

while engaged in the business or capacity of a contractor or activities related thereto. Any person who is found to be in violation of this section by the director at a hearing held in accordance with the administrative procedure act, chapter 34.04 RCW, shall be required to pay a penalty of not more than one thousand dollars as determined by the director.

NEW SECTION. Sec. 2. The provisions of this 1979 amendatory act shall become effective on January 1, 1980.

Passed the House April 19, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

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CHAPTER 117

[House Bill No. 308]

UNCLAIMED PROPERTY—PRESUMPTION OF ABANDONMENT

AN ACT Relating to unclaimed property; and adding a new section to chapter 385, Laws of 1955 and to chapter 63.28 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 385, Laws of 1955 and to chapter 63.28 RCW a new section to read as follows:

(1) The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this chapter or to pay or deliver abandoned property to the department of revenue.

(2) This section applies to all abandoned property subject to this chapter which has not been paid or delivered to the department of revenue on or after the effective date of this act.

Passed the House March 28, 1979.

Passed the Senate April 23, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

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CHAPTER 118

[Substitute House Bill No. 502]

IMMUNIZATION OF CHILDREN—APPROPRIATION

AN ACT Relating to the immunization of children; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW; providing an effective date; making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. In enacting sections 1 through 12 of this act, it is the judgment of the legislature that it is necessary to protect the health of the public and individuals by providing a means for the eventual achievement of full immunization of school-age children against certain vaccine-preventable diseases.

NEW SECTION. Sec. 2. As used in sections 1 through 12 of this act:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of sections 1 through 12 of this act by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260, each as now or hereafter amended.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

NEW SECTION. Sec. 3. The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation within forty-five days of each child's first day of attendance at a particular school or center, of proof of either (1) full immunization, (2) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (3) a certificate of exemption as provided for in section 4 of this act. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day

of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

NEW SECTION. Sec. 4. Any child shall be exempt in whole or in part from the immunization measures required by sections 1 through 12 of this act upon the presentation of any one or more of the following, on a form prescribed by the department of social and health services:

(1) A written certification signed by any physician licensed to practice medicine pursuant to chapter 18.71 or 18.57 RCW that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child: PROVIDED, That when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;

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

(3) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child.

NEW SECTION. Sec. 5. The requirements of sections 1 through 12 of this act shall not apply to any person eighteen years of age or older, nor shall they apply to any female person twelve years of age or older with respect to immunization for rubella.

NEW SECTION. Sec. 6. The immunizations required by sections 1 through 12 of this act may be obtained from any private or public source desired: PROVIDED, That the immunization is administered and records are made in accordance with the regulations of the state board of health. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization given in a form prescribed by the state board of health.

NEW SECTION. Sec. 7. A child's proof of immunization or certification of exemption shall be presented to the chief administrator of the public or private school or day care center or to his or her designee for that purpose. The chief administrator shall:

(1) Retain such records pertaining to each child at the school or day care center for at least the period the child is enrolled in the school or attends such center;

(2) Retain a record at the school or day care center of the name, address, and date of exclusion of each child excluded from school or the center pursuant to section 8 of this act for not less than three years following the date of a child's exclusion;

(3) File a written annual report with the department of social and health services on the immunization status of students or children attending the day care center at a time and on forms prescribed by the department of social and health services; and

(4) Allow agents of state and local health departments access to the records retained in accordance with this section during business hours for the purposes of inspection and copying.

NEW SECTION. Sec. 8. Upon notification by the local health department, it shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with section 3 of this act and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child from a school or day care center each local health department shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of section 3 of this act. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to sections 1 through 12 of this act; (2) the fact that the child will be prohibited from further attendance at the school unless section 3 of this act is complied with; (3) such procedural due process rights as are hereafter established pursuant to sections 10 and/or 11 of this act, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

NEW SECTION. Sec. 9. The state board of health shall adopt and is hereby empowered to adopt rules pursuant to chapter 34.04 RCW which establish the procedural and substantive requirements for full immunization and the form and substance of the proof thereof, to be required pursuant to sections 1 through 12 of this act.

NEW SECTION. Sec. 10. The state board of education shall and is hereby empowered to adopt rules pursuant to chapter 34.04 RCW which establish the procedural and substantive due process requirements governing the exclusion of children from public and private schools pursuant to section 8 of this act.

NEW SECTION. Sec. 11. The department of social and health services shall and is hereby empowered to adopt rules pursuant to chapter 34.04

RCW which establish the procedural and substantive due process requirements governing the exclusion of children from day care centers pursuant to section 8 of this act.

NEW SECTION. Sec. 12. Sections 1 through 12 of this act shall not apply to children in grades seven through twelve before September 1, 1980.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on September 1, 1979.

NEW SECTION. Sec. 14. There is hereby appropriated from the state general fund to the superintendent of public instruction for the biennium ending June 30, 1981, the sum of one hundred thousand dollars, or so much as necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 15. There is hereby appropriated from the state general fund to the department of social and health services for the biennium ending June 30, 1981, the sum of two hundred forty thousand dollars, or so much as necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 12 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW.

Passed the House April 23, 1979.

Passed the Senate April 17, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

## CHAPTER 119

[Substitute House Bill No. 624]

### CONTROLLED SUBSTANCES—PRESCRIPTION AUTHORITY

AN ACT Relating to controlled substances; amending section 69.50.402, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.402; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 69.50.402, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.402 are each amended to read as follows:

(a) It is unlawful for any person:

(1) who is subject to Article III to distribute or dispense a controlled substance in violation of RCW 69.50.308;

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance