



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-14**

21-14.2

COVID-19 VACCINATION REQUIREMENT

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, et seq., which limit Washingtonians' ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, to protect some of our most vulnerable populations—persons in health care facilities, long-term care facilities (which includes nursing homes), and similar congregate care facilities—and to protect our health and congregate care systems themselves, I issued several proclamations imposing heightened protections on workers, residents, and visitors in those facilities; and

WHEREAS, although COVID-19 continues as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of most Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the "Delta" variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, and widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections; and

WHEREAS, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and

WHEREAS, COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and

WHEREAS, as of August 4, 2021, nearly 4.4 million Washingtonians, about 70% of those eligible and 58% of the total population, had initiated their vaccine series, leaving 2.1 million eligible Washingtonians who were unvaccinated; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention (CDC), as of August 1, 2021, approximately 67% of staff in Washington state nursing homes were fully vaccinated; and

WHEREAS, healthcare workers face COVID-19 exposures in a variety of healthcare settings, with those involving direct patient care likely at higher risk; and

WHEREAS, COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's (FDA) rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization; and, to date, more than 346 million doses of COVID-19 vaccines have been given in the United States with 8.2 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare; and

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccination mandates, even when the only vaccines available are those authorized under the FDA's Emergency Use Authorizations; and

WHEREAS, on July 26, 2021, approximately 60 medical groups, including the American Medical Association, the American College of Physicians, the American Academy of Pediatrics, the American Academy of Family Physicians, the American Nurses Association, the American Academy of Physician Assistants, the Association of Professionals in Infection Control and

Epidemiology, the American Public Health Association, the Infectious Diseases Society of America, LeadingAge, the National Hispanic Medical Association, the National Medical Association, and the Society of Infectious Disease Pharmacists, issued a memorandum supporting mandatory, universal vaccination of all public and private health care and long-term care workers, noting that such a requirement is the “fulfillment of the ethical commitment of all health care workers to put patients as well as residents of long-term care facilities first and take all steps necessary to ensure their health and well-being”; and on August 2, 2021, the Washington State Society of Post-Acute and Long-Term Care Medicine submitted a letter in support of the above noted July 26, 2021 memorandum; and

WHEREAS, on July 15, 2021, the American College of Obstetricians and Gynecologists, together with the Society for Maternal-Fetal Medicine, posted a formal opinion stating that medical professionals have an ethical obligation to be vaccinated against COVID-19 to prevent the spread of harmful infectious diseases, and that women who are or may become pregnant should be vaccinated against COVID-19; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, state employees live in and provide services to the public in every county in our state, and many interact with the public on a regular basis, and they all interact with some portion of the community at large to varying degrees before and/or after state work hours; and

WHEREAS, to further our individual and collective duty to reduce the spread of COVID-19 in our communities, I issued Proclamation 21-14 requiring all employees, on-site independent contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021; and

WHEREAS, child-care settings, K-12 schools, colleges, universities, and community colleges, (collectively, “educational settings”) are foundations of Washington’s communities and its future, and provide a variety of vital services to students, families, and communities, thereby making providing childcare services and in-person instruction in the fall 2021 a priority; and

WHEREAS, increasing vaccination rates at educational settings is the strongest protective measure against COVID-19 available and, together with masking, vital to providing in-person instruction in as safe a manner as possible; and

WHEREAS, on July 12, 2021, I issued Proclamation 20-12.4 prohibiting institutions of higher education from providing in-person instruction unless the institutions comply with specific requirements related to vaccination, masking, and operations; and

WHEREAS, on July 30, 2021, I issued Proclamation 20-9.4, prohibiting K-12 schools from providing in-person learning unless the schools comply with masking instructions provided by the Department of Health and the Office of the Superintendent of Public Instruction; and

WHEREAS, the sharp increase in COVID-19 cases and hospitalizations, primarily among unvaccinated populations but also in breakthrough infections in some fully vaccinated individuals, makes it vital to expand the vaccination requirement to workers in educational settings; and

WHEREAS, to provide additional clarity and ease of administration I am extending the prohibition to additional groups relating to the vaccination requirement imposed in Proclamation 21.14 and 21-14.1; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), and (3), I hereby amend and supersede the prohibitions in 20-14 as set out below, subject to the conditions, exceptions, and circumstances also set forth below, for the following activities:

1. Prohibitions. This order prohibits the following:
 - a. Any Worker from engaging in work for a State Agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19;
 - b. Any State Agency from permitting any Worker to engage in work for the agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof as required below;
 - c. Any Worker from engaging in work for the operator of an Educational Setting after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19;
 - d. Any operator of an Educational Setting from permitting a Worker to engage in work for the operator after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof as required below;
 - e. Any Health Care Provider from failing to be fully vaccinated against COVID-19 after October 18, 2021; and

- f. Any operator of a Health Care Setting from permitting a Health Care Provider to engage in work for the operator as an employee, contractor, or volunteer in their capacity as a Health Care Provider after October 18, 2021 if the Health Care Provider has not been fully vaccinated against COVID-19 and provided proof thereof as required below. Providers who do not work in a Health Care Setting must provide proof of vaccination to the operator of the facility in which the Provider works, if any, or, if requested, to a lawful authority. A lawful authority includes, but is not limited to, law enforcement, local health jurisdictions, and the state Department of Health.

2. Exemptions and Exceptions.

a. Disability and Religious Accommodations

- Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers are not required to get vaccinated against COVID-19 under this Order if they are unable to do so because of a disability or if the requirement to do so conflicts with their sincerely held religious beliefs, practice, or observance. Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers are prohibited from claiming an exemption or accommodation on false, misleading, or dishonest grounds, including by providing false, misleading, or dishonest information to a State Agency, operator of an Educational Setting, or operator of a Health Care Setting when seeking an accommodation.
- In implementing the requirements of this Order, State Agencies, operators of Educational Settings, and operators of Health Care Settings:
 - Must provide any disability-related reasonable accommodations and sincerely held religious belief accommodations to the requirements of this Order that are required under the Americans with Disabilities Act of 1990 (ADA), the Rehabilitation Act of 1973 (Rehabilitation Act), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), and any other applicable law. As provided in the above-noted laws, State Agencies, operators of Educational Settings, and operators of Health Care Settings are not required to provide accommodations if they would cause undue hardship.
 - Must comply with the procedures required under the above-noted laws and any other applicable law when considering and deciding whether to provide accommodations;
 - Must, to the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, obtain from the individual requesting the accommodation documentation from an appropriate health care or rehabilitation professional stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation;
 - Must, to the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this Order, document that the request for an accommodation has been made and include a statement in the document explaining the way in which the requirements of this order

- conflict with the sincerely held religious belief, practice, or observance of the individual;
- Must, to the extent permitted by law, require an individual who receives an accommodation to take COVID-19 safety measures that are consistent with the recommendations of the state Department of Health and the Department of Labor & Industries for the setting in which the individual works; and
 - Are prohibited from providing accommodations:
 - That they know are based on false, misleading, or dishonest grounds or information;
 - That they know are based on the personal preference of the individual and not on an inability to get vaccinated because of a disability or a conflict with a sincerely held religious belief, practice, or observance; or
 - Without conducting an individualized assessment and determination of each individual's need and justification for an accommodation; i.e., "rubberstamping" accommodation requests.
- b. Any individual who is unable to get fully vaccinated against COVID-19 by October 18, 2021 due to the requirements of their participation in a COVID-19 vaccine clinical trial is exempt from this Order. Any such individual who is a Worker for a State Agency or a Worker for an operator of an Educational Setting must provide documentary proof of their participation in the COVID-19 vaccine clinical trial to any State Agency or operator of an Educational Setting for which they engage in work. Any such individual who is a Health Care Provider must provide documentary proof of their participation in the COVID-19 vaccine clinical trial to any operator of a Health Care Setting for which they engage in work as an employee, contractor, or volunteer in their capacity as a Health Care Provider. A State Agency, operator of an Educational Setting, or operator of a Health Care Setting is prohibited from permitting any such individual to engage in work for them after October 18, 2021 if the individual fails to provide such proof.
- c. Individuals who are too young to receive any COVID-19 vaccine, as authorized for emergency use, licensed, or otherwise approved by the FDA, are exempt from this Order. Any individual who becomes old enough to receive any COVID-19 vaccine, as authorized for emergency use, licensed, or otherwise approved by the FDA, while this Order is in effect must come into compliance with the requirements of this Order within 60 days of the day they became eligible. Any State Agency, operator of an Educational Setting, or operator of a Health Care Setting for which such an individual engages in work must also come into compliance with the requirements of this Order with respect to the individual by that deadline.
- d. Individuals who reside in countries other than the United States of America who are unable to get vaccinated against COVID-19 with reasonable effort and expense are exempt from this Order.
- e. Workers for the Office of the Attorney General, the Office of the Commissioner of Public Lands and the Department of Natural Resources, the Office of Insurance Commissioner, the Office of the Lieutenant Governor, and the Office of Superintendent of Public Instruction, as defined below to be limited to on-site contractors for these Agencies, are prohibited from engaging in work for these State Agencies after the date specified by the respective State Agency, but in no case later

than November 30, 2021, if the Worker has not been fully vaccinated against COVID-19. These State Agencies are prohibited from permitting any Worker to engage in work for the agency after such date if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof as required below.

3. Proof of Full Vaccination Against COVID-19:

- a. Where required above, Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers must provide proof of full vaccination against COVID-19 by providing one of the following:
 - CDC COVID-19 Vaccination Record Card or photo of the card;
 - Documentation of vaccination from a health care provider or electronic health record;
 - State immunization information system record; or
 - For an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.
- b. A State Agency, operator of an Educational Setting, or an operator of a Health Care Setting must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every individual who is engaged in work for them and required to provide such proof under this Order.
- c. Personal attestation is not an acceptable form of verification of COVID-19 vaccination.

4. Election to Require Employers of Contractors to Assume Responsibility for Vaccination Verification and Accommodation Requirements

- a. Notwithstanding anything to the contrary in this Order, a State Agency, an operator of an Educational Setting, or an operator of Health Care Setting may elect to require the employer of a contractor who is subject to this Order to assume responsibility for the vaccination verification and accommodations requirements in this Order. This election may be made with respect to any or all of an employer's contractor-employees who are subject to this Order.
- b. If such an election is made, after October 18, 2021, the employer's contractor-employees are prohibited from engaging in work for the State Agency, operator of the Educational Setting, or operator of the Health Care Setting, and the State Agency, operator of the Educational Setting, or operator of the Health Care Setting is prohibited from permitting such employee to engage in work for them, unless the following requirements are met:
 - By October 18, 2021, the employer must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every current employee who is subject to the vaccination requirement in this Order;
 - The employer must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every employee hired after October 18, 2021 who is subject to the vaccination requirement in this Order;
 - The employer must follow the requirements for granting disability and religious accommodations to its current and future employees that apply to State Agencies, operators of Educational Settings, and operators of Health Care Settings under this Order;

- o Students of, persons attending, and persons receiving services at or from an Educational Setting are not Workers.
 - o On-site contractors are not Workers if they do not work in places where students or persons receiving services are present.
 - o Family, friend, and neighbor (FFN) child care providers are not Workers.
 - For any State Agency that is listed as an agency under the authority of a board, council, or commission at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf and that is not also listed as an executive cabinet agency at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or a small cabinet agency at <https://www.governor.wa.gov/officegovernor/office/small-cabinet>, other than the State Board for Community and Technical Colleges, the boards of trustees for community and technical colleges, and the governing boards of four-year institutions of higher education, only the State Agency’s compensated employees are Workers subject to the requirements of this proclamation.
 - For the Office of the Attorney General, the Office of the Commissioner of Public Lands and the Department of Natural Resources, the Office of Insurance Commissioner, the Office of the Lieutenant Governor, and the Office of Superintendent of Public Instruction, only on-site contractors are Workers subject to the requirements of this proclamation.
- b. “Contractor” includes any person who provides goods, services, or public works services pursuant to a contract with another person or entity, including, for purposes of this Order, a State Agency, an operator of an Educational Setting, or an operator of a Health Care Setting. The term includes subcontractors. The term does not include parties to a lease or rental agreement, unless the agreement requires a party to provide services, in which case only the persons who provide those services are “contractors.”
- c. “Contract” is defined as provided under Washington law. Generally, a contract is a promise or a set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty, regardless of the particular form, title, or description is not relevant.
- d. “Health Care Provider” includes:
- Individuals with credentials listed in the [Healthcare Professional Credentialing Requirements](#) list;
 - Individuals who are permitted by law to provide health care services in a professional capacity without holding a credential;
 - Long-term care workers unless specifically excluded in this order; and
 - Workers in any Health Care Setting, as defined herein.

“Health Care Provider” does not include, for purposes of this order:

- Individual providers, as defined in RCW 74.39A.240;
 - Individuals who provide only personal care services, as defined in RCW 74.39A.009(24), in people’s homes;
 - Providers who are not actively practicing or providing services; and
 - Providers who provide services only at one or more of the settings that are expressly excluded from the list of Health Care Settings under this order.
- e. “Health Care Setting” is any public or private setting that is primarily used for the delivery of in-person health care services to people, except as specifically exempted below. If located at a facility that is primarily used for the delivery of health-care services, such as a hospital, then the entire facility is a Health Care Setting. If located at a facility that is primarily used for another purpose, such as a pharmacy within a grocery store, school nurse’s office, or vaccination clinic within a business establishment, the Health Care Setting includes only the areas that are primarily used for the delivery of health care, but not the other areas of the facility.

“Health Care Setting” includes, but is not limited to:

- Acute care facilities, including, but not limited to, hospitals;
- Long-term acute care facilities;
- Inpatient rehabilitation facilities;
- Inpatient behavioral health facilities, including, but not limited to, evaluation and treatment facilities, residential treatment facilities, secure detox facilities;
- Residential long-term care facilities, including, but not limited to, nursing homes, assisted living facilities, adult family homes, settings where certified community residential services and supports are provided, and enhanced services facilities;
- Mobile clinics or other vehicles where health care is delivered;
- Outpatient facilities, including, but not limited to, dialysis centers, physician offices, and behavioral health facilities (including offices of psychiatrists, mental health counselors, and substance use disorder professionals);
- Dental and dental specialty facilities;
- Pharmacies (not including the retail areas);
- Massage therapy offices (this includes designated areas where massage is administered within non-health care settings like spas and wellness/fitness centers);
- Chiropractic offices;
- Midwifery practices and stand-alone birth centers;
- Isolation and/or quarantine facilities;
- Ambulatory surgical facilities;
- Urgent care centers; and
- Hospice care centers.

“Health Care Setting” does not include:

- Settings where sports and spectator events or other gatherings are held (including when credentialed athletic trainers are providing care to players), other than areas primarily used for the delivery of health care services, such as designated first aid areas (which are Health Care Settings);

- Department of Children, Youth & Families (DCYF)-licensed foster homes that do not primarily provide health care services;
 - Research facilities where no health care is delivered to people;
 - Veterinary health care settings;
 - Animal control agencies; and
 - Non-profit humane societies.
- d. “State Agency” includes:
- Every agency listed at <https://www.governor.wa.gov/officegovernor/office/executive-cabinet>;
 - Every agency listed at <https://www.governor.wa.gov/officegovernor/office/small-cabinet>;
 - Every agency under the authority of a board, council, or commission listed at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf; and
 - The Office of the Attorney General, the Office of the Commissioner of Public Lands and the Department of Natural Resources, the Office of the Insurance Commissioner, the Office of the Lieutenant Governor, the Office of Superintendent of Public Instruction.
- e. “Educational Setting” includes:
- All public and private universities, colleges, community colleges, and technical colleges and private career/vocational schools subject to licensure by the Workforce Training & Education Coordinating Board;
 - All public schools, public school districts, charter schools, private schools, educational service districts, the Washington School for the Deaf, the Washington State School for the Blind, and the Washington Youth Academy; and
 - All early learning and child care programs serving groups of children from multiple households, including, but not limited to, Early Childhood Education and Assistance Programs, Family Home Child Care, Child Care Centers, Outdoor, Nature-based Child Care, School-aged Child Care, license-exempt preschools, and license-exempt youth development programs (e.g., municipal parks & recreation programs, YMCA, Boys & Girls Clubs).
- f. “Fully Vaccinated against COVID-19”: A person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series of a COVID-19 vaccine (e.g., Pfizer-BioNTech or Moderna) or a single-dose COVID-19 vaccine (e.g., Johnson & Johnson (J&J)/Janssen) authorized for emergency use, licensed, or otherwise approved by the FDA or listed for emergency use or otherwise approved by the World Health Organization.
- g. “On-site volunteer” and “on-site contractor” includes:
- A volunteer or contractor who is reasonably likely or contractually obligated to engage in or in fact engages in work while physically present at a building, facility, jobsite, project site, unit, or other defined area owned, leased, occupied

by, or controlled by a State Agency, an operator of an Educational Setting, or an operator of a Health Care Setting.

“On-site volunteer” and “on-site contractor” does not include:

- A volunteer or contractor who is reasonably likely or contractually obligated to engage in or in fact engages in work during which they are physically present at a site for only a short period of time and any moments of close physical proximity to others on site are fleeting. Examples include contractors delivering supplies by truck to a construction site where they remain physically distanced from others on the site or a driver for a contracted shipping and delivery service briefly entering a site to pick up parcels for shipping.
- h. “Operator of an Educational Setting” and “operator of a Health Care Setting” do not include clients, patients, patrons, customers, or similar individuals served by a Worker for a State Agency, Worker for an Educational Setting operator, or Health Care Provider.

ADDITIONALLY, the specific prohibitions in this Proclamation are severable and do not apply to the extent that compliance with a prohibition would violate (1) any U.S. or Washington constitutional provision; (2) federal statutes or regulations; (3) any conditions that apply to the state’s receipt of federal funding; (4) state statutes; or (5) applicable orders from any court of competent jurisdiction.

ADDITIONALLY, nothing in this Proclamation limits otherwise applicable requirements related to personal protective equipment, personnel training, and infection control policies and procedures.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required facial coverings, social distancing and other

