are signed by a health care practitioner (MD, ND, PA, ARNP), stating that a particular vaccine or vaccines required by rule of the state board of health is, in his or her judgment, not advisable for the child. Religious Exemptions are also signed by a health care practitioner (MD, ND, PA, ARNP), stating that the practitioner has spoken to the parent/guardian about risks and benefits of vaccination.

Every citizen has the right to a religious exemption if vaccination violates their personal religious beliefs. In Exec. Order No. 13798 § 4, 82 Fed. Reg. 21675 (May 4, 2017), the United States Attorney General wrote: The freedom of religion is a fundamental right of paramount importance, expressly protected by federal law. Religious liberty is enshrined in the text of our Constitution and in numerous federal statutes. It encompasses the right of all Americans to exercise their religion freely, without being coerced to join an established church or to satisfy a religious test as a qualification for public office. It also encompasses the right of all Americans to express their religious beliefs, subject to the same narrow limits that apply to all forms of speech. In the United States, the free exercise of religion is not a mere policy preference to be traded against other policy preferences. It is a fundamental right.

The free exercise of religion includes the right to act or abstain from action in accordance with one's religious beliefs. The Free Exercise Clause protects not just the right to believe or the right to worship; it protects the right to perform or abstain from performing certain physical acts in accordance with one's beliefs. Federal statutes, including the Religious Freedom Restoration Act of 1993 ("RFRA"), support that protection, broadly defining the exercise of religion to

encompass all aspects of observance and practice, whether or not central to, or required by, a particular religious faith.

Therefore, anyone may claim a religious exemption from vaccination if they object due to their own, personally-held religious beliefs as they themselves define them. No church membership or explanation of their beliefs is required.

Note: A medical practitioner's signature is not required on a religious exemption if a parent/guardian demonstrates membership in a religious body or a church in which the religious beliefs or teachings of the church preclude a health care practitioner from providing medical treatment to the child. There is a section on the exemption form to declare such membership.

It is completely within the legal right of any family in the State of Washington to exercise their personal religious belief regarding vaccination without question. It is the role of the medical provider to discuss risks and benefits of vaccinations and to sign the form attesting to the fact that a discussion occurred. It is outside of the provider's scope of practice to determine whether or not someone qualifies for a religious exemption.

If you have any questions, please email Jena@informedchoicewa.org. Our organization shares your goal in ensuring that all children of our state remain healthy and are able to access education, as is their right.

Sincerely,

Jena Dalpez
Program Director
Informed Choice Washington