



**REQUEST FOR RULEMAKING
AUTHORITY DELEGATION:
WAC 246-105-040 AND 246-105-060**

State Board of Health Meeting, June 2024

WAC 246-105-040 and 246-105-060

- **WAC 246-105-040 - Requirements based on national immunization guidelines.**
 - (1) Unless otherwise stated in this section, a child must be vaccinated against, or provide documentation of immunity against, each vaccine-preventable disease listed in WAC [246-105-030](#) at ages and intervals according to the national immunization guidelines in the "*Advisory Committee on Immunization Practices (ACIP) Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger—United States, 2019*"; as published in the *Morbidity and Mortality Weekly Report (MMWR)* 2019; 68(5):112-114.
- **WAC 246-105-060 - Duties of schools and child care centers.**
 - 4(b) Submit an immunization status report under RCW [28A.210.110](#) in a manner approved by the department. The report must be submitted to the department by November 1 of each year. If a school opens after October 1, the report is due thirty calendar days from the first day of school.

Advisory Committee on Immunization Practices (ACIP)

ACIP is a committee of the Centers for Disease Control and Prevention (CDC).

- ACIP develops recommendations for United States immunizations, including ages when vaccines should be given, number of doses, time between doses, and precautions and contraindications.
- Recommendations are reviewed by the CDC's Director and adopted as official policy.
- Recommendations are published in the CDC's Morbidity and Mortality Weekly Report (MMWR).
- Immunization recommendations are updated at least annually.

Other state's school immunization rules include either:

- General reference to aligning with ACIP guidelines and a state developed schedule, or
- Reference a specific set of published recommendations with periodic updates to bring the reference up to date.

Rulemaking Considerations WAC 246-105-040

Washington Department of Health (WA-DOH) identified several changes in the CDC immunization schedule from 2019 to 2024 that necessitate consideration for amending the rule. Changes include:

Disease	Vaccines	2019	2024	Year Changed
Tetanus, Diphtheria, and Pertussis	Tdap	Children ages 7–10 years who receive Tdap inadvertently or as part of the catch-up series should receive the routine Tdap dose at 11–12 years.	<ul style="list-style-type: none"> - Children ages 7–9 years who receive Tdap should receive the routine Tdap dose at age 11–12 years. - Children ages 10 years who receive Tdap do not need to receive the routine Tdap dose at age 11–12 years. 	2020
Hepatitis B	Hepatitis B	Hepatitis B vaccine is not routinely recommended for all persons age 19 and older.	People ages 19 through 59 should complete the Hepatitis B vaccine series.	2022
Pneumococcal	PCV13, PCV15, PCV20	PCV13 vaccine used in the routine immunization schedule.	<ul style="list-style-type: none"> - PCV13 removed. - PCV15 and PCV20 are now used in the series. - Previous doses of PCV13 do not need to be repeated with PCV15 or PCV20. 	2024
Polio	IPV	Not routinely recommended at age 18 and older.	All persons unvaccinated or incompletely vaccinated should finish the polio series.	2024

Rulemaking Considerations WAC 246-105-060

RCW 28A.210.110 Immunization program—Administrator's duties upon receipt of proof of immunization or certification of exemption

...

(3) requires the chief administrator of a public or private school or day care center to file a written annual report with WA-DOH on the immunization status of students or children attending the day care center at a time and on forms prescribed by WA-DOH. (emphasis added)

Potential Changes to the Rule

- **WAC 246-105-040 - Update the ACIP recommendation reference to:**

(1) Unless otherwise stated in this section, a child must be vaccinated against, or provide documentation of immunity against, each vaccine-preventable disease listed in WAC 246-105-030 at ages and intervals according to the national immunization guidelines in the "*Advisory Committee on Immunization Practices (ACIP) Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger—United States, ((2019)) 2024*"; as published in the *Morbidity and Mortality Weekly Report* (MMWR) ((~~2019; 68(5):112-114~~)) 2024; 73(1):6-10.

Potential Changes to the Rule

- **WAC 246-105-060 - Remove the reporting date from the rule:**

(b) Submit an immunization status report under RCW 28A.210.110 at a time and in a manner approved by the department. (~~The report must be submitted to the department by November 1 of each year. If a school opens after October 1, the report is due thirty calendar days from the first day of school.~~)

Rulemaking Exemptions

- 1. Update WAC 246-105-040 to refer to the 2024 Advisory Committee on Immunization Practices (ACIP) guidance.**
 - Use exemption RCW 34.05.310 (4)(c) and RCW 34.05.328(5)(b)(iii) Rules adopting or incorporating by reference without material change...national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- 2. Update WAC 246-105-060 to remove the reporting deadline in rule and add the deadline to the form that schools must use to report.**
 - Use exemption RCW 34.05.310 (4)(e) and RCW 34.05.328(5)(b)(v) Rules the content of which is explicitly and specifically dictated by statute.
- 3. For both sections regarding the Small Business Economic Impact Statement:**
 - Use exemption RCW 19.85.025(3) Does not apply to the adoption of a rule described in RCW 34.05.310(4).

SBOH Delegation Considerations

The extent to which the proposed rule seeks to adopt federal requirements in which the state has little or no discretion.

WAC 246-105-040: Several changes have occurred to immunization recommendations since the 2019 CDC ACIP recommendations were published. The department wishes to align WAC 246-105-040 with the current national immunization schedule for children and adolescents.

The extent to which the substance and direction of the proposed rule is expected to have broad public and professional consensus.

WAC 246-105-040: The CDC ACIP immunization schedule provides guidance to assist health care providers in implementing current immunization recommendations. Continual realignment with the most current ACIP recommended immunization schedule aligns with expert consensus for children and adolescent immunizations. The potential rule change does **not** make any changes to the list of diseases for which full immunity is required for school or child care attendance.

WAC 246-105-060: The potential change is consistent with feedback from schools or child care centers requesting additional time to complete reporting requirements.

SBOH Delegation Considerations

The extent to which the proposed rule may make significant changes to a policy or regulatory program.

WAC 246-105-040: The potential rule change would not make significant changes. It would seek to bring guidance up to date with current immunization recommendations.

WAC 246-105-060: The proposed rule change would remove the reporting date requirement from the WAC and align with RCW 28A.210.110 which already explicitly and specifically dictates the reporting requirements.

The extent to which the rule revision process would benefit from the Board's role as a convener of interested parties.

The department will follow the requirements for exception rulemaking including holding a public hearing. The department will notify interested parties of rulemaking activity by email, provide the proposed rule language to interested parties, and post information about the rulemaking on the department's web page.

Questions?



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