2025

SESSION LAWS

OF THE

STATE OF WASHINGTON

2025 REGULAR SESSION
SIXTY-NINTH LEGISLATURE
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WASHINGTON SESSION LAWS
GENERAL INFORMATION

1. EDITIONS AVAILABLE.

   (a) *General Information.* The session laws are printed in a permanent softbound edition containing the accumulation of all laws adopted in the legislative session. The edition contains a subject index and tables indicating Revised Code of Washington sections affected.

   (b) *Where and how obtained - price.* The permanent session laws may be ordered from the Statute Law Committee, Legislative Modular Building, P.O. Box 40552, Olympia, Washington 98504-0552. The edition costs $25.00 per set plus applicable state and local sales taxes and $7.00 shipping and handling. All orders must be accompanied by payment.

2. PRINTING STYLE - INDICATION OF NEW OR DELETED MATTER.

   The session laws are presented in the form in which they were enacted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

   (a) In amendatory sections

   (i) underlined matter is new matter.

   (ii) deleted matter is ((~~lined out and bracketed between double parentheses~~)).

   (b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES.

   (a) Vetoed matter is ***printed in bold italics.***

   (b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted in the session laws under the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS.

   (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the effective date for the Laws of the 2025 regular session is July 27, 2025.

   (b) Laws that carry an emergency clause take effect immediately, or as otherwise specified, upon approval by the Governor.

   (c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES.

   A cumulative index and tables of all 2025 laws may be found at the back of the final volume.

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CHAPTER 1

[Initiative 2066]

ENERGY SERVICES—NATURAL GAS AND ELECTRIFICATION

AN ACT Relating to promoting energy choice by protecting access to gas for Washington homes and businesses; amending RCW 80.28.110, 35.92.050, 80.28.425, 80.--.---, 19.27A.020, 19.27A.025, and 19.27A.045; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 70A.15 RCW; creating a new section; repealing RCW 80.--.---, 80.--.---, and 80.--.---; and repealing 2024 c 351 ss 1 and 21 (uncodified).

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

NEW SECTION. **Sec. 1.** (1) The people find that having access to natural gas enhances the safety, welfare, and standard of living of all people in Washington. The people further find that preserving Washington's gas infrastructure and systems will promote energy choice, security, independence, and resilience throughout the state. Natural gas is a convenient and important necessity because it: Serves as a backup source of energy during emergencies; provides consumers with more options for heating, sanitation, cooking and food preparation, and other household activities, helping to control their costs; and sustains essential businesses, such as restaurants.

(2) Unfortunately, due to recent policy and corporate decisions, the people's ability to make choices about their energy sources is at risk. Therefore, the people determine that access to gas and gas appliances must be preserved for Washington homes and businesses, by strengthening utilities' obligation to provide natural gas to customers who want it, and by preventing regulatory actions that will limit access to gas.

Sec. 2. RCW 80.28.110 and 2024 c 348 s 6 are each amended to read as follows:

(1) Every gas company, electrical company, wastewater company, or water company, engaged in the sale and distribution of gas, electricity, or water, or the provision of wastewater company services, shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto, suitable facilities for furnishing and furnish all available gas, electricity, wastewater company services, and water as demanded, except that: ((~~(1)~~)) (a) A water company may not furnish water contrary to the provisions of water system plans approved under chapter 43.20 or 70A.100 RCW; ((~~(2)~~)) (b) wastewater companies may not provide services contrary to the approved general sewer plan; and ((~~(3)~~)) (c) exclusively upon petition of a gas company, and subject to the commission's approval, a gas company's obligation to serve gas to customers that have access to the gas company's thermal energy network may be met by providing thermal energy through a thermal energy network.

(2) Every gas company or large combination utility shall provide natural gas to all persons and corporations in their service area or territory that demand, apply for, and are reasonably entitled to receive, natural gas under this section, even if other energy services or energy sources may be available.

Sec. 3. RCW 35.92.050 and 2022 c 292 s 405 are each amended to read as follows:

(1) A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate works, plants, facilities for the

purpose of furnishing the city or town and its inhabitants, and any other persons, with gas, electricity, green electrolytic hydrogen as defined in RCW 54.04.190, renewable hydrogen as defined in RCW 54.04.190, and other means of power and facilities for lighting, including streetlights as an integral utility service incorporated within general rates, heating, fuel, and power purposes, public and private, with full authority to regulate and control the use, distribution, and price thereof, together with the right to handle and sell or lease, any meters, lamps, motors, transformers, and equipment or accessories of any kind, necessary and convenient for the use, distribution, and sale thereof; authorize the construction of such plant or plants by others for the same purpose, and purchase gas, electricity, or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within the city or town and regulate and control the use and price thereof.

(2) A city or town that furnishes natural gas shall provide natural gas to those inhabitants that demand, apply for, and are reasonably entitled to receive, natural gas under this section, even if other energy services or energy sources may be available.

Sec. 4. RCW 80.28.425 and 2024 c 351 s 18 are each amended to read as follows:

(1) Beginning January 1, 2022, every general rate case filing of a gas or electrical company must include a proposal for a multiyear rate plan as provided in this chapter. The commission may, by order after an adjudicative proceeding as provided by chapter 34.05 RCW, approve, approve with conditions, or reject, a multiyear rate plan proposal made by a gas or electrical company or an alternative proposal made by one or more parties, or any combination thereof. The commission's consideration of a proposal for a multiyear rate plan is subject to the same standards applicable to other rate filings made under this title, including the public interest and fair, just, reasonable, and sufficient rates. In determining the public interest, the commission may consider such factors including, but not limited to, environmental health and greenhouse gas emissions reductions, health and safety concerns, economic development, and equity, to the extent such factors affect the rates, services, and practices of a gas or electrical company regulated by the commission.

(2) The commission may approve, disapprove, or approve with modifications any proposal to recover from ratepayers up to five percent of the total revenue requirement approved by the commission for each year of a multiyear rate plan for tariffs that reduce the energy burden of low-income residential customers including, but not limited to: (a) Bill assistance programs; or (b) one or more special rates. For any multiyear rate plan approved under this section resulting in a rate increase, the commission must approve an increase in the amount of low-income bill assistance to take effect in each year of the rate plan where there is a rate increase. At a minimum, the amount of such low-income assistance increase must be equal to double the percentage increase, if any, in the residential base rates approved for each year of the rate plan. The commission may approve a larger increase to low-income bill assistance based on an appropriate record.

(3)(a) If it approves a multiyear rate plan, the commission shall separately approve rates for each of the initial rate year, the second rate year and, if applicable, the third rate year, and the fourth rate year.

(b) The commission shall ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is or will be used and useful under RCW 80.04.250 for service in this state by or during each rate year of the multiyear rate plan. For the initial rate year, the commission shall, at a minimum, ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is used and useful for service in this state as of the rate effective date. The commission may order refunds to customers if property expected to be used and useful by the rate effective date when the commission approves a multiyear rate plan is in fact not used and useful by such a date.

(c) The commission shall ascertain and determine the revenues and operating expenses for rate-making purposes of any gas or electrical company for each rate year of the multiyear rate plan.

(d) In ascertaining and determining the fair value of property of a gas or electrical company pursuant to (b) of this subsection and projecting the revenues and operating expenses of a gas or electrical company pursuant to (c) of this subsection, the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at fair, just, reasonable, and sufficient rates.

(e) If the commission approves a multiyear rate plan with a duration of three or four years, then the electrical company must update its power costs as of the rate effective date of the third rate year. The proceeding to update the electrical company's power costs is subject to the same standards that apply to other rate filings made under this title.

(4) Subject to subsection (5) of this section, the commission may by order establish terms, conditions, and procedures for a multiyear rate plan and ensure that rates remain fair, just, reasonable, and sufficient during the course of the plan.

(5) Notwithstanding subsection (4) of this section, a gas or electrical company is bound by the terms of the multiyear rate plan approved by the commission for each of the initial rate year and the second rate year. A gas or electrical company may file a new multiyear rate plan in accordance with this section for the third rate year and fourth rate year, if any, of a multiyear rate plan.

(6) If the annual commission basis report for a gas or electrical company demonstrates that the reported rate of return on rate base of the company for the 12-month period ending as of the end of the period for which the annual commission basis report is filed is more than .5 percent higher than the rate of return authorized by the commission in the multiyear rate plan for such a company, the company shall defer all revenues that are in excess of .5 percent higher than the rate of return authorized by the commission for refunds to customers or another determination by the commission in a subsequent adjudicative proceeding. If a multistate electrical company with fewer than 250,000 customers in Washington files a multiyear rate plan that provides for no increases in base rates in consecutive years beyond the initial rate year, the commission shall waive the requirements of this subsection provided that such a waiver results in just and reasonable rates.

(7) The commission must, in approving a multiyear rate plan, determine a set of performance measures that will be used to assess a gas or electrical company operating under a multiyear rate plan. These performance measures may be based on proposals made by the gas or electrical company in its initial application, by any other party to the proceeding in its response to the company's filing, or in the testimony and evidence admitted in the proceeding. In developing performance measures, incentives, and penalty mechanisms, the commission may consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

(8) Nothing in this section precludes any gas or electrical company from making filings required or permitted by the commission.

(9) The commission shall align, to the extent practical, the timing of approval of a multiyear rate plan of an electrical company submitted pursuant to this section with the clean energy implementation plan of the electrical company filed pursuant to RCW 19.405.060.

(10) The provisions of this section may not be construed to limit the existing rate-making authority of the commission.

(11) The commission may require a large combination utility as defined in RCW 80.--.--- (section 2, chapter 351, Laws of 2024) to incorporate the requirements of this section into an integrated system plan established under RCW 80.--.--- (section 3, chapter 351, Laws of 2024).

(12) The commission shall not approve, or approve with conditions, a multiyear rate plan that requires or incentivizes a gas company or large combination utility to terminate natural gas service to customers.

(13) The commission shall not approve, or approve with conditions, a multiyear rate plan that authorizes a gas company or large combination utility to require a customer to involuntarily switch fuel use either by restricting access to natural gas service or by implementing planning requirements that would make access to natural gas service cost-prohibitive.

Sec. 5. RCW 80.--.--- and 2024 c 351 s 3 are each amended to read as follows:

(1) The legislature finds that large combination utilities are subject to a range of reporting and planning requirements as part of the clean energy transition. The legislature further finds that current natural gas integrated resource plans under development might not yield optimal results for timely and cost-effective decarbonization. To reduce regulatory barriers, achieve equitable and transparent outcomes, and integrate planning requirements, the commission may consolidate a large combination utility's planning requirements for both gas and electric operations, including consolidation into a single integrated system plan that is approved by the commission.

(2)(a) By July 1, 2025, the commission shall complete a rule-making proceeding to implement consolidated planning requirements for gas and electric services for large combination utilities that may include plans required under: (i) RCW 19.280.030; (ii) RCW 19.285.040; (iii) RCW 19.405.060; (iv) RCW

80.28.380; (v) RCW 80.28.365; (vi) RCW 80.28.425; and (vii) RCW 80.28.130. The commission may extend the rule-making proceeding for 90 days for good cause shown. The large combination utilities' filing deadline required in subsection (4) of this section will be extended commensurate to the rule-making extension period set by the commission. Subsequent planning requirements for future integrated system plans must be fulfilled on a timeline set by the commission. Large combination utilities that file integrated system plans are no longer required to file separate plans that are required in an integrated system plan. The statutorily required contents of any plan consolidated into an integrated system plan must be met by the integrated system plan.

(b) In its order adopting rules or issuing a policy statement approving the consolidation of planning requirements, the commission shall include a compliance checklist and any additional guidance that is necessary to assist the large combination utility in meeting the minimum requirements of all relevant statutes and rules.

(3) Upon request by a large combination utility, the commission may issue an order extending the filing and reporting requirements of a large combination utility under RCW 19.405.060 and 19.280.030, and requiring the large combination utility to file an integrated system plan pursuant to subsection (4) of this section if the commission finds that the large combination utility has made public a work plan that demonstrates reasonable progress toward meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and achieving equity goals. The commission's approval of an extension of filing and reporting requirements does not relieve the large combination utility from the obligation to demonstrate progress towards meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and the interim targets approved in its most recent clean energy implementation plan. Commission approval of an extension under this section fulfills the large combination ((~~utilities~~)) utility's statutory filing deadlines under RCW 19.405.060(1).

(4) By January 1, 2027, and on a timeline set by the commission thereafter, large combination utilities shall file an integrated system plan demonstrating how the large combination utilities' plans are consistent with the requirements of this chapter and any rules and guidance adopted by the commission, and which:

(a) Achieve the obligations of all plans consolidated into the integrated system plan;

(b) Provide a range of forecasts, for at least the next 20 years, of projected customer demand that takes into account econometric data and addresses changes in the number, type, and efficiency of customer usage;

(c) Include scenarios that achieve emissions reductions for both gas and electric operations equal to at least their proportional share of emissions reductions required under RCW 70A.45.020;

(d) Include scenarios with emissions reduction targets for both gas and electric operations for each emissions reduction period that account for the interactions between gas and electric systems;

(e) Achieve two percent of electric load annually with conservation and energy efficiency resources, unless the commission finds that a higher target is cost-effective. However, the commission may accept a lower level of achievement if it determines that the requirement in this subsection (4)(e) is

neither technically nor commercially feasible during the applicable emissions reduction period;

(f) Assess commercially available conservation and efficiency resources, including demand response and load management, to achieve the conservation and energy efficiency requirements in (e) of this subsection, and as informed by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (b) of this subsection. Such an assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources. The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost-effectiveness under this subsection;

(g) Achieve annual demand response and demand flexibility equal to or greater than 10 percent of winter and summer peak electric demand, unless the commission finds that a higher target is cost-effective. However, the commission may accept a lower level of achievement if it determines that the requirement in this subsection (4)(g) is neither technically nor commercially feasible during the applicable emissions reduction period;

(h) ((~~Achieve all cost-effective electrification of end uses currently served by natural gas identified through an assessment of alternatives to known and planned gas infrastructure projects, including nonpipeline alternatives, rebates and incentives, and geographically targeted electrification;~~

~~(i)~~)) Include low-income electrification programs that must:

(i) Include rebates and incentives to low-income customers and customers experiencing high energy burden for the deployment of high-efficiency electric-only heat pumps in homes and buildings currently heating with wood, oil, propane, electric resistance, or gas;

(ii) Provide demonstrated material benefits to low-income participants including, but not limited to, decreased energy burden, the addition of air conditioning, and backup heat sources using natural gas or energy storage systems, if necessary to protect health and safety in areas with frequent outages, or improved indoor air quality;

(iii) Enroll customers in energy assistance programs or provide bill assistance;

(iv) ((~~Provide dedicated funding for electrification readiness;~~

~~(v)~~)) Include low-income customer protections to mitigate energy burden, if electrification measures will increase a low-income participant's energy burden; and

(((~~(vi)~~))) (v) Coordinate with community-based organizations in the ((~~gas or electrical company's~~)) large combination utility's service territory including, but not limited to, grantees of the department of commerce, community action agencies, and community-based nonprofit organizations, to remove barriers and effectively serve low-income customers;

(((~~(j)~~))) (i) Accept as proof of eligibility for energy assistance enrollment in any means-tested public benefit, or low-income energy assistance program, for which eligibility does not exceed the low-income definition set by the commission pursuant to RCW 19.405.020;

(((~~(k) Assess the potential for geographically targeted electrification including, but not limited to, in overburdened communities, on gas plant that is fully depreciated or gas plant that is included in a proposal for geographically targeted electrification that requires accelerating depreciation pursuant to RCW 80.--.--(1) (section 7(1), chapter 351, Laws of 2024) for the gas plant subject to such electrification proposal;~~

~~(l)~~)) (j) Assess commercially available supply side resources, including a comparison of the benefits and risks of purchasing electricity or gas or building new resources;

(((~~(m) Assess nonpipeline alternatives, including geographically targeted electrification and demand response, as an alternative to replacing aging gas infrastructure or expanded gas capacity. Assessments must involve, at a minimum:~~

~~(i) Identifying all known and planned gas infrastructure projects, including those without a fully defined scope or cost estimate, for at least the 10 years following the filing;~~

~~(ii) Estimating programmatic expenses of maintaining that portion of the gas system for at least the 10 years following the filing; and~~

~~(iii) Ranking all gas pipeline segments for their suitability for nonpipeline alternatives;~~

~~(n)~~)) (k) Assess distributed energy resources that meets the requirements of RCW 19.280.100;

(((~~(o)~~)) (l) Provide an assessment and 20-year forecast of the availability of and requirements for regional supply side resource and delivery system capacity to provide and deliver electricity and gas to the large combination utility's customers and to meet, as applicable, the requirements of chapter 19.405 RCW and the state's greenhouse gas emissions reduction limits in RCW 70A.45.020. The delivery system assessment must identify the large combination utility's expected needs to acquire new long-term firm rights, develop new, or expand or upgrade existing, delivery system facilities consistent with the requirements of this section and reliability standards and take into account opportunities to make more effective use of existing delivery facility capacity through improved delivery system operating practices, conservation and efficiency resources, distributed energy resources, demand response, grid modernization, nonwires solutions, and other programs if applicable;

(((~~(p)~~))) (m) Assess methods, commercially available technologies, or facilities for integrating renewable resources and nonemitting electric generation including, but not limited to, battery storage and pumped storage, and addressing overgeneration events, if applicable to the large combination utility's resource portfolio;

(((~~(q)~~))) (n) Provide a comparative evaluation of supply side resources, delivery system resources, and conservation and efficiency resources using lowest reasonable cost as a criterion;

(((~~(r)~~))) (o) Include a determination of resource adequacy metrics for the integrated system plan consistent with the forecasts;

(((~~(s)~~))) (p) Forecast distributed energy resources that may be installed by the large combination utility's customers and an assessment of their effect on the large combination utility's load and operations;

((~~(t)~~)) (q) Identify an appropriate resource adequacy requirement and measurement metric consistent with prudent utility practice in implementing RCW 19.405.030 through 19.405.050;

((~~(u)~~)) (r) Integrate demand forecasts, resource evaluations, and resource adequacy requirements into a long-range assessment describing the mix of supply side resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the lowest reasonable cost and risk to the large combination utility and its customers, while maintaining and protecting the safety, reliable operation, and balancing of the energy system of the large combination utility;

((~~(v)~~)) (s) Include an assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and the avoidance and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk;

((~~(w)~~)) (t) Include a 10-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard;

((~~(x)~~)) (u) Include an analysis of how the integrated system plan accounts for:

(i) Model load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a large combination utility's service area, including anticipated levels of zero emissions vehicle use in the large combination utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts, which may use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520;

((~~(y)~~)) (v) Establish that the large combination utility has:

(i) Consigned to auction for the benefit of ratepayers the minimum required number of allowances allocated to the large combination utility for the applicable compliance period pursuant to RCW 70A.65.130, consistent with the climate commitment act, chapter 70A.65 RCW, and rules adopted pursuant to the climate commitment act; and

(ii) Prioritized, to the maximum extent permissible under the climate commitment act, chapter 70A.65 RCW, revenues derived from the auction of allowances allocated to the utility for the applicable compliance period pursuant to RCW 70A.65.130, first to programs that eliminate the cost burden for low-income ratepayers, such as bill assistance, or nonvolumetric credits on ratepayer utility bills, ((~~or electrification programs,~~)) and second to ((~~electrification~~)) programs benefiting residential and small commercial customers;

((~~(z)~~)) (w) Propose an action plan outlining the specific actions to be taken by the large combination utility in implementing the integrated system plan following submission; and

(((~~(aa)~~))) (x) Report on the large combination utility's progress towards implementing the recommendations contained in its previously filed integrated system plan.

(5) ((~~In evaluating the lowest reasonable cost of decarbonization measures included in an integrated system plan, large combination utilities must apply a risk reduction premium that must account for the applicable allowance ceiling price approved by the department of ecology pursuant to the climate commitment act, chapter 70A.65 RCW. For the purpose of this chapter, the risk reduction premium is necessary to ensure that a large combination utility is making appropriate long-term investments to mitigate against the allowance and fuel price risks to customers of the large combination utility.~~

~~(6)~~)) The clean energy action plan must:

(a) Identify and be informed by the large combination utility's 10-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable;

(b) Establish a resource adequacy requirement;

(c) Identify the potential cost-effective demand response and load management programs that may be acquired;

(d) Identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the large combination utility's resource adequacy requirement;

(e) Identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities and document existing and planned efforts by the large combination utility to make more effective use of existing transmission capacity and secure additional transmission capacity consistent with the requirements of subsection (4)(((~~(o)~~))) (l) of this section; and

(f) Identify the nature and possible extent to which the large combination utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

(((~~(7)~~))) (6) A large combination utility shall consider the social cost of greenhouse gas emissions, as determined by the commission pursuant to RCW 80.28.405, when developing integrated system plans and clean energy action plans. A large combination utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(a) Evaluating and selecting conservation policies, programs, and targets;

(b) Developing integrated system plans and clean energy action plans; and

(c) Evaluating and selecting intermediate term and long-term resource options.

(((~~(8)~~))) (7) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission.

(((~~(9)~~))) (8)(a) To maximize transparency, the commission may require a large combination utility to make the utility's data input files available in a native format. Each large combination utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

((~~(10)~~)) (9) The commission shall establish by rule a cost test for emissions reduction measures achieved by large combination utilities to comply with state clean energy and climate policies. The cost test must be used by large combination utilities under this chapter for the purpose of determining the lowest reasonable cost of decarbonization and low-income electrification measures in integrated system plans, at the portfolio level, and for any other purpose determined by the commission by rule.

((~~(11)~~)) (10) The commission must approve, reject, or approve with conditions an integrated system plan within 12 months of the filing of such an integrated system plan. The commission may for good cause shown extend the time by 90 days for a decision on an integrated system plan filed on or before January 1, 2027, as such date is extended pursuant to subsection (2)(a) of this section.

((~~(12)~~)) (11) In determining whether to approve the integrated system plan, reject the integrated system plan, or approve the integrated system plan with conditions, the commission must evaluate whether the plan is in the public interest, and includes the following:

(a) The equitable distribution and prioritization of energy benefits and reduction of burdens to vulnerable populations, highly impacted communities, and overburdened communities;

(b) Long-term and short-term public health, economic, and environmental benefits and the reduction of costs and risks;

(c) Health and safety concerns;

(d) Economic development;

(e) Equity;

(f) Energy security and resiliency;

(g) Whether the integrated system plan:

(i) Would achieve a proportional share of reductions in greenhouse gas emissions for each emissions reduction period on the gas and electric systems;

(ii) Would achieve the energy efficiency and demand response targets in subsection (4)(e) and (g) of this section;

(iii) ((~~Would achieve cost-effective electrification of end uses as required by subsection (4)(h) of this section;~~

~~(iv)~~)) Results in a reasonable cost to customers, and projects the rate impacts of specific actions, programs, and investments on customers;

((~~(v)~~)) (iv) Would maintain system reliability and reduces long-term costs and risks to customers;

((~~(vi)~~)) (v) Would lead to new construction career opportunities ((~~and prioritizes a transition of natural gas and electricity utility~~)) for workers to perform work on construction and maintenance of new and existing renewable energy infrastructure; and

((~~(vii)~~)) (vi) Describes specific actions that the large combination utility plans to take to achieve the requirements of the integrated system plan.

(12) The commission shall not approve, or approve with conditions, an integrated system plan that requires or incentivizes a large combination utility to terminate natural gas service to customers.

(13) The commission shall not approve, or approve with conditions, an integrated system plan that authorizes a large combination utility to require a customer to involuntarily switch fuel use either by restricting access to natural

gas service or by implementing planning requirements that would make access to natural gas service cost-prohibitive.

Sec. 6. RCW 19.27A.020 and 2018 c 207 s 7 are each amended to read as follows:

(1) The state building code council in the department of enterprise services shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings ((~~that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings~~)) by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework; and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code may not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

(4) The Washington state energy code shall take into account regional climatic conditions. One climate zone includes: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties. The other climate zone includes all other counties not listed in this subsection ((~~(3)~~)) (4). The assignment of a county to a climate zone may not be changed by adoption of a model code or rule. Nothing in this section prohibits the council from adopting the same rules or standards for each climate zone.

((~~(4)~~)) (5) The Washington state energy code for residential buildings shall be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

((~~(5)~~)) (6) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 2006 edition, or as amended by the council by rule.

((~~(6)~~)) (7)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

((~~(7)~~)) (8) The state building code council shall consult with the department of enterprise services as provided in RCW 34.05.310 prior to publication of proposed rules. The director of the department of enterprise services shall

recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(((~~(8)~~))) (9) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(((~~(9)~~))) (10) The definitions in RCW 19.27A.140 apply throughout this section.

Sec. 7. RCW 19.27A.025 and 2024 c 170 s 4 are each amended to read as follows:

(1) The minimum state energy code for new and renovated nonresidential buildings, as specified in this chapter, shall be the Washington state energy code, 1986 edition, as amended. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, RCW 19.27.031, and RCW 19.27.---, 19.27.---, and 19.27.--- (sections 6, 7, and 8, chapter 170, Laws of 2024), amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and developed to yield the lowest overall cost to the building owner and occupant while meeting the energy reduction goals established under RCW 19.27A.160.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory group in accordance with RCW 19.27.--- (section 7, chapter 170, Laws of 2024) including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3) Decisions to amend the Washington state energy code for new nonresidential buildings shall be made prior to December 15th of any year and shall not take effect before the end of the regular legislative session in the next year. Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds vote of the voting members. Substantial amendments to the code shall be adopted no more frequently than every three years except as allowed in RCW 19.27.031 and RCW 19.27.--- (section 6, chapter 170, Laws of 2024).

(4) When amending a code under this section, the state building code council shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

Sec. 8. RCW 19.27A.045 and 2024 c 170 s 5 are each amended to read as follows:

(1) The state building code council shall maintain the state energy code for residential structures in a status which is consistent with the state's interest as set forth in section 1, chapter 2, Laws of 1990. In maintaining the Washington state energy code for residential structures, beginning in 1996 the council shall review the Washington state energy code every three years. After January 1, 1996, by

rule adopted pursuant to chapter 34.05 RCW, RCW 19.27.031, and RCW 19.27.---, 19.27.---, and 19.27.--- (sections 6, 7, and 8, chapter 170, Laws of 2024), the council may amend any provisions of the Washington state energy code to increase the energy efficiency of newly constructed residential buildings. Decisions to amend the Washington state energy code for residential structures shall be made prior to December 1st of any year and shall not take effect before the end of the regular legislative session in the next year.

(2) When amending a code under this section, the state building code council shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

NEW SECTION. **Sec. 9.** A new section is added to chapter 35.21 RCW to read as follows:

A city or town shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

NEW SECTION. **Sec. 10.** A new section is added to chapter 36.01 RCW to read as follows:

A county shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

NEW SECTION. **Sec. 11.** A new section is added to chapter 70A.15 RCW to read as follows:

An authority shall not in any way prohibit, penalize, or discourage the use of gas for any form of heating, or for uses related to any appliance or equipment, in any building.

NEW SECTION. **Sec. 12.** The following acts or parts of acts are each repealed:

(1) 2024 c 351 s 1 (uncodified);

(2) RCW 80.--.--- and 2024 c 351 s 7;

(3) RCW 80.--.--- and 2024 c 351 s 8;

(4) RCW 80.--.--- and 2024 c 351 s 10; and

(5) 2024 c 351 s 21 (uncodified).

NEW SECTION. **Sec. 13.** 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.

CHAPTER 2

[2025Salaryschedule.sl]

SALARIES—STATE ELECTED OFFICIALS

AN ACT Relating to salaries of elected officials; and amending RCW 43.03.011, 43.03.012, and 43.03.013.

Be it enacted by the Washington citizens' commission on salaries for elected officials of the State of Washington:

Sec. 1. RCW 43.03.011 and 2023 c 1 s 1 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salaries of the state elected officials of the executive branch shall be as follows:

(1) Effective July 1, ((~~2022~~)) 2024:

(a) Governor. . . . . ((~~$190,632~~)) $204,205
(b) Lieutenant governor . . . . . ((~~$119,353~~)) $127,851
(c) Secretary of state . . . . . ((~~$136,996~~)) $150,085
(d) Treasurer. . . . . ((~~$156,303~~)) $167,432
(e) Auditor . . . . . ((~~$134,526~~)) $150,085
(f) Attorney general . . . . . ((~~$175,274~~)) $193,169
(g) Superintendent of public instruction . . . . . ((~~$155,678~~)) $166,762
(h) Commissioner of public lands . . . . . ((~~$155,678~~)) $166,762
(i) Insurance commissioner . . . . . ((~~$140,110~~)) $150,085

(2) Effective July 1, ((~~2023~~)) 2025:

(a) Governor. . . . . ((~~$198,257~~)) $218,744
(b) Lieutenant governor . . . . . ((~~$124,127~~)) $131,687
(c) Secretary of state . . . . . ((~~$145,714~~)) $154,588
(d) Treasurer. . . . . ((~~$162,555~~)) $172,455
(e) Auditor . . . . . ((~~$145,714~~)) $154,588
(f) Attorney general . . . . . ((~~$187,543~~)) $206,923
(g) Superintendent of public instruction . . . . . ((~~$161,905~~)) $171,765
(h) Commissioner of public lands . . . . . ((~~$161,905~~)) $171,765
(i) Insurance commissioner . . . . . ((~~$145,714~~)) $154,588

(3) Effective July 1, ((~~2024~~)) 2026:

(a) Governor. . . . . ((~~$204,205~~)) $234,275
(b) Lieutenant governor . . . . . ((~~$127,851~~)) $134,321
(c) Secretary of state . . . . . ((~~$150,085~~)) $157,680
(d) Treasurer. . . . . ((~~$167,432~~)) $175,904
(e) Auditor . . . . . ((~~$150,085~~)) $157,680
(f) Attorney general . . . . . ((~~$193,169~~)) $221,614
(g) Superintendent of public instruction . . . . . ((~~$166,762~~)) $175,200
(h) Commissioner of public lands . . . . . ((~~$166,762~~)) $175,200
(i) Insurance commissioner . . . . . ((~~$150,085~~)) $157,680

(4) The lieutenant governor shall receive the fixed amount of his or her salary plus 1/260th of the difference between his or her salary and that of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor.

Sec. 2. RCW 43.03.012 and 2023 c 1 s 2 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, and 43.03.310, the annual salaries of the judges of the state shall be as follows:

(1) Effective July 1, ((~~2022~~)) 2024:

(a) Chief justice of the supreme court . . . . . ((~~$227,410~~)) $255,495
(b) Justices of the supreme court . . . . . ((~~$224,176~~)) $251,861
(c) Judges of the court of appeals . . . . . ((~~$213,400~~)) $239,755

(d) Judges of the superior court . . . . . ((~~$203,169~~)) $228,261
(e) Full-time judges of the district court . . . . . ((~~$193,447~~)) $217,337
(2) Effective July 1, ((~~2023~~)) 2025:
(a) Chief justice of the supreme court . . . . . ((~~$243,329~~)) $265,792
(b) Justices of the supreme court . . . . . ((~~$239,868~~)) $262,011
(c) Judges of the court of appeals . . . . . ((~~$228,338~~)) $249,417
(d) Judges of the superior court . . . . . ((~~$217,391~~)) $237,460
(e) Full-time judges of the district court . . . . . ((~~$206,988~~)) $226,096
(3) Effective July 1, ((~~2024~~)) 2026:
(a) Chief justice of the supreme court . . . . . ((~~$255,495~~)) $273,819
(b) Justices of the supreme court . . . . . ((~~$251,861~~)) $269,924
(c) Judges of the court of appeals . . . . . ((~~$239,755~~)) $256,949
(d) Judges of the superior court . . . . . ((~~$228,261~~)) $244,631
(e) Full-time judges of the district court . . . . . ((~~$217,337~~)) $232,924

(4) The salary for a part-time district court judge shall be the proportion of full-time work for which the position is authorized, multiplied by the salary for a full-time district court judge.

Sec. 3. RCW 43.03.013 and 2023 c 1 s 3 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salary of members of the legislature shall be:

(1) Effective July 1, ((~~2022~~)) 2024:
(a) Legislators . . . . . ((~~$57,876~~)) $61,997
(b) Speaker of the house . . . . . ((~~$66,016~~)) $70,717
(c) Senate majority leader . . . . . ((~~$66,016~~)) $70,717
(d) House minority leader . . . . . ((~~$61,946~~)) $66,357
(e) Senate minority leader . . . . . ((~~$61,946~~)) $66,357
(2) Effective July 1, ((~~2023~~)) 2025:
(a) Legislators . . . . . ((~~$60,191~~)) $67,688
(b) Speaker of the house . . . . . ((~~$68,657~~)) $75,688
(c) Senate majority leader . . . . . ((~~$68,657~~)) $75,688
(d) House minority leader . . . . . ((~~$64,424~~)) $71,688
(e) Senate minority leader . . . . . ((~~$64,424~~)) $71,688
(3) Effective July 1, ((~~2024~~)) 2026:
(a) Legislators . . . . . ((~~$61,997~~)) $72,494
(b) Speaker of the house . . . . . ((~~$70,717~~)) $80,494
(c) Senate majority leader . . . . . ((~~$70,717~~)) $80,494
(d) House minority leader . . . . . ((~~$66,357~~)) $76,494
(e) Senate minority leader . . . . . ((~~$66,357~~)) $76,494

Originally filed in Office of Secretary of State February 11, 2025.

CHAPTER 3

[Substitute Senate Bill 5118]

INTERNATIONAL MEDICAL GRADUATES—CLINICAL EXPERIENCE LICENSE

AN ACT Relating to updating the requirements for the clinical experience license for international medical graduates; and amending RCW 18.71.095.

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

Sec. 1. RCW 18.71.095 and 2023 c 14 s 1 are each amended to read as follows:

The commission may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The commission may, upon the written request of the secretary of the department of social and health services, the secretary of children, youth, and families, or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services, the department of children, youth, and families, or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services, the department of children, youth, and families, or the department of corrections.

(2) The commission may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the commission, the commission may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

(4)(a) Upon nomination by the dean of an accredited school of medicine in the state of Washington or the chief executive officer of a hospital or other

appropriate health care facility licensed in the state of Washington, the commission may issue a limited license to a physician applicant invited to serve as a teaching-research member of the institution's instructional staff if the sponsoring institution and the applicant give evidence that he or she has graduated from a recognized medical school and has been licensed or otherwise privileged to practice medicine at his or her location of origin. Such license shall permit the recipient to practice medicine only within the confines of the instructional program specified in the application and shall terminate whenever the holder ceases to be involved in that program, or at the end of one year, whichever is earlier. Upon request of the applicant and the institutional authority, the license may be renewed. The holder of a teaching research license under this subsection (4)(a) is eligible for full licensure if the following conditions are met:

(i) If the applicant has not graduated from a school of medicine located in any state, territory, or possession of the United States, the District of Columbia, or the Dominion of Canada, the applicant must satisfactorily pass the certification process by the educational commission for foreign medical graduates;

(ii) The applicant has successfully completed the exam requirements set forth by the commission by rule;

(iii) The applicant has the ability to read, write, speak, understand, and be understood in the English language at a level acceptable for performing competent medical care in all practice settings;

(iv) The applicant has continuously held a position of associate professor or higher at an accredited Washington state medical school for no less than three years; and

(v) The applicant has had no disciplinary action taken in the previous five years.

(b) Upon nomination by the dean of an accredited school of medicine in the state of Washington or the chief executive officer of any hospital or appropriate health care facility licensed in the state of Washington, the commission may issue a limited license to an applicant selected by the sponsoring institution to be enrolled in one of its designated departmental or divisional fellowship programs provided that the applicant shall have graduated from a recognized medical school and has been granted a license or other appropriate certificate to practice medicine in the location of the applicant's origin. Such license shall permit the holder only to practice medicine within the confines of the fellowship program to which he or she has been appointed and, upon the request of the applicant and the sponsoring institution, the license may be renewed by the commission.

All persons licensed under this section shall be subject to the jurisdiction of the commission to the same extent as other members of the medical profession, in accordance with this chapter and chapter 18.130 RCW.

Persons applying for licensure and renewing licenses pursuant to this section shall comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280. Any person who obtains a limited license pursuant to this section may apply for licensure under this chapter, but shall submit a new application form and comply with all other licensing requirements of this chapter.

(5) ((~~The commission may issue a time-limited clinical experience license to an applicant who does not qualify for licensure under RCW 18.71.050 or~~

~~chapter 18.71B RCW and who meets the requirements established by the commission in rule for the purpose of gaining clinical experience at an approved facility or program.~~

~~(6)~~))(a) Upon nomination by the chief medical officer of any hospital, appropriate medical practice or physician employment group located in the state of Washington, the department of social and health services, the department of children, youth, and families, the department of corrections, or a county or city health department, the commission may issue a limited license to an international medical graduate for the purpose of gaining clinical experience if the applicant:

(i) ((~~Has been a Washington state resident for at least one year;~~

~~(ii)~~)) Provides proof the applicant is certified by the educational commission for foreign medical graduates;

(((~~(iii)~~))) (ii) Has passed ((~~all~~)) steps one and two of the United States medical licensing examination; and

(((~~(iv)~~))) (iii) Submits to the commission background check process required of applicants generally.

(b) The commission at its sole discretion may elect to waive requirements in statute and rule when considering internationally trained applicants experiencing hardship in providing required documents for license applications. The commission may also require alternate demonstrations of competence that may include examinations or specialty assessments, a period of supervised practice, or other tools as appropriate for evaluation of an applicant to the satisfaction of the commission. Hardship scenarios the commission may consider include, but are not limited to, refugee status, persecution in the home country of the applicant due to beliefs, ethnicity, or other demographic considerations. The commission may not consider as a hardship the inability of the applicant to complete the certification and examination processes administered by the educational commission on foreign medical graduates or the failure of required examinations.

(c) A license holder under this subsection may only practice:

(i) Under the supervision and control of a physician who is licensed in this state under this chapter or chapter 18.57 RCW and is of the same or substantially similar clinical specialty; and

(ii) Within the nominating facility or organization.

(((~~(c)~~))) (d) A license holder must file with the commission a practice agreement between the license holder and the supervising physician who is of the same or substantially similar clinical specialty prior to beginning practice under this license.

(((~~(d)~~))) (e) A supervising physician may supervise no more than ((~~two~~)) four license holders under this subsection unless the commission grants a request to increase this limit.

(((~~(e)~~))) (f) A limited license issued under this subsection is valid for two years and may be renewed ((~~once~~)) three times by the commission upon application for renewal by the nominating entity for a total of eight years. Prior to the third renewal, the applicant must attest to the commission that they applied to one or more residency programs.

(((~~(f)~~))) (g) The scope of practice of an individual licensed and practicing under authority of this license shall be defined in the practice agreement between

the supervising physician and the licensee. For purposes of medical practice, employment role definition, malpractice coverage, credentialing, and insurance billing for plans described in, but not limited to, Title 48 RCW, the licensee shall be considered a full scope physician, unless disciplinary action limits the scope of the license held by the licensee or the supervising physician.

(h) All persons licensed under this subsection are subject to the jurisdiction of the commission to the same extent as other members of the medical profession, in accordance with this chapter and chapter 18.130 RCW.

((~~(g)~~)) (i) Persons applying for licensure and renewing licenses under this subsection shall comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

((~~(h)~~)) (j) The supervising physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.011 or the practice of osteopathic medicine and surgery as defined in RCW 18.57.001 when performed by an international medical graduate practicing under their supervision.

Passed by the Senate February 26, 2025.
Passed by the House March 26, 2025.
Approved by the Governor April 4, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 4

[Senate Bill 5006]

CORPORATIONS—VARIOUS PROVISIONS

AN ACT Relating to making updates to Washington's corporation acts; and amending RCW 23B.06.240, 23B.08.250, 23B.11A.070, 23B.13.020, 23B.14.020, 24.03A.575, and 24.06.145.

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

Sec. 1. RCW 23B.06.240 and 2020 c 194 s 6 are each amended to read as follows:

(1) Unless the articles of incorporation provide otherwise, a corporation may issue rights, options, or warrants for the purchase of shares or other securities of the corporation. The board of directors ((~~shall~~)) must determine the terms and conditions upon which the rights, options, or warrants are issued((~~, their form and content, and the terms and conditions relating to their exercise, including the time or times, the conditions precedent, and the consideration for which and the holders by whom the rights, options, or warrants may be exercised~~)) and may become exercisable, exchangeable, or convertible, including the consideration for which the shares or other securities are to be issued. The authorization by the board of directors for the corporation to issue such rights, options, or warrants constitutes authorization of the issuance of the shares or other securities for which the rights, options, or warrants are exercisable.

(2) The terms and conditions of such rights, options, or warrants((~~, including the time or times, the conditions precedent, and the consideration for which and the holders by whom the rights, options, or warrants may be exercised, as well as their duration (a) may preclude~~)) may include restrictions or conditions that:

(a) Preclude or limit the exercise, transfer, or receipt of such rights, options, or warrants ((~~or invalidate~~)) by any person or persons owning or offering to acquire any number or percentage of the outstanding shares or other securities of the corporation or by any transferee or transferees of any such person or persons;

(b) Invalidate or void any rights, options, or warrants ((~~and (b) may be made~~)) held by any person or persons or any such transferee or transferees; or

(c) Are dependent upon facts ascertainable outside the documents evidencing them or outside the resolution or resolutions adopted by the board of directors creating such rights, options, or warrants if the manner in which those facts operate on the rights, options, or warrants or the holders thereof is clearly set forth in the documents or the resolutions. For purposes of this section, "facts ascertainable outside the documents evidencing them or outside the resolution or resolutions adopted by the board of directors creating such rights, options, or warrants" includes, but is not limited to, the existence of any condition or the occurrence of any event, including, without limitation, a determination or action by any person or body, including the corporation, its board of directors, or an officer, employee, or agent of the corporation.

(3) The board of directors may authorize one or more officers to: (a) Designate the recipients of rights, options, warrants, or other equity awards that involve the issuance of shares of the corporation; and (b) determine, within an amount and subject to other limitations established by the board of directors and, if applicable, the shareholders, the number of such rights, options, warrants, or other equity awards, and the terms and conditions of such rights, options, warrants, or other equity awards to be received by the recipients. An officer may not use such authority to designate himself or herself or any other persons as the board of directors may specify as a recipient of such rights, options, warrants, or other equity awards.

Sec. 2. RCW 23B.08.250 and 2009 c 189 s 27 are each amended to read as follows:

(1) Unless this title, the articles of incorporation, or the bylaws provide otherwise, a board of directors may ((~~create~~)) establish one or more board committees ((~~of directors. Each committee must have two or more members, who serve at the pleasure~~)) composed exclusively of one or more directors to perform functions of the board of directors.

(2) The ((~~creation~~)) establishment of a board committee and appointment of members to it must be approved by the greater of (a) a majority of all the directors in office when ((~~the creation of the committee is approved~~)) this corporate action is taken or (b) the number of directors required by the articles of incorporation or bylaws to ((~~approve the creation of the committee under RCW 23B.08.240~~)) take corporate action under RCW 23B.08.240, unless, in either case, this title or the articles of incorporation provide otherwise.

(3) RCW 23B.08.200 through 23B.08.240((~~, which govern meetings, approval of corporate action without meetings, notice and waiver of notice, and quorum and voting requirements of the board of directors, apply to committees and their members as well~~)) apply to board committees and their members.

(4) ((~~To the extent specified by the board of directors or in the articles of incorporation or bylaws, each committee may exercise the authority of the board of directors under RCW 23B.08.010.~~

~~(5) A committee may not, however:~~

~~(a) Approve a distribution~~)) A board committee may exercise the powers of the board of directors under RCW 23B.08.010, to the extent specified by the board of directors or in the articles of incorporation or bylaws, except that a board committee may not:

(a) Authorize or approve distributions, except according to a ((~~general~~)) formula or method, or within limits, prescribed by the board of directors;

(b) Approve or propose to shareholders corporate action that this title requires be approved by shareholders;

(c) Fill vacancies on the board of directors or, subject to subsection (5) of this section, on any ((~~of its~~)) board committees; or

(d) ((~~Amend articles of incorporation pursuant to RCW 23B.10.020;~~

~~(e)~~)) Adopt, amend, or repeal bylaws((~~;~~

~~(f) Approve a plan of merger not requiring shareholder approval; or~~

~~(g) Approve the issuance or sale or contract for sale of shares, or determine the designation and relative rights, preferences, and limitations of a class or series of shares, except that the board of directors may authorize a committee, or a senior executive officer of the corporation to do so within limits specifically prescribed by the board of directors.~~

~~(6) The creation of, delegation of authority to, or approval of corporate action by a committee does not alone constitute compliance by a director with the standards of conduct described in RCW 23B.08.300~~)).

(5) The board of directors may appoint one or more directors as alternate members of any board committee to replace any absent or disqualified member during the member's absence or disqualification. If the articles of incorporation, the bylaws, or the resolution creating the board committee so provide, the member or members present at any board committee meeting and not disqualified from voting may, by unanimous action, appoint another director to act in place of an absent or disqualified member during that member's absence or disqualification.

Sec. 3. RCW 23B.11A.070 and 2024 c 22 s 9 are each amended to read as follows:

(1) When a merger becomes effective:

(a) The domestic corporation or other entity that is designated in the plan of merger as the surviving entity continues;

(b) The separate existence of every domestic corporation or other entity that is merged into the surviving entity ceases;

(c) All property owned by, and every contract right possessed by, each domestic corporation or other entity that is merged into the surviving entity are the property and contract rights of the surviving entity without transfer, reversion, or impairment;

(d) All debts, obligations, and other liabilities of each domestic corporation or other entity that is merged into the surviving entity are debts, obligations, or liabilities of the surviving entity;

(e) The name of the surviving entity may, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger;

(f) If the surviving entity is a domestic entity, the articles of incorporation and bylaws or the organic rules of the surviving entity are amended, or amended and restated, to the extent provided in the plan of merger;

(g) The shares of or interests in each entity that is a party to the merger that are to be converted in accordance with the terms of the merger into shares or other securities, interests, obligations, rights to acquire shares, other securities, or interests, cash, other property, or any combination of the foregoing, are converted, and the former holders of such shares or interests are entitled only to the rights provided to them by those terms or to any rights they may have under chapter 23B.13 RCW or the organic law governing the other entity;

(h) Except as provided by law or the plan of merger, all the rights, privileges, franchises, and immunities of each entity that is merged into the surviving entity, are the rights, privileges, franchises, and immunities of the surviving entity;

(i) All the property and contract rights of the surviving entity remain its property and contract rights without transfer, reversion, or impairment;

(j) The surviving entity remains subject to all its debts, obligations, and other liabilities; and

(k) Except as provided by law or the plan of merger, the surviving entity continues to hold all of its rights, privileges, franchises, and immunities.

(2) When a share exchange becomes effective, the shares in the acquired entity that are to be exchanged for shares or other securities, obligations, rights to acquire shares, other securities, cash, other property, or any combination of the foregoing, are exchanged, and the former holders of such shares are entitled only to the rights provided to them in the plan of share exchange or to any rights they may have under chapter 23B.13 RCW.

(3) Except as provided otherwise in the articles of incorporation of a domestic corporation or the organic law governing or organic rules of an other entity, the effect of a merger or share exchange on owner liability is as follows:

(a) A person who becomes subject to new owner liability in respect of an entity as a result of a merger or share exchange will have that new owner liability only in respect of owner liabilities that arise after the merger or share exchange becomes effective;

(b) If a person had owner liability with respect to a party to the merger or the acquired entity before the merger or share exchange becomes effective with respect to shares or interests of such party or acquired entity which were exchanged in the merger or share exchange, which were canceled in the merger, or the terms and conditions of which relating to owner liability were amended under the terms of the merger:

(i) The merger or share exchange does not discharge that prior owner liability with respect to any owner liabilities that arose before the merger or share exchange becomes effective;

(ii) The provisions of the organic law governing any entity for which the person had that prior owner liability will continue to apply to the collection or discharge of any owner liabilities preserved by (b)(i) of this subsection (3), as if the merger or share exchange had not occurred;

(iii) The person will have such rights of contribution from other persons as are provided by the organic law governing the entity for which the person had that prior owner liability with respect to any owner liabilities preserved by (b)(i) of this subsection (3), as if the merger or share exchange had not occurred; and

(iv) The person will not, by reason of such prior owner liability, have owner liability with respect to any owner liabilities that arise after the merger or share exchange becomes effective;

(c) If a person has owner liability both before and after a merger becomes effective with unchanged terms and conditions with respect to the entity that is the surviving entity by reason of owning the same shares or interests before and after the merger becomes effective, the merger has no effect on such owner liability; and

(d) A share exchange has no effect on owner liability related to shares of the acquired entity that were not exchanged in the share exchange.

(4) Upon a merger becoming effective, a foreign other entity that is the surviving entity of the merger is deemed to:

(a) Appoint the secretary of state as its agent for service of process in a proceeding to enforce the rights of shareholders of each domestic corporation that is a party to the merger who are entitled to and exercise dissenters' rights under chapter 23B.13 RCW; and

(b) Agree that it will promptly pay the amount, if any, to which such shareholders are entitled under chapter 23B.13 RCW.

(5) Except as provided in the organic law governing a party to a merger or in its articles of incorporation or organic rules, the merger does not give rise to any rights that a shareholder, interest holder, governor, or third party would have upon a dissolution, liquidation, or winding up of that party. The merger does not require a party to the merger to wind up its affairs and does not constitute or cause its dissolution or termination.

Sec. 4. RCW 23B.13.020 and 2024 c 22 s 22 are each amended to read as follows:

(1) A shareholder is entitled to dissent from, and obtain payment of the fair value of the shareholder's shares in the event of, any of the following corporate actions:

(a) Consummation of a merger to which the corporation is a party (i) if shareholder approval is required for the merger by RCW 23B.11A.040 or the articles of incorporation, or would be required but for the provisions of RCW 23B.11A.045, and the shareholder is, or but for the provisions of RCW 23B.11A.045 would be, entitled to vote on the merger, except that the right to dissent will not be available to any shareholder of the corporation with respect to shares of any class or series that remain outstanding after consummation of the merger; or (ii) if the corporation is a subsidiary and the merger is governed by RCW 23B.11A.050;

(b) A plan of share exchange, which has become effective, to which the corporation is a party as the corporation whose shares have been acquired, if the shareholder was entitled to vote on the plan;

(c) A sale, lease, exchange, or other disposition, which has become effective, of all, or substantially all, of the property and assets of the corporation other than in the usual and regular course of business, if the shareholder was entitled to vote on the sale, lease, exchange, or other disposition, including a disposition in dissolution, but not including a disposition pursuant to court order or a disposition for cash pursuant to a plan by which all or substantially all of the net proceeds of the disposition will be distributed to the shareholders within one year after the date of the disposition;

(d) An amendment of the articles of incorporation, whether or not the shareholder was entitled to vote on the amendment, if the amendment effects a redemption or cancellation of all of the shareholder's shares in exchange for cash or other consideration other than shares of the corporation;

(e) Any action described in RCW 23B.25.120;

(f) Any corporate action approved pursuant to a shareholder vote to the extent the articles of incorporation, bylaws, or a resolution of the board of directors provides that voting or nonvoting shareholders are entitled to dissent and obtain payment for their shares; ((~~or~~))

(g) A plan of entity conversion in the case of a conversion of a domestic corporation to a foreign corporation, which has become effective, to which the domestic corporation is a party as the converting entity, if: (i) The shareholder was entitled to vote on the plan; and (ii) the shareholder does not receive shares in the surviving entity that have terms as favorable to the shareholder in all material respects and that represent at least the same percentage interest of the total voting rights of the outstanding shares of the surviving entity as the shares held by the shareholder before the conversion; or

(h) Consummation of a conversion of the corporation to another entity which is not a foreign corporation pursuant to RCW 23B.09.010.

(2) A shareholder entitled to dissent and obtain payment for the shareholder's shares under this chapter may not challenge the corporate action creating the shareholder's entitlement unless the action fails to comply with the procedural requirements imposed by this title, RCW 25.10.831 through 25.10.886, the articles of incorporation, or the bylaws, or is fraudulent with respect to the shareholder or the corporation.

(3) The right of a dissenting shareholder to obtain payment of the fair value of the shareholder's shares shall terminate upon the occurrence of any one of the following events:

(a) The proposed corporate action is abandoned or rescinded;

(b) A court having jurisdiction permanently enjoins or sets aside the corporate action; or

(c) The shareholder's demand for payment is withdrawn with the written consent of the corporation.

Sec. 5. RCW 23B.14.020 and 2011 c 328 s 8 are each amended to read as follows:

(1) A corporation's board of directors may propose dissolution for submission to the shareholders.

(2) For a proposal to dissolve to be approved:

(a) The board of directors must recommend dissolution to the shareholders unless (i) the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation or (ii) RCW 23B.08.245 applies, and in either case the board of directors communicates the basis for so proceeding to the shareholders; and

(b) The shareholders entitled to vote must approve the proposal to dissolve as provided in subsection (5) of this section.

(3) The board of directors may condition its submission of the proposal for dissolution on any basis, including the affirmative vote of holders of a specified percentage of shares held by any group of shareholders not otherwise entitled

under this title or the articles of incorporation to vote as a separate voting group on the proposed dissolution.

(4) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed dissolution either (a) by giving notice of a shareholders' meeting in accordance with RCW 23B.07.050 and stating that the purpose or one of the purposes of the meeting is to consider dissolving the corporation, or (b) in accordance with the requirements of RCW 23B.07.040 for approving the proposed dissolution without a meeting.

(5) ((~~In addition to any other voting conditions imposed by the board of directors under subsection (3) of this section, the proposed dissolution must be approved by two-thirds of the voting group comprising all~~)) (a) With respect to a corporation formed before August 1, 2024:

(i) Unless the articles of incorporation, or the board of directors acting in accordance with subsection (3) of this section, requires a different vote, shareholder approval of the proposed dissolution requires:

(A) The approval of two-thirds of the votes entitled to be cast on the proposed dissolution; and

(B) The approval of two-thirds of the votes entitled to be cast on the proposed dissolution((~~, and of~~)) by each other voting group entitled under the articles of incorporation to vote separately on the proposed dissolution.

(ii) The articles of incorporation may require a ((~~greater or lesser~~)) different vote than that provided in this subsection (5)(a), or a ((~~greater or lesser~~)) different vote by ((~~any~~)) separate voting groups ((~~provided for in the articles of incorporation~~)), so long as the required vote is not less than a majority of all the votes entitled to be cast on the proposed dissolution and of each other voting group entitled to vote separately on the proposed dissolution.

(b) With respect to a corporation formed on or after August 1, 2024, unless the articles of incorporation, or the board of directors acting in accordance with subsection (3) of this section, requires a greater vote, shareholder approval of the proposed dissolution requires:

(i) The approval of a majority of the votes entitled to be cast on the proposed dissolution; and

(ii) The approval of a majority of the votes entitled to be cast on the proposed dissolution by each other voting group entitled under the articles of incorporation to vote separately on the proposed dissolution.

Sec. 6. RCW 24.03A.575 and 2021 c 176 s 2506 are each amended to read as follows:

(1) Unless this chapter, the articles, or the bylaws provide otherwise, a board may create one or more committees of the board that consist of ((~~two~~)) one or more directors. A committee of the board shall not include as voting members persons who are not directors, except:

(a) As provided in Title 48 RCW or the regulations promulgated thereunder;

(b) If the only powers delegated to the committee are those necessary for the committee to serve in any fiduciary capacity with respect to one or more employee benefit plans established under the federal employee retirement income security act of 1974, or any successor statute; or

(c) Unless without the inclusion of persons who are not directors it is impossible or impracticable for the corporation to comply with applicable law other than this chapter.

(2) Unless this chapter otherwise provides, the creation of a committee of the board and appointment of directors to it shall be approved by the greater of:

(a) A majority of all the directors in office when the action is taken; or

(b) The number of directors required by the articles or bylaws to take action under RCW 24.03A.565.

(3) RCW 24.03A.550 through 24.03A.570 apply to both committees of the board and their members to the greatest practicable extent.

(4) To the extent specified by the board or in the articles or bylaws, each committee of the board may exercise the powers of the board granted through RCW 24.03A.490(2), except as limited by subsection (5) of this section.

(5) A committee of the board may not:

(a) Authorize distributions;

(b) Adopt, amend, alter, or repeal bylaws;

(c) In the case of a membership corporation, approve or propose to members action that must be approved by members under the articles or bylaws;

(d) Elect, appoint((~~,~~)) or remove any member of any committee of the board or any director or officer of the corporation;

(e) Amend the articles;

(f) Adopt a plan of merger with another corporation;

(g) Adopt a plan of domestication, for-profit conversion, or entity conversion;

(h) Authorize the sale, lease, or exchange of all or substantially all of the property and assets of the corporation not in the ordinary course of business;

(i) Authorize the voluntary dissolution of the corporation or revoke proceedings therefor;

(j) Adopt a plan for the distribution of the assets of the corporation; or

(k) Amend, alter, or repeal any resolution of the board, unless the resolution provides by its terms that it may be amended, altered, or repealed by a committee.

(6) The creation of, delegation of authority to, or action by a committee of the board does not alone constitute compliance by a director with the standards of conduct described in RCW 24.03A.495.

(7) A nonprofit corporation may create or authorize the creation of one or more advisory committees whose members need not be directors or meet the qualification requirements for directors. The board shall not delegate any of its authority to an advisory committee. An advisory committee:

(a) Is not a committee of the board; and

(b) May not exercise any of the powers of the board.

Sec. 7. RCW 24.06.145 and 2011 c 336 s 667 are each amended to read as follows:

If the articles of incorporation or the bylaws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate and appoint one or more committees each of which shall consist of ((~~two~~)) one or more directors, which committees, to the extent provided in such resolution, in the articles of incorporation, or in the bylaws of the corporation, shall have and exercise the authority of the board of directors in the management of the corporation: PROVIDED, That no such committee shall have the authority of the board of directors in reference to:

(1) Amending, altering, or repealing the bylaws;

(2) Electing, appointing, or removing any member of any such committee or any director or officer of the corporation;

(3) Amending the articles of incorporation;

(4) Adopting a plan of merger or a plan of consolidation with another corporation;

(5) Authorizing the sale, lease, exchange, or mortgage, of all or substantially all of the property and assets of the corporation;

(6) Authorizing the voluntary dissolution of the corporation or revoking proceedings therefor; or

(7) Amending, altering, or repealing any resolution of the board of directors which by its terms provides that it shall not be amended, altered, or repealed by such committee.

The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any individual director of any responsibility imposed upon it or him or her by law.

Passed by the Senate February 5, 2025.
Passed by the House March 26, 2025.
Approved by the Governor April 4, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 5

[Senate Bill 5051]

NURSING ASSISTANTS—REGULATORY AUTHORITY

AN ACT Relating to consolidating regulatory authority for nursing assistants; amending RCW 18.79.070, 18.79.070, 18.88A.020, 18.88A.030, 18.88A.040, 18.88A.050, 18.88A.060, 18.88A.080, 18.88A.082, 18.88A.085, 18.88A.087, 18.88A.088, 18.88A.090, 18.88A.110, 18.88A.120, 18.88A.150, 18.88A.210, and 18.88B.060; reenacting and amending RCW 18.130.040; repealing RCW 18.88A.100; providing effective dates; and providing an expiration date.

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

Sec. 1. RCW 18.79.070 and 2022 c 240 s 32 are each amended to read as follows:

(1) The state ((~~nursing care quality assurance commission~~)) board of nursing is established, consisting of ((~~fifteen~~)) 17 members to be appointed by the governor to four-year terms. The governor shall consider nursing members who are recommended for appointment by the appropriate professional associations in the state. No person may serve as a member of the ((~~commission~~)) board for more than two consecutive full terms.

(2) There must be seven registered nurse members, two advanced registered nurse practitioner members, ((~~three~~)) two licensed practical nurse members, two certified nursing assistant members, a registered nurse or licensed practical nurse member, and three public members on the ((~~commission~~)) board. Each member of the ((~~commission~~)) board must be a resident of this state.

(3)(a) Registered nurse members of the ((~~commission~~)) board must:

(i) Be licensed as registered nurses under this chapter; and

(ii) Have had at least three years' experience in the active practice of nursing and have been engaged in that practice within two years of appointment.

(b) In addition:

(i) At least one member must be on the faculty at a four-year university nursing program;

(ii) At least one member must be on the faculty at a two-year community college nursing program;

(iii) At least two members must be staff nurses providing direct patient care; and

(iv) At least one member must be a nurse manager or a nurse executive.

(4) Advanced registered nurse practitioner members of the ((~~commission~~)) board must:

(a) Be licensed as advanced registered nurse practitioners under this chapter; and

(b) Have had at least three years' experience in the active practice of advanced registered nursing and have been engaged in that practice within two years of appointment.

(5) Licensed practical nurse members of the ((~~commission~~)) board must:

(a) Be licensed as licensed practical nurses under this chapter; and

(b) Have had at least three years' actual experience as a licensed practical nurse and have been engaged in practice as a practical nurse within two years of appointment.

(6) Certified nursing assistant members of the board must:

(a) Be currently employed as certified nursing assistants, licensed under chapter 18.88A RCW; and

(b) Have at least two years' experience as a certified nursing assistant.

(7) The registered nurse or licensed practical nurse member must be currently either a program director or educator in an approved nursing assistant training program.

(8) Public members of the ((~~commission~~)) board may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the ((~~commission~~)) board, or have a material or financial interest in the rendering of health services regulated by the ((~~commission~~)) board.

((~~In appointing the initial members of the *commission, it is the intent of the legislature that, to the extent possible, the governor appoint the existing members of the board of nursing and the board of practical nursing repealed under chapter 9, Laws of 1994 sp. sess. The governor may appoint initial members of the commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms.~~)) Members of the ((~~commission~~)) board hold office until their successors are appointed.

When the secretary appoints pro tem members, reasonable efforts shall be made to ensure that at least one pro tem member is a registered nurse who is currently practicing and, in addition to meeting other minimum qualifications, has graduated from an associate or baccalaureate nursing program within three years of appointment.

Sec. 2. RCW 18.79.070 and 2024 c 239 s 5 are each amended to read as follows:

(1) The state board ((~~[of nursing]~~)) of nursing is established, consisting of ((~~fifteen~~)) 17 members to be appointed by the governor to four-year terms. The governor shall consider nursing members who are recommended for

appointment by the appropriate professional associations in the state. No person may serve as a member of the board for more than two consecutive full terms.

(2) There must be seven registered nurse members, two advanced practice registered nurse members, ((~~three~~)) two licensed practical nurse members, two certified nursing assistant members, a registered nurse or licensed practical nurse member, and three public members on the board. Each member of the board must be a resident of this state.

(3)(a) Registered nurse members of the board must:

(i) Be licensed as registered nurses under this chapter; and

(ii) Have had at least three years' experience in the active practice of nursing and have been engaged in that practice within two years of appointment.

(b) In addition:

(i) At least one member must be on the faculty at a four-year university nursing program;

(ii) At least one member must be on the faculty at a two-year community college nursing program;

(iii) At least two members must be staff nurses providing direct patient care; and

(iv) At least one member must be a nurse manager or a nurse executive.

(4) Advanced practice registered nurse members of the board must:

(a) Be licensed as advanced practice registered nurses under this chapter; and

(b) Have had at least three years' experience in the active practice of advanced practice registered nursing and have been engaged in that practice within two years of appointment.

(5) Licensed practical nurse members of the board must:

(a) Be licensed as licensed practical nurses under this chapter; and

(b) Have had at least three years' actual experience as a licensed practical nurse and have been engaged in practice as a practical nurse within two years of appointment.

(6) Certified nursing assistant members of the board must:

(a) Be currently employed as certified nursing assistants, licensed under chapter 18.88A RCW; and

(b) Have at least two years' experience as a certified nursing assistant.

(7) The registered nurse or licensed practical nurse member must be currently either a program director or educator in an approved nursing assistant training program.

(8) Public members of the board may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the board, or have a material or financial interest in the rendering of health services regulated by the board.

Members of the board hold office until their successors are appointed.

When the secretary appoints pro tem members, reasonable efforts shall be made to ensure that at least one pro tem member is a registered nurse who is currently practicing and, in addition to meeting other minimum qualifications, has graduated from an associate or baccalaureate nursing program within three years of appointment.

Sec. 3. RCW 18.88A.020 and 2018 c 201 s 9008 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative training" means a nursing assistant-certified program meeting criteria adopted by the ((~~commission~~)) board under RCW 18.88A.087 to meet the requirements of a state-approved nurse aide competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act.

(2) "Approved training program" means a nursing assistant-certified training program approved by the ((~~commission~~)) board to meet the requirements of a state-approved nurse aide training and competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act. For community college, vocational-technical institutes, skill centers, and secondary school as defined in chapter 28B.50 RCW, nursing assistant-certified training programs shall be approved by the ((~~commission~~)) board in cooperation with the board for community and technical colleges or the superintendent of public instruction.

(3) ((~~"Commission" means the Washington nursing care quality assurance commission~~)) "Board" means the Washington state board of nursing.

(4) "Competency evaluation" means the measurement of an individual's knowledge and skills as related to safe, competent performance as a nursing assistant.

(5) "Department" means the department of health.

(6) "Executive director" means the executive director of the board hired pursuant to RCW 18.79.390.

(7) "Health care facility" means a nursing home, hospital licensed under chapter 70.41 or 71.12 RCW, hospice care facility, home health care agency, hospice agency, licensed or certified service provider under chapter 71.24 RCW other than an individual health care provider, or other entity for delivery of health care services as defined by the ((~~commission~~)) board.

(((~~7~~))) (8) "Medication assistant" means a nursing assistant-certified with a medication assistant endorsement issued under RCW 18.88A.082 who is authorized, in addition to his or her duties as a nursing assistant-certified, to administer certain medications and perform certain treatments in a nursing home under the supervision of a registered nurse under RCW 18.88A.082.

(((~~8~~))) (9) "Nursing assistant" means an individual, regardless of title, who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the delivery of nursing and nursing-related activities to patients in a health care facility or an individual, regardless of title, who uses their nursing assistant credential to work as a long-term care worker as allowed by RCW 18.88B.041(1) (a) or (b). The two levels of nursing assistants are:

(a) "Nursing assistant-certified," an individual certified under this chapter; and

(b) "Nursing assistant-registered," an individual registered under this chapter.

(((~~9~~))) (10) "Nursing home" means a nursing home licensed under chapter 18.51 RCW.

(((~~10~~))) (11) "Secretary" means the secretary of health.

Sec. 4. RCW 18.88A.030 and 2021 c 203 s 16 are each amended to read as follows:

(1)(a) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse or work as a long-term care worker as allowed by RCW 18.88B.041(1) (a) or (b).

(b) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(c) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

(2)(a) A nursing assistant employed in a nursing home must have successfully obtained certification through: (i) An approved training program and the competency evaluation within a period of time determined in rule by the ((~~commission~~)) board; or (ii) alternative training and the competency evaluation prior to employment.

(b) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

(3) The ((~~commission~~)) board may adopt rules to implement the provisions of this chapter.

Sec. 5. RCW 18.88A.040 and 2012 c 208 s 4 are each amended to read as follows:

(1) No person may practice or represent himself or herself as a nursing assistant-registered by use of any title or description without being registered by the ((~~department~~)) board pursuant to this chapter.

(2) ((~~After October 1, 1990, no~~)) No person may by use of any title or description, practice or represent himself or herself as a nursing assistant-certified without applying for certification, meeting the qualifications, and being certified by the ((~~department~~)) board pursuant to this chapter.

(3) ((~~After July 1, 2013, no~~)) No person may practice, or represent himself or herself by any title or description, as a medication assistant without a medication assistant endorsement issued under RCW 18.88A.082.

Sec. 6. RCW 18.88A.050 and 2012 c 208 s 5 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Set all nursing assistant certification, registration, medication assistant endorsement, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320; and

(2) ((~~Establish forms, procedures, and the competency evaluation necessary to administer this chapter;~~

~~(3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;~~

~~(4) Issue a nursing assistant registration to any applicant who has met the requirements for registration;~~

~~(5) After January 1, 1990, issue a nursing assistant certificate to any applicant who has met the training, competency evaluation, and conduct requirements for certification under this chapter;~~

~~(6) Issue a medication assistant endorsement to any applicant who has met the requirements of RCW 18.88A.082;~~

~~(7) Maintain the official record for the department of all applicants and persons with registrations, certificates, and medication assistant endorsements under this chapter;~~

~~(8) Exercise disciplinary authority as authorized in chapter 18.130 RCW;~~

~~(9) Deny registration to any applicant who fails to meet requirement for registration as a nursing assistant;~~

~~(10) Deny certification to applicants who do not meet the training, competency evaluation, and conduct requirements for certification as a nursing assistant; and~~

~~(11) Deny medication assistant endorsement to applicants who do not meet the requirements of RCW 18.88A.082~~)) Employ staff that are hired and managed by the executive director provided that nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

Sec. 7. RCW 18.88A.060 and 2012 c 208 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the ((~~commission~~)) board may:

(1) Determine minimum nursing assistant education requirements and approve training programs;

(2) Approve education and training programs and examinations for medication assistants as provided in RCW 18.88A.082;

(3) Define the prescriber-ordered treatments a medication assistant is authorized to perform under RCW 18.88A.082;

(4) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, the competency evaluation for applicants for nursing assistant certification, using the same competency evaluation for all applicants, whether qualifying to take the competency evaluation under an approved training program or alternative training;

(5) Establish forms and procedures for evaluation of an applicant's alternative training under criteria adopted pursuant to RCW 18.88A.087;

(6) Define and approve any experience requirement for nursing assistant certification;

(7) Adopt rules implementing a continuing competency evaluation program for nursing assistants; ((~~and~~))

(8) Establish forms, procedures, and the competency evaluation necessary to administer this chapter;

(9) Issue a nursing assistant registration to any applicant who has met the requirements for registration;

(10) Maintain the official record for the department of all applicants and persons with registrations, certificates, and medication assistant endorsements under this chapter;

(11) Exercise disciplinary authority as authorized in chapter 18.130 RCW;

(12) Deny registration to any applicant who fails to meet requirements for registration as a nursing assistant;

(13) Deny certification to applicants who do not meet the training, competency evaluation, and conduct requirements for certification as a nursing assistant;

(14) Deny medication assistant endorsement to applicants who do not meet the requirements of RCW 18.88A.082;

(15) Issue a medication assistant endorsement to any applicant who has met the requirements of RCW 18.88A.082;

(16) Delegate certain disciplinary functions to staff where no clinical expertise or standard of care issues are involved;

(17) Issue a nursing assistant certificate to any applicant who has met the training, competency evaluation, and conduct requirements for certification under this chapter; and

(18) Adopt rules to enable it to carry into effect the provisions of this chapter.

Sec. 8. RCW 18.88A.080 and 1994 sp.s. c 9 s 711 are each amended to read as follows:

(1) The ((~~secretary~~)) board shall issue a registration to any applicant who pays any applicable fees and submits, on forms provided by the ((~~secretary~~)) board, the applicant's name, address, and other information as determined by the ((~~secretary~~)) board, provided there are no grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

(2) Applicants must file an application with the ((~~commission~~)) board for registration within three days of employment.

Sec. 9. RCW 18.88A.082 and 2012 c 208 s 3 are each amended to read as follows:

(1) ((~~Beginning July 1, 2013, the secretary~~)) The board shall issue a medication assistant endorsement to any nursing assistant-certified who meets the following requirements:

(a) Ongoing certification as a nursing assistant-certified in good standing under this chapter;

(b) Completion of a minimum number of hours of documented work experience as a nursing assistant-certified in a long-term care setting as defined in rule by the ((~~commission~~)) board;

(c) Successful completion of an education and training program approved by the ((~~commission~~)) board by rule, such as the model medication assistant-certified curriculum adopted by the national council of state boards of nursing. The education and training program must include training on the specific tasks listed in subsection (2) of this section as well as training on identifying tasks that a medication assistant may not perform under subsection (4) of this section;

(d) Passage of an examination approved by the ((~~commission~~)) board by rule, such as the medication aide competency examination available through the national council of state boards of nursing; and

(e) Continuing competency requirements as defined in rule by the ((~~commission~~)) board.

(2) Subject to subsection (3) of this section, a medication assistant may perform the following additional tasks:

(a) The administration of medications orally, topically, and through inhalation;

(b) The performance of simple prescriber-ordered treatments, including blood glucose monitoring, noncomplex clean dressing changes, pulse oximetry reading, and oxygen administration, to be defined by the ((~~commission~~)) board by rule; and

(c) The documentation of the tasks in this subsection (2) on applicable medication or treatment forms.

(3) A medication assistant may only perform the additional tasks in subsection (2) of this section:

(a) In a nursing home;

(b) Under the direct supervision of a designated registered nurse who is on-site and immediately accessible during the medication assistant's shift. The registered nurse shall assess the resident prior to the medication assistant administering medications or treatments and determine whether it is safe to administer the medications or treatments. The judgment and decision to administer medications or treatments is retained by the registered nurse; and

(c) If, while functioning as a medication assistant, the primary responsibility of the medication assistant is performing the additional tasks. The ((~~commission~~)) board may adopt rules regarding the medication assistant's primary responsibilities and limiting the duties, within the scope of practice of a nursing assistant-certified, that a nursing assistant-certified may perform while functioning as a medication assistant.

(4) A medication assistant may not:

(a) Accept telephone or verbal orders from a prescriber;

(b) Calculate medication dosages;

(c) Inject any medications;

(d) Perform any sterile task;

(e) Administer medications through a tube;

(f) Administer any Schedule I, II, or III controlled substance; or

(g) Perform any task that requires nursing judgment.

(5) Nothing in this section requires a nursing home to employ a nursing assistant-certified with a medication assistant endorsement.

(6) A medication assistant is responsible and accountable for his or her specific functions.

(7) A medication assistant's employer may limit or restrict the range of functions permitted under this section, but may not expand those functions.

Sec. 10. RCW 18.88A.085 and 2010 c 169 s 7 are each amended to read as follows:

(1) ((~~After January 1, 1990, the secretary~~)) The board shall issue a nursing assistant certificate to any applicant who demonstrates to the ((~~secretary's~~)) board's satisfaction that the following requirements have been met:

(a) Successful completion of an approved training program or successful completion of alternative training meeting established criteria adopted by the ((~~commission~~)) board under RCW 18.88A.087; and

(b) Successful completion of the competency evaluation.

(2) In addition, applicants shall be subject to the grounds for denial of certification under chapter 18.130 RCW.

Sec. 11. RCW 18.88A.087 and 2021 c 203 s 17 are each amended to read as follows:

(1) The ((~~commission~~)) board shall adopt criteria for evaluating an applicant's alternative training to determine the applicant's eligibility to take the competency evaluation for nursing assistant certification. At least one option adopted by the ((~~commission~~)) board must allow an applicant to take the competency evaluation if he or she:

(a)(i) Is a certified home care aide pursuant to chapter 18.88B RCW; or

(ii) Is a certified medical assistant pursuant to a certification program accredited by a national medical assistant accreditation organization and approved by the ((~~commission~~)) board; and

(b) Has successfully completed at least twenty-four hours of training that the ((~~commission~~)) board determines is necessary to provide training equivalent to approved training on topics not addressed in the training specified for certification as a home care aide or medical assistant, as applicable. In the ((~~commission's~~)) board's discretion, a portion of these hours may include clinical training.

(2)(a) The ((~~commission~~)) board, in consultation with the secretary, the department of social and health services, and consumer, employer, and worker representatives, shall adopt rules to implement this section and to provide for a program of credentialing reciprocity to the extent required by this section between home care aide and medical assistant certification and nursing assistant certification. The secretary shall also adopt such rules as may be necessary to implement this section and the credentialing reciprocity program.

(b) Rules adopted under this section must be consistent with requirements under 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act relating to state-approved competency evaluation programs for certified nurse aides.

((~~(3) The secretary, in consultation with the commission, shall report annually by December 1st to the governor and the appropriate committees of the legislature on the progress made in achieving career advancement for certified home care aides and medical assistants into nursing practice.~~))

Sec. 12. RCW 18.88A.088 and 2011 c 32 s 10 are each amended to read as follows:

An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the ((~~commission~~)) board determines that the military training or experience is not substantially equivalent to the standards of this state.

Sec. 13. RCW 18.88A.090 and 2010 c 169 s 8 are each amended to read as follows:

(1) The ((~~commission~~)) board shall examine each applicant, by a written or oral and a manual component of competency evaluation. The competency evaluation shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(2) Any applicant failing to make the required grade in the first competency evaluation may take up to three subsequent competency evaluations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent competency evaluation. Upon failing four competency evaluations, the secretary may invalidate the original application

and require such remedial education before the person may take future competency evaluations.

The ((~~commission~~)) board may approve a competency evaluation prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

Sec. 14. RCW 18.88A.110 and 2010 c 169 s 9 are each amended to read as follows:

An applicant holding a credential in another state may be certified by endorsement to practice in this state without the competency evaluation if the ((~~secretary~~)) board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

Sec. 15. RCW 18.88A.120 and 2012 c 208 s 7 are each amended to read as follows:

Applications for registration, certification, and medication assistant endorsement shall be submitted on forms provided by the ((~~secretary~~)) board. The ((~~secretary~~)) board may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for registration, certification, and medication assistant endorsement credentialing provided for in this chapter and chapter 18.130 RCW. Each applicant shall comply with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280.

Sec. 16. RCW 18.88A.150 and 2012 c 208 s 9 are each amended to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs unregistered, uncertified, or unendorsed practice, issuance of certificates, registrations, and medication assistant endorsements, and the discipline of persons registered or with certificates under this chapter. The ((~~secretary~~)) board shall be the disciplinary authority under this chapter.

Sec. 17. RCW 18.88A.210 and 2008 c 146 s 12 are each amended to read as follows:

(1) A nursing assistant meeting the requirements of this section who provides care to individuals in community-based care settings or in-home care settings, as defined in RCW 18.79.260(3), may accept delegation of nursing care tasks by a registered nurse as provided in RCW 18.79.260(3).

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3)(a) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (i) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core nurse delegation training, (ii) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (iii) meet any additional training requirements identified by the ((~~nursing care quality assurance commission~~)) board. Exceptions to these training requirements must adhere to RCW 18.79.260(3)(e) (vi).

(b) In addition to meeting the requirements of (a) of this subsection, before commencing the care of individuals with diabetes that involves administration of insulin by injection, the nursing assistant must provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating completion of specialized diabetes nurse delegation training. The training must include, but is not limited to, instruction regarding diabetes, insulin, sliding scale insulin orders, and proper injection procedures.

Sec. 18. RCW 18.88B.060 and 2012 c 164 s 303 are each amended to read as follows:

(1) The department has the authority to:

(a) Establish forms, procedures, and examinations necessary to certify home care aides pursuant to this chapter;

(b) Hire clerical, administrative, and investigative staff as needed to implement this section;

(c) Issue certification as a home care aide to any applicant who has successfully completed the home care aide examination, and renew such certificates;

(d) Maintain the official record of all applicants and persons with certificates;

(e) Exercise disciplinary authority as authorized in chapter 18.130 RCW, except that the state board of nursing has disciplinary authority over nursing assistants licensed under chapter 18.88A RCW working as long-term care workers under this chapter; and

(f) Deny certification to applicants who do not meet training, competency examination, and conduct requirements, including background checks, for certification.

(2) The department shall adopt rules that establish the procedures, including criteria for reviewing an applicant's state and federal background checks, and examinations necessary to implement this section.

Sec. 19. RCW 18.130.040 and 2024 c 362 s 8, 2024 c 217 s 7, and 2024 c 50 s 5 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists registered, agency affiliated counselors registered, certified, or licensed, and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) ((~~Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;~~

~~(xiii)~~)) Dietitians and nutritionists certified under chapter 18.138 RCW;

(((~~xiv~~))) (xiii) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(((~~xv~~))) (xiv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(((~~xvi~~))) (xv) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(((~~xvii~~))) (xvi) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(((~~xviii~~))) (xvii) Surgical technologists registered under chapter 18.215 RCW;

(((~~xix~~))) (xviii) Recreational therapists under chapter 18.230 RCW;

(((~~xx~~))) (xix) Animal massage therapists certified under chapter 18.240 RCW;

(((~~xxi~~))) (xx) Athletic trainers licensed under chapter 18.250 RCW;

(((~~xxii~~))) (xxi) Home care aides certified under chapter 18.88B RCW;

(((~~xxiii~~))) (xxii) Genetic counselors licensed under chapter 18.290 RCW;

(((~~xxiv~~))) (xxiii) Reflexologists certified under chapter 18.108 RCW;

(((~~xxv~~))) (xxiv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, medical assistant-EMT, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(((~~xxvi~~))) (xxv) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW;

(((~~xxvii~~))) (xxvi) Birth doulas certified under chapter 18.47 RCW;

(((~~xxviii~~))) (xxvii) Music therapists licensed under chapter 18.233 RCW;

(((~~xxix~~))) (xxviii) Behavioral health support specialists certified under chapter 18.227 RCW; and

(((~~xxx~~))) (xxix) Certified peer specialists and certified peer specialist trainees under chapter 18.420 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and

registrations issued under chapter 18.260 RCW, licenses issued under chapter 18.265 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71, 18.71A, and 18.71D RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The board of nursing as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter and under chapter 18.80 RCW, and nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions, which must be in compliance with chapter 18.415 RCW.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. **Sec. 20.** RCW 18.88A.100 (Waiver of examination for initial applications) and 1994 sp.s. c 9 s 714 are each repealed.

NEW SECTION. **Sec. 21.** (1) Sections 1 and 3 through 20 of this act take effect July 1, 2026.

(2) Section 2 of this act takes effect June 30, 2027.

NEW SECTION. **Sec. 22.** Section 1 of this act expires June 30, 2027.

Passed by the Senate February 7, 2025.

Passed by the House March 26, 2025.

Approved by the Governor April 4, 2025.

Filed in Office of Secretary of State April 7, 2025.

CHAPTER 6

[Senate Bill 5084]

HEALTH CARRIERS—PRIMARY CARE EXPENDITURE REPORTING

AN ACT Relating to health carrier reporting on primary care spending; and amending RCW 48.43.800.

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

Sec. 1. RCW 48.43.800 and 2022 c 155 s 2 are each amended to read as follows:

(1) The commissioner may ((~~include an assessment of carriers'~~)) require health carriers to annually report primary care expenditures in ((~~the~~)) previous ((~~plan year~~)) calendar years or anticipated for ((~~the~~)) upcoming ((~~plan year in its reviews of health plan form or rate filings. In conducting the review, the commissioner must consider any definition of primary care expenditures and any primary care expenditure targets established under RCW 70.390.080~~)) calendar years.

(2) The commissioner may determine the form and content of carrier primary care expenditure reporting. In developing the form and content for reporting, the commissioner shall consider the definition of primary care expenditures and any primary care expenditure targets established under RCW 70.390.080 as well as primary care expenditure reporting systems implemented by the health care authority for medical assistance and employee benefits coverage administered under chapter 41.05 or 74.09 RCW.

(3) Primary care expenditure reports submitted by carriers under this section are public information.

Passed by the Senate February 12, 2025.
Passed by the House March 26, 2025.
Approved by the Governor April 4, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 7

[Senate Bill 5122]

UNIFORM ANTITRUST PREMERGER NOTIFICATION ACT

AN ACT Relating to enacting the uniform antitrust premerger notification act; amending RCW 19.390.060; and adding a new chapter to Title 19 RCW.

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

NEW SECTION. **Sec. 1.** SHORT TITLE. This chapter may be known and cited as the uniform antitrust premerger notification act.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Additional documentary material" means the additional documentary material filed with a Hart-Scott-Rodino form.

(2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) "Filing threshold" means the minimum size of a transaction that requires the transaction to be reported under the Hart-Scott-Rodino act in effect when a person files a premerger notification.

(4) "Hart-Scott-Rodino act" means section 201 of the Hart-Scott-Rodino antitrust improvements act of 1976, 15 U.S.C. Sec. 18a.

(5) "Hart-Scott-Rodino form" means the form filed with a premerger notification, excluding additional documentary material.

(6) "Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(7) "Premerger notification" means a notification filed under the Hart-Scott-Rodino act with the federal trade commission or the United States department of justice antitrust division, or a successor agency.

(8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States.

NEW SECTION. **Sec. 3.** FILING REQUIREMENT. (1) A person filing a premerger notification shall file contemporaneously a complete electronic copy of the Hart-Scott-Rodino form with the attorney general if:

(a) The person has its principal place of business in this state;

(b) The person or a person it controls directly or indirectly had annual net sales in this state of the goods or services involved in the transaction of at least 20 percent of the filing threshold; or

(c) The person is a provider or provider organization, as defined in RCW 19.390.020, conducting business in this state.

(2) A person that files a form under subsection (1)(a) of this section shall include with the filing a complete electronic copy of the additional documentary material.

(3) On request of the attorney general, a person that filed a form under subsection (1)(b) or (c) of this section shall provide a complete electronic copy of the additional documentary material to the attorney general not later than seven days after receipt of the request.

(4) The attorney general may not charge a fee connected with filing or providing the form or additional documentary material under this section.

NEW SECTION. **Sec. 4.** CONFIDENTIALITY. (1) Except as provided in subsection (3) of this section or section 5 of this act, the attorney general may not make public or disclose:

(a) A Hart-Scott-Rodino form filed under section 3 of this act;

(b) The additional documentary material filed or provided under section 3 of this act;

(c) A Hart-Scott-Rodino form or additional documentary material provided by the attorney general of another state;

(d) That the form or the additional documentary material were filed or provided under section 3 of this act, or provided by the attorney general of another state; or

(e) The merger proposed in the form.

(2) A form, additional documentary material, and other information listed in subsection (1) of this section are exempt from public inspection and copying under chapter 42.56 RCW.

(3) Subject to a protective order entered by an agency, court, or judicial officer, the attorney general may disclose a form, additional documentary

material, or other information listed in subsection (1) of this section in an administrative proceeding or judicial action if the proposed merger is relevant to the proceeding or action.

(4) This chapter does not:

(a) Limit any other confidentiality or information-security obligation of the attorney general;

(b) Preclude the attorney general from sharing information with the federal trade commission or the United States department of justice antitrust division, or a successor agency; or

(c) Preclude the attorney general from sharing information with the attorney general of another state that has enacted the uniform antitrust premerger notification act or a substantively equivalent act. The other state's act must include confidentiality provisions at least as protective as the confidentiality provisions of the uniform antitrust premerger notification act.

NEW SECTION. **Sec. 5.** RECIPROCITY. (1) The attorney general may disclose a Hart-Scott-Rodino form and additional documentary material filed or provided under section 3 of this act to the attorney general of another state that enacts the uniform antitrust premerger notification act or a substantively equivalent act. The other state's act must include confidentiality provisions at least as protective as the confidentiality provisions of the uniform antitrust premerger notification act.

(2) At least two business days before making a disclosure under subsection (1) of this section, the attorney general shall give notice of the disclosure to the person filing or providing the form or additional documentary material under section 3 of this act.

NEW SECTION. **Sec. 6.** CIVIL PENALTY. The attorney general may seek imposition of a civil penalty of not more than $10,000 per day of noncompliance on a person that fails to comply with section 3 (1), (2), or (3) of this act. A civil penalty imposed under this section is subject to procedural requirements applicable to the attorney general, including the requirements of due process.

NEW SECTION. **Sec. 7.** UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, a court shall consider the promotion of uniformity of the law among jurisdictions that enact it.

NEW SECTION. **Sec. 8.** TRANSITIONAL PROVISION. This chapter applies only to a premerger notification filed on or after the effective date of this section.

Sec. 9. RCW 19.390.060 and 2019 c 267 s 6 are each amended to read as follows:

((~~Any~~)) A provider or provider organization ((~~conducting business in this state that files a premerger notification with the federal trade commission or the United States department of justice, in compliance with the Hart-Scott-Rodino antitrust improvements act, Title 15 U.S.C. Sec. 18a, shall provide a copy of such filing to the attorney general. Providing~~)) that provides a copy of ((~~the~~)) a Hart-Scott-Rodino ((~~filing~~)) form to the attorney general pursuant to section 3 of this act satisfies the notice requirement under RCW 19.390.040.

NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act constitute a new chapter in Title 19 RCW.

Passed by the Senate February 5, 2025.

Passed by the House March 26, 2025.

Approved by the Governor April 4, 2025.

Filed in Office of Secretary of State April 7, 2025.

CHAPTER 8

[Senate Bill 5244]

HEMATOLOGICAL SCREENING TESTS—WOMEN, INFANTS, AND CHILDREN PROGRAM

AN ACT Relating to providing an exemption for women, infants, and children program staff to perform hematological screening tests; and amending RCW 18.360.090.

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

Sec. 1. RCW 18.360.090 and 2012 c 153 s 10 are each amended to read as follows:

Nothing in this chapter prohibits or affects:

(1) A person licensed under this title performing services within his or her scope of practice;

(2) A person performing functions in the discharge of official duties on behalf of the United States government including, but not limited to, the armed forces, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) A person trained by a federally approved end-stage renal disease facility who performs end-stage renal dialysis in the home setting;

(4) A person registered or certified under this chapter from performing blood-drawing procedures in the residences of research study participants when the procedures have been authorized by the institutional review board of a comprehensive cancer center or nonprofit degree-granting institution of higher education and are conducted under the general supervision of a physician; ((~~or~~))

(5) A person participating in an externship as part of an approved medical assistant training program under the direct supervision of an on-site health care provider; or

(6) A person working at a special supplemental nutrition program for women, infants, and children (WIC) clinic administering tests and evaluations, provided that these tests and evaluations are limited to hematological tests via heel-stick, toe-stick, or finger-stick sampling.

Passed by the Senate February 25, 2025.

Passed by the House March 27, 2025.

Approved by the Governor April 4, 2025.

Filed in Office of Secretary of State April 7, 2025.

CHAPTER 9

[Senate Bill 5457]

RADIO AND TELEVISION BROADCASTERS—TAX

AN ACT Relating to radio and television broadcasting; amending RCW 82.04.280; adding a new section to chapter 82.04 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, upon every person engaging within this state in the business of radio and television broadcasting, as to such persons the amount of tax on the business is equal to the gross income of the business multiplied by the rate of 0.484 percent.

(2) The gross income of a person engaging within this state in the business of radio and television broadcasting does not include revenues from network, national, and regional advertising computed either:

(a) As a standard deduction published by the department by rule, based on the national average thereof as reported by the United States census bureau's economic census, to be updated on September 30, 2025, and September 30th of every fifth year thereafter; or

(b) By itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the broadcasting station's total audience as measured by the 0.5 millivolt/meter signal strength contour for AM radio, the one millivolt/meter or 60 dBu signal strength contour for FM radio, the 28 dBu signal strength contour for television channels two through six, the 36 dBu signal strength contour for television channels seven through 13, and the 41 dBu signal strength contour for television channels 14 through 69 with delivery by wire, satellite, or any other means, if any.

(3) For the purposes of this section, "radio and television broadcasting" means delivery of audio, video, and written information by a person operating as a radio or television broadcasting station licensed, regulated, and issued a call sign by the federal communications commission including, but not limited to, delivery by wire, satellite, or any other means.

Sec. 2. RCW 82.04.280 and 2019 c 449 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) building, repairing or improving any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or

improved; (c) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (d) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (e) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW; (f) ((~~radio and television broadcasting, but excluding revenues from network, national, and regional advertising computed either: (i) As a standard deduction that the department must publish by rule by September 30, 2020, and by September 30th of every fifth year thereafter, based on the national average thereof as reported by the United States census bureau's economic census; or (ii) in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the broadcasting station's total audience as measured by the .5 millivolt/meter signal strength contour for AM radio, the one millivolt/meter or sixty dBu signal strength contour for FM radio, the twenty-eight dBu signal strength contour for television channels two through six, the thirty-six dBu signal strength contour for television channels seven through thirteen, and the forty-one dBu signal strength contour for television channels fourteen through sixty-nine with delivery by wire, satellite, or any other means, if any; (g)~~)) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

(a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

(c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

NEW SECTION. **Sec. 3.** RCW 82.32.805 and 82.32.808 do not apply to this act.

Passed by the Senate March 10, 2025.
Passed by the House March 27, 2025.
Approved by the Governor April 4, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 10

[Senate Bill 5462]

VEHICLE VIN INSPECTIONS—EXEMPTIONS

AN ACT Relating to addressing the current backlog of vehicle inspections; amending RCW 46.12.560; adding a new section to chapter 46.09 RCW; and providing an effective date.

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

Sec. 1. RCW 46.12.560 and 2024 c 301 s 22 are each amended to read as follows:

(1)(a) ((~~Before~~)) Except as provided in subsection (4) of this section, before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector if the vehicle:

(i) Was declared a total loss or salvage vehicle under the laws of this state;

(ii) Has been rebuilt after the certificate of title was returned to the department under RCW 46.12.600 and the vehicle was not kept by the registered owner at the time of the vehicle's destruction or declaration as a total loss; or

(iii) Is presented with documents from another state showing that the vehicle was a total loss or salvage vehicle and has not been reissued a valid registration certificate from that state after the declaration of total loss or salvage.

(b) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet all requirements in law and rule before the Washington state patrol will inspect the vehicle. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(c) A Washington state patrol vehicle identification number specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuilt vehicle were obtained legally, and must securely attach a marking at the driver's door latch pillar indicating the vehicle was previously destroyed or declared a total loss. It is a class C felony for a person to remove the marking indicating that the vehicle was previously destroyed or declared a total loss.

(2) A person presenting a vehicle for inspection under subsection (1) of this section must provide original invoices for new and used parts from:

(a) A vendor that is registered with the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased for the collection of retail sales or use taxes. The invoices must include:

(i) The name and address of the business;

(ii) A description of the part or parts sold;

(iii) The date of sale; and

(iv) The amount of sale to include all taxes paid unless exempted by the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased;

(b) A vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased; and

(c) Private individuals. The private individual must have the certificate of title to the vehicle where the parts were taken from unless the parts were obtained from a parts car owned by a collector. Bills of sale for parts must be notarized and include:

(i) The names and addresses of the sellers and purchasers;

(ii) A description of the vehicle and the part or parts being sold, including the make, model, year, and identification or serial number;

(iii) The date of sale; and

(iv) The purchase price of the vehicle part or parts.

(3) A person presenting a vehicle for inspection under this section who is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described in this section shall apply for an ownership in doubt application described in RCW 46.12.680.

(4) All-terrain vehicles, wheeled all-terrain vehicles, and utility-type vehicles are exempt from the vehicle identification number inspection required in subsections (1) through (3) of this section.

(5)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector when the application is for a vehicle being titled for the first time as:

(i) Assembled;

(ii) Glider kit;

(iii) Homemade;

(iv) Kit vehicle;

(v) Street rod vehicle;

(vi) Custom vehicle; or

(vii) Subject to ownership in doubt under RCW 46.12.680.

(b) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

((~~(5)~~)) (6)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol when the application is for a vehicle with a vehicle identification number that has been:

(i) Altered;

(ii) Defaced;

(iii) Obliterated;

(iv) Omitted;

(v) Removed; or

(vi) Otherwise absent.

(b) The application must include payment of the fee required in RCW 46.17.135.

(c) The Washington state patrol shall assign a new vehicle identification number to the vehicle and place or stamp the new number in a conspicuous position on the vehicle.

(d) The department shall use the new vehicle identification number assigned by the Washington state patrol as the official vehicle identification number assigned to the vehicle.

(((~~(6)~~))) (7) The department may adopt rules as necessary to implement this section.

(((~~(7)~~))) (8) Nothing in this section creates a requirement for the Washington state patrol to inspect attached catalytic converters as major component parts.

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.09 RCW to read as follows:

Vehicles titled under this chapter are exempt from the vehicle identification number inspection required in RCW 46.12.560.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2026.

Passed by the Senate February 19, 2025.
Passed by the House March 27, 2025.
Approved by the Governor April 4, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 11

[Senate Bill 5577]

MEDICAID—HIV ANTIVIRAL DRUGS

AN ACT Relating to medicaid coverage for HIV antiviral drugs; adding a new section to chapter 74.09 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall provide coverage under this chapter for all federal food and drug administration approved HIV antiviral drugs without prior authorization or step therapy. This coverage must be provided to apple health clients enrolled in both fee-for-service and managed care programs.

(2) Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization or step therapy for all federal food and drug administration approved HIV antiviral drugs.

***NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2025.*

Sec. 2 was vetoed. See message at end of chapter.

Passed by the Senate February 28, 2025.
Passed by the House March 27, 2025.
Approved by the Governor April 4, 2025, with the exception of certain items that were vetoed.
Filed in Office of Secretary of State April 7, 2025.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 2, Senate Bill No. 5577 entitled:

"AN ACT Relating to medicaid coverage for HIV antiviral drugs."

The funding for the medications addressed in this bill are already covered in the Health Care Authority's base expenditures. Accordingly, there will be no gap in coverage, so there is no need for an emergency clause.

For these reasons I have vetoed Section 2 of Senate Bill No. 5577.

With the exception of Section 2, Senate Bill No. 5577 is approved."

CHAPTER 12

[Engrossed Substitute Senate Bill 5128]

JUVENILE DETENTION FACILITIES—MEDICAL SERVICES

AN ACT Relating to medical services for individuals in juvenile detention facilities; amending RCW 74.09.555 and 71.24.715; reenacting and amending RCW 74.09.670; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec. 1.** The legislature recognizes that in 2021, Engrossed Second Substitute Senate Bill 5304 was signed into law to better ensure continuity of coverage for medicaid enrollment of incarcerated youth. The legislature finds that further clarification is required to ensure local and state juvenile facilities are made aware of opportunities for continuity of coverage. The legislature therefore resolves to remove ambiguity in state statute and to direct the health care authority to document its efforts working with local providers to ensure a warm handoff upon release from detention facilities.

Sec. 2. RCW 74.09.670 and 2021 c 243 s 2 and 2021 c 166 s 2 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, when the authority receives information that a person enrolled in medical assistance is confined in a setting in which federal financial participation is disallowed by the state's agreements with the federal government, the authority shall suspend, rather than terminate, medical assistance benefits for these persons, including those who are ((~~incarcerated~~)): Incarcerated in a correctional ((~~institution~~)) facility as defined in RCW ((~~9.94.049,~~)) 72.09.015 and 70.48.020, confined in an institution or facility operated by the department of children, youth, and families, or committed to a state hospital or other treatment facility. A person who is not currently enrolled in medical assistance must be allowed to apply for medical assistance in suspense status during confinement, and the ability to apply may not depend upon knowledge of the release or discharge date of the person.

(2)(a) During the first 29 days of a person's incarceration or confinement in a correctional ((~~institution~~)) facility, as defined in RCW ((~~9.94.049~~)) 72.09.015 and 70.48.020, or in an institution or facility operated by the department of children, youth, and families:

(i) A person's incarceration or confinement status may not affect the person's enrollment in medical assistance if the person was enrolled in medical assistance at the time of incarceration or confinement; and

(ii) A person not enrolled in medical assistance at the time of incarceration or confinement must have the ability to apply for medical assistance during incarceration or confinement, which may not depend on knowledge of the release date of the person. If the person is enrolled in medical assistance during the first 29 days of the person's incarceration or confinement, the person's

incarceration or confinement status may not affect the person's enrollment in medical assistance.

(b) After the first 29 days of the person's incarceration or confinement, the person's medical assistance status is subject to suspension or application in suspense status under subsection (1) of this section.

Sec. 3. RCW 74.09.555 and 2021 c 243 s 3 are each amended to read as follows:

(1) The authority shall adopt rules and policies providing that when persons who were enrolled in medical assistance immediately prior to confinement, or who become enrolled in medical assistance in suspense status during the period of confinement, are released from confinement, their medical assistance coverage shall be fully reinstated no later than at the moment of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law. The authority may reinstate medical assistance prior to the day of release provided that no federal funds are expended for any purpose that is not authorized by the state's agreements with the federal government.

(2) The authority, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, the department of children, youth, and families, managed care organizations, and behavioral health administrative services organizations, shall establish procedures for coordination between the authority and department field offices, institutions for mental disease, ((~~and~~)) correctional ((~~institutions~~)) facilities, as defined in RCW ((~~9.94.049,~~)) 72.09.015 and 70.48.020, and institutions or facilities operated by the department of children, youth, and families, that result in prompt reinstatement of eligibility and speedy eligibility determinations for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expeditious review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services before their release from confinement;

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons; and

(e) Assuring that notification of the person's release date, current location, and other appropriate information is provided to the person's managed care organization before the person's scheduled release from confinement, or as soon as practicable thereafter.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional ((~~institution or~~)) facility, institution for mental diseases, or institution or facility operated by the department of children, youth, and families, shall provide the authority with that information for purposes of making medical assistance eligibility and

enrollment determinations prior to the person's release from confinement. The authority shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional ((~~institution~~)) facility, as defined in RCW ((~~9.94.049,~~)) 72.09.015 and 70.48.020, held in an institution or facility operated by the department of children, youth, and families, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) The economic services administration within the department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person for medicaid.

Sec. 4. RCW 71.24.715 and 2021 c 243 s 4 are each amended to read as follows:

(1) The health care authority shall apply for a waiver allowing the state to provide medicaid services to persons who are confined in a correctional ((~~institution~~)) facility as defined in RCW ((~~9.94.049 or confined in~~)) 72.09.015 and 70.48.020, institution or facility operated by the department of children, youth, and families, or a state hospital or other treatment facility up to 30 days prior to the person's release or discharge to the community. The purpose is to create continuity of care and provide reentry services.

(2) The health care authority shall consult with the work group established under RCW 71.24.710 about how to optimize the waiver application and its chance of success, including by limiting its scope if deemed appropriate.

(3) The health care authority shall inform the governor and relevant committees of the legislature in writing when the waiver application is submitted and update them as to progress of the waiver at appropriate points.

(4) No provision of this section may be interpreted to require the health care authority to provide medicaid services to persons who are confined in a correctional ((~~institution~~)) facility, state hospital, or other treatment facility up to 30 days prior to the person's release or discharge unless the health care authority obtains final approval for its waiver application from the centers for medicare and medicaid services.

NEW SECTION. **Sec. 5.** (1) The health care authority shall collaborate with managed care organizations, the reentry services work group established under RCW 71.24.710, the department of children, youth, and families, and detention facilities, as defined in RCW 13.40.020, to implement section 5121 of the consolidated appropriations act of 2023 (P.L. 117-328) that requires the provision of:

(a) Screening and diagnostic services to eligible juveniles in the 30 days prior to release, or not later than one week or as soon as practicable after release; and

(b) Targeted case management services for a minimum of 30 days prior to release and for at least 30 days or as medically necessary following release to connect juveniles with services and providers in the geographic area where the eligible juvenile will be residing upon release, when possible.

(2) This section expires July 1, 2026.

NEW SECTION. **Sec. 6.** (1) The health care authority shall leverage existing resources, development plans, and funding as part of its other medical assistance programs, including the section 1115 demonstration waiver and reentry services initiative approved by the federal department of health and human services on June 30, 2023.

(2) This section expires July 1, 2026.

NEW SECTION. **Sec. 7.** (1) By December 1, 2025, and in compliance with RCW 43.01.036, the health care authority shall submit a report to the governor and the legislature on:

(a) The status of the authority's operational plan to implement section 5121 of the consolidated appropriations act of 2023 (P.L. 117-328); and

(b) A summary of the authority's collaboration efforts with managed care organizations, the reentry services work group established under RCW 71.24.710, the department of children, youth, and families, and detention facilities as defined in RCW 13.40.020, and the identification of any barriers or challenges to providing services to eligible juveniles across the state.

(2) This section expires July 1, 2026.

NEW SECTION. **Sec. 8.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned.

Passed by the Senate February 25, 2025.
Passed by the House March 27, 2025.
Approved by the Governor April 4, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 13

[Substitute House Bill 1209]

SODIUM NITRITE—SALE AND TRANSFER

AN ACT Relating to protecting public health and safety by regulating the transfer of sodium nitrite; adding a new chapter to Title 69 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** (1) The sale of sodium nitrite is a matter of statewide and national concern as there are increasing reports about the extreme health risks of ingestion of sodium nitrite, particularly by people attempting suicide. Sodium nitrite has been promoted online as an effective method to complete suicide as it is readily available and fast acting, and there is a false perception that it provides a painless asymptomatic course prior to death.

(2) Sodium nitrite is commercially available for use as a food preservative, as a curing agent, and for certain limited industrial and medical uses. It can be purchased easily and without restriction from multiple online and brick-and-mortar retail vendors. The national poison data system showed an annual increase in the number of reported exposures to sodium nitrite from 2017 to 2020. In 2021, the national poison data system annual report revealed 16 fatalities across all age cohorts related to sodium nitrite, data that likely

underreports actual occurrences. Nationally, 222 deaths were linked to sodium nitrite in 2022 by a single private laboratory. Victims of sodium nitrite ingestion become cyanotic and short of breath within minutes due to methemoglobinemia, which is a blood disorder resulting from an abnormal increase in the hemoglobin methemoglobin. The reversing agent of methylene blue can be ineffective and difficult to administer in an acutely ill patient and is not widely available, even in emergency departments.

(3) The federal centers for disease control and prevention reported that in 2021, 22 percent of high school students seriously considered attempting suicide during the past year, trending significantly upward since 2011, particularly among female students. One in 10 high school students attempted suicide in 2021.

(4) Limiting access to lethal suicide methods, known as "means restriction," is an important strategy for suicide prevention. Although some individuals might seek other methods, many do not and, when they do, the means chosen are less lethal and are associated with fewer deaths than when more dangerous methods are available. Restricting access to sodium nitrite will save lives, particularly among vulnerable and developing adolescents and young adults, and prevent the deleterious impact of suicide upon families, communities, and the public health system.

(5) The federal government and other states are currently enacting or considering legislation to restrict access to sodium nitrite and to properly label it by warnings. The enactment of such legislation, to be known and cited in Washington as "Tyler's law," will result in reduced numbers of suicides and suicide attempts and increase the likelihood that caretakers and health care providers will be able to intervene and interrupt suicide attempts.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial business" means a business or institution, including a research institution, requiring the use of covered products as that term is defined in this section.

(2) "Covered entity" means a person selling, transferring, or offering to sell or transfer a covered product, which includes but is not limited to a manufacturer, wholesaler, distributor, third-party seller, online retailer, and all others involved in the distribution of a covered product. The term also includes a party who is in the business of leasing or bailing covered products.

(3) "Covered product" means a product containing sodium nitrite in a concentration greater than 10 percent of the mass or volume of the product.

(4) "Label" means a representation made by statement, word, picture, design, or emblem on a covered product package, whether affixed to or written directly on the package.

(5) "Principal display panel" means:

(a) For a cylindrical or nearly cylindrical package, 40 percent of the product package as measured by multiplying the height of the container by the circumference;

(b) For noncylindrical or nearly noncylindrical packaging, such as a rectangular prism or nearly rectangular prism, 40 percent of the product package as measured by multiplying the length by the width of the side of the package when it is pressed flat against on all sides of the packaging; and

(c) For electronic media, the side of a product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale.

NEW SECTION. **Sec. 3.** RESTRICTION ON SALE OF COVERED PRODUCTS AND LABELING REQUIREMENTS. A covered entity shall not:

(1) Sell or transfer a covered product except to a commercial business in accordance with section 4 of this act; or

(2) Sell or offer to sell, directly or indirectly, a covered product without a label notice that meets the requirements of section 5 of this act.

NEW SECTION. **Sec. 4.** SALE OR TRANSFER OF COVERED PRODUCTS TO COMMERCIAL BUSINESSES. (1) A covered entity may sell or transfer a covered product to a verified commercial business if, prior to the sale or transfer of the covered product:

(a) The commercial business affirms that the commercial business requires covered products, which must include the commercial business providing its employer identification number to the covered entity; and

(b) The covered entity has a system that verifies that the commercial business requires a covered product, including verifying the employer identification number.

(2) The following systems, whether relied on solely or in combination, do not satisfy the verification obligation of the covered entity specified in subsection (1) of this section:

(a) A sale verification system relying on the commercial business simply providing a statement of commercial need and intended usage without additional verification;

(b) A sale verification system relying on the commercial business using tick boxes to confirm they are a commercial business and require covered products; or

(c) A sale verification system relying on the commercial business using an "accept" statement for the commercial business to confirm that they have read the terms and conditions.

NEW SECTION. **Sec. 5.** LABELING AND SHIPPING REQUIREMENTS. (1) A covered entity shall label or ensure that a label satisfying the requirements of this section is already affixed to a covered product with the phrase "WARNING DANGER: Deadly if ingested. If ingested, seek immediate medical attention for intravenous administration of methylene blue. Ingestion of sodium nitrite, even in small quantities, causes severe methemoglobinemia, extreme pain, and imminent death. Keep out of reach of children." This label must be in a size equal to at least two percent of the surface area of the principal display panel, accompanied by a skull and crossbones symbol.

(2) Where the covered product is displayed in advertising or in electronic media, a label notice must accompany the display in no smaller a size than is equivalent to the primary description of the sodium nitrite.

(3) If a covered product is shipped or delivered in packaging that obscures or hides the principal display panel, or is sold in bulk or within the same packaging as another product, the packaging must include a skull and crossbones

symbol in a prominent location likely to be seen and read by an ordinary individual under customary conditions of transportation and delivery.

(4) If a federal agency or state department does not approve a product label that otherwise complies with the labeling requirements of this section, the covered entity shall use a label that complies with as many of the requirements of this section as the relevant agency has approved.

NEW SECTION. **Sec. 6.** RECORDS. A covered entity shall retain sale and transfer records and documentation for each purchase or transfer of a covered product for three years from the date of sale or transfer.

NEW SECTION. **Sec. 7.** VIOLATIONS. (1) A covered entity that violates this act is subject to a civil penalty of $10,000 for the first violation, and a civil penalty of no more than $1,000,000 for a second or subsequent violation.

(2)(a) The attorney general, prosecuting attorney within the relevant jurisdiction, or any aggrieved individual may bring an action to impose a civil penalty for a violation of this act. A civil penalty imposed pursuant to this section does not exclude any other public or private cause of action, whether criminal or civil.

(b) Any aggrieved individual, other than the attorney general, who prevails in a civil action against a covered entity under this act is entitled to reasonable attorney fees, costs, and the greater of actual economic damages or $3,000.

NEW SECTION. **Sec. 8.** CONSUMER PROTECTION ACT. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 9.** SHORT TITLE. This chapter may be known and cited as Tyler's law.

NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House February 6, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 14

[Second Substitute House Bill 1024]

SAINT EDWARD STATE PARK—LEASING AUTHORITY

AN ACT Relating to leasing authority of the state parks and recreation commission at St. Edward State Park; and amending RCW 79A.05.025 and 79A.05.030.

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

Sec. 1. RCW 79A.05.025 and 2020 c 123 s 1 are each amended to read as follows:

(1) The commission shall elect one of its members as chair. The commission may be convened at such times as the chair deems necessary, and a majority shall constitute a quorum for the transaction of business.

(2)(((~~(a) Except as provided in (b) of this subsection, the~~)) The lease of parkland or property for a period exceeding ((~~twenty~~)) 20 years requires the affirmative vote of at least five members of the commission.

(((~~(b) With the affirmative vote of at least five members of the commission, the commission may enter into a lease for up to sixty-two years for property at Saint Edward state park. The commission may only enter into a lease under the provisions of this subsection (2)(b) if the commission finds that the department of commerce study required by section 3, chapter 103, Laws of 2016 fails to identify an economically viable public or nonprofit use for the property that is consistent with the state parks and recreation commission's mission and could proceed on a reasonable timeline.~~)) (3) The lease at Saint Edward state park may only include the following:

(((~~(i)~~))) (a) The main seminary building;

(((~~(ii)~~))) (b) The pool building;

(((~~(iii)~~))) (c) The gymnasium;

(((~~(iv)~~))) (d) The parking lot located in between locations identified in (((~~(b)(i), (ii), and (iii)~~))) (a), (b), and (c) of this subsection;

(((~~(v)~~))) (e) The parking lot immediately north of the gymnasium; and

(((~~(vi)~~))) (f) Associated property immediately adjacent to the areas listed in (((~~(b)(i) through (v)~~))) (a) through (e) of this subsection.

Sec. 2. RCW 79A.05.030 and 2020 c 123 s 2 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than ((~~eighty~~)) 80 years(((~~, except for a lease associated with land or property described in RCW 79A.05.025(2)(b) which may not exceed sixty-two years,~~)) and upon such conditions as shall be approved by the commission.

(a) Leases exceeding a ((~~twenty-year~~)) 20-year term, or the amendment or modification of these leases, shall require a vote consistent with RCW 79A.05.025(2).

(b) If, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease.

(c) Television station leases shall be subject to the provisions of RCW 79A.05.085.

(d) The rates of concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) By majority vote of its authorized membership, select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights-of-way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteers, and independent contractors who have unsupervised access to children or vulnerable

adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. A permanent employee of the commission, employed as of July 24, 2005, is exempt from the provisions of this subsection.

Passed by the House March 3, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 15

[House Bill 1060]

NEWSPAPERS AND CERTAIN DIGITAL CONTENT—BUSINESS AND OCCUPATION TAX

AN ACT Relating to newspapers and eligible digital content; amending RCW 82.04.759; reenacting and amending RCW 82.04.759; providing an effective date; and providing expiration dates.

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

Sec. 1. RCW 82.04.759 and 2024 c 252 s 2 are each amended to read as follows:

(1) This chapter does not apply to amounts received by any person for engaging in any of the following activities:

(a) Printing a newspaper, publishing a newspaper, or both; or

(b) Publishing eligible digital content by a person who reported under the printing and publishing tax classification for the reporting period that covers January 1, 2008, for engaging in printing and/or publishing a newspaper, as defined on January 1, 2008.

(2) The exemption under this section must be reduced by an amount equal to the value of any expenditure made by the person during the tax reporting period. For purposes of this subsection, "expenditure" has the meaning provided in RCW 42.17A.005.

(3) If a person who is primarily engaged in printing a newspaper, publishing a newspaper, or publishing eligible digital content, or any combination of these activities, charges a single, nonvariable amount to advertise in, subscribe to, or access content in both a publication identified in subsection (1) of this section and another type of publication, the entire amount is exempt under this section.

(4) For purposes of this section, "eligible digital content" means a publication that:

(a) Is published at regularly stated intervals of at least once per month;

(b) Features written content, the largest category of which, as determined by word count, contains material that identifies the author or the original source of the material; and

(c) Is made available to readers exclusively in an electronic format.

(5) The exemption under this section applies only to persons primarily engaged in printing a newspaper, publishing a newspaper, or publishing eligible digital content, or any combination of these activities, unless these business

activities were previously engaged in by an affiliated person and were not the affiliated person's primary business activity.

(6) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(7) Any person claiming the exemption under this section who fails to meet the requirement under subsection (6) of this section is subject to the provisions under RCW 82.32.534(4) equal to the gross income of the business activities under this section multiplied by the rate of 0.484 percent.

(8) If at any time the department finds that a person is not eligible for the exemption under this section, the amount of taxes for which an exemption has been granted is immediately due equal to the gross income of the business activities under this section multiplied by the rate of 0.484 percent. The department must assess interest, but not penalties, on the taxes for which the person is not eligible for the exemption. The interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, is retroactive to the date the tax exemption was taken, and accrues until the taxes for which the exemption has been used are paid.

(9) For purposes of this section, the following definitions apply:

(a) "Affiliated" has the same meaning as provided in RCW 82.04.299.

(b) "Primarily" means, with respect to a business activity or combination of business activities of a taxpayer, more than 50 percent of the taxpayer's gross worldwide income from all business activities, whether subject to tax under this chapter or not, comes from such activity or activities.

Sec. 2. RCW 82.04.759 and 2024 c 252 s 2 and 2024 c 164 s 534 are each reenacted and amended to read as follows:

(1) This chapter does not apply to amounts received by any person for engaging in any of the following activities:

(a) Printing a newspaper, publishing a newspaper, or both; or

(b) Publishing eligible digital content by a person who reported under the printing and publishing tax classification for the reporting period that covers January 1, 2008, for engaging in printing and/or publishing a newspaper, as defined on January 1, 2008.

(2) The exemption under this section must be reduced by an amount equal to the value of any expenditure made by the person during the tax reporting period. For purposes of this subsection, "expenditure" has the meaning provided in RCW 29B.10.230.

(3) If a person who is primarily engaged in printing a newspaper, publishing a newspaper, or publishing eligible digital content, or any combination of these activities, charges a single, nonvariable amount to advertise in, subscribe to, or access content in both a publication identified in subsection (1) of this section and another type of publication, the entire amount is exempt under this section.

(4) For purposes of this section, "eligible digital content" means a publication that:

(a) Is published at regularly stated intervals of at least once per month;

(b) Features written content, the largest category of which, as determined by word count, contains material that identifies the author or the original source of the material; and

(c) Is made available to readers exclusively in an electronic format.

(5) The exemption under this section applies only to persons primarily engaged in printing a newspaper, publishing a newspaper, or publishing eligible digital content, or any combination of these activities, unless these business activities were previously engaged in by an affiliated person and were not the affiliated person's primary business activity.

(6) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(7) Any person claiming the exemption under this section who fails to meet the requirement under subsection (6) of this section is subject to the provisions under RCW 82.32.534(4) equal to the gross income of the business activities under this section multiplied by the rate of 0.484 percent.

(8) If at any time the department finds that a person is not eligible for the exemption under this section, the amount of taxes for which an exemption has been granted is immediately due equal to the gross income of the business activities under this section multiplied by the rate of 0.484 percent. The department must assess interest, but not penalties, on the taxes for which the person is not eligible for the exemption. The interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, is retroactive to the date the tax exemption was taken, and accrues until the taxes for which the exemption has been used are paid.

(9) For purposes of this section, the following definitions apply:

(a) "Affiliated" has the same meaning as provided in RCW 82.04.299.

(b) "Primarily" means, with respect to a business activity or combination of business activities of a taxpayer, more than 50 percent of the taxpayer's gross worldwide income from all business activities, whether subject to tax under this chapter or not, comes from such activity or activities.

NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1, 2026.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January 1, 2026.

NEW SECTION. **Sec. 5.** Section 2 of this act expires January 1, 2034.

Passed by the House March 6, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 16

[House Bill 1094]

NONPROFIT ORGANIZATION PROPERTY USED FOR SOCIAL SERVICES—PROPERTY TAX EXEMPTION

AN ACT Relating to providing a property tax exemption for property owned by a qualifying nonprofit organization and loaned, leased, or rented to and used by any government entity to provide character-building, benevolent, protective, or rehabilitative social services; amending RCW 84.36.030; and creating new sections.

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

Sec. 1. RCW 84.36.030 and 2014 c 99 s 4 are each amended to read as follows:

The following real and personal property is exempt from taxation:

(1)(a) Property owned by nonprofit organizations or associations, organized and conducted for nonsectarian purposes, which shall be used for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages.

(b) Property owned by nonprofit organizations exempt under (a) of this subsection or would be exempt if the services were provided by the nonprofit, and is loaned, leased, or rented to and used by the United States, the state, any county or municipal corporation, any federally recognized Indian tribe located in the state, or another nonprofit organization to provide the social services described in (a) of this subsection.

(c) The sale of donated merchandise is ((~~not~~)) considered ((~~a nonexempt~~)) an exempt use of the property under this section if the proceeds are devoted to the furtherance of the purposes of the selling organization or association as specified in this subsection (1).

(2) Property owned by any nonprofit church, denomination, group of churches, or an organization or association, the membership of which is comprised solely of churches or their qualified representatives, which is utilized as a camp facility if used for organized and supervised recreational activities and church purposes as related to such camp facilities. The exemption provided by this ((~~paragraph~~)) subsection shall apply to a maximum of ((~~two hundred~~)) 200 acres of any such camp as selected by the church, including buildings and other improvements thereon.

(3) Property, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of boys and girls under ((~~eighteen~~)) 18 years of age, and used for such purposes and uses, provided such purposes and uses are for the general public good: PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this ((~~paragraph~~)) subsection, serve boys and girls up to the age of ((~~twenty-one~~)) 21 years, then such organizations or associations shall be deemed qualified pursuant to this section.

(4) Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

(5) Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(6) Property owned by nonprofit organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code of 1954, as amended, that are guarantee agencies under the federal guaranteed student loan program or that issue debt to provide or acquire student loans.

(7) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as otherwise provided in this section or RCW 84.36.805.

(8) For the purposes of this section, "general public good" means members of the community derive a benefit from the rental or use of the property by the nonprofit community group or organization.

NEW SECTION. **Sec. 2.** This act applies to taxes levied for collection in 2026 and thereafter.

NEW SECTION. **Sec. 3.** RCW 82.32.805 and 82.32.808 do not apply to this act.

Passed by the House March 12, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 17

[Engrossed Substitute House Bill 1135]

GROWTH MANAGEMENT ACT—LOCAL GOVERNMENT PLAN COMPLIANCE

AN ACT Relating to ensuring that local government planning complies with the growth management act; and amending RCW 36.70A.330.

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

Sec. 1. RCW 36.70A.330 and 2021 c 312 s 2 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(3)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2)(a) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance schedule established by the board in its final order.

(b) The board may not issue a finding of compliance unless the county or city has amended the portion of the plan or regulations that were found noncompliant, and the amendments addressing the noncompliance order are compliant with the requirements of this chapter.

(c) A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, county, or city.

(d) A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within ((~~forty-five~~)) 45 days of the filing of the motion under subsection (1) of this section with the board. The board shall issue any order necessary to make adjustments to the compliance schedule and set additional hearings as provided in subsection (5) of this section.

(3) If the board after a compliance hearing finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor.

(a) The board may refer a finding of noncompliance to the department. The purpose of the referral is for the department to provide technical assistance to facilitate speedy resolution of the finding of noncompliance and to provide training pursuant to RCW 36.70A.332 as necessary.

(b) Alternatively, the board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall take into consideration the county's or city's efforts to meet its compliance schedule in making the decision to recommend sanctions to the governor.

(4) In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide, if no determination of invalidity has been made, whether one now should be made under RCW 36.70A.302.

(5) The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

Passed by the House March 4, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 18

[Substitute House Bill 1142]

LONG-TERM CARE WORKERS—CARE FOR FAMILY—TRAINING AND CERTIFICATION

AN ACT Relating to standardizing basic training and certification requirements for long-term care workers who provide in-home care for their family members, including spouses or domestic partners; amending RCW 18.88B.041 and 74.39A.076; creating a new section; and providing an expiration date.

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

Sec. 1. RCW 18.88B.041 and 2024 c 322 s 1 are each amended to read as follows:

(1) The following long-term care workers are not required to become a certified home care aide pursuant to this chapter:

(a)(i)(A) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary determines that the circumstances do not require certification.

(B) A person who was initially hired as a long-term care worker prior to January 7, 2012, and who completes all of the training requirements in effect as of the date the person was hired.

(ii) Individuals exempted by (a)(i) of this subsection may obtain certification as a home care aide without fulfilling the training requirements in RCW 74.39A.074(1)(d)(ii) but must successfully complete a certification examination pursuant to RCW 18.88B.031.

(b) All long-term care workers employed by community residential service businesses.

(c)(i) ((~~An individual provider~~)) A long-term care worker providing in-home care and caring only for the ((~~individual provider's~~)) worker's child or parent, including when related by marriage or domestic partnership; ((~~and~~))

(ii) ((~~An individual provider~~)) A long-term care worker providing in-home care and caring only for the ((~~individual provider's~~)) worker's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; and

(iii) A long-term care worker providing in-home care and caring only for the worker's spouse or domestic partner.

(d) A person working as ((~~an individual provider~~)) a long-term care worker providing in-home care who provides 20 hours or less of nonrespite care for one person in any calendar month.

(e) A person working as ((~~an individual provider~~)) a long-term care worker providing in-home care who only provides respite services and works less than 300 hours in any calendar year.

((~~(f) A long-term care worker providing approved services only for a spouse or registered domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW.~~

~~(g) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs.~~))

(2) A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.074 may not be prohibited from enrolling in training pursuant to that section.

(3) The department shall adopt rules to implement this section.

Sec. 2. RCW 74.39A.076 and 2024 c 322 s 2 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A parent who is the ((~~individual provider~~)) long-term care worker providing in-home care only for the person's developmentally disabled child, including when related by marriage or domestic partnership, must receive 12 hours of training relevant to the needs of individuals with developmental disabilities within the first 120 days after becoming ((~~an individual provider~~)) a long-term care worker.

(b) ((~~A~~)) Beginning July 1, 2026, a spouse or registered domestic partner who is a long-term care worker providing in-home care only for a spouse or domestic partner((~~, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW,~~)) must receive 15 hours of basic training, and at least six hours of additional focused training based on the care-receiving spouse's or partner's needs, within the first 120 days after becoming ((~~a~~)) an in-home long-term care worker.

(c) A person working as ((~~an individual provider~~)) a long-term care worker providing in-home care who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works 300 hours or less in any calendar year, must complete 14 hours of training

within the first 120 days after becoming ((~~an individual provider~~)) a long-term care worker providing in-home care. Five of the 14 hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least 12 of the 14 hours online, and five of those online hours must be individually selected from elective courses.

(d) ((~~Individual providers~~)) Long-term care workers identified in (d)(i) or (ii) of this subsection must complete 35 hours of training within the first 120 days after becoming ((~~an individual provider~~)) a long-term care worker. Five of the 35 hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding ((~~an individual provider's~~)) a long-term care worker's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. ((~~Individual providers~~)) Long-term care workers subject to this requirement include:

(i)(A) Unless covered by (a) of this subsection, ((~~an individual provider~~)) a long-term care worker providing in-home care and caring only for the ((~~individual provider's~~)) worker's child or parent, including when related by marriage or domestic partnership;

(B) ((~~An individual provider~~)) A long-term care worker providing in-home care and caring only for the ((~~individual provider's~~)) long-term care worker's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; and

(ii) A person working as ((~~an individual provider~~)) a long-term care worker providing in-home care who provides 20 hours or less of care for one person in any calendar month((~~; and~~

~~(iii) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs~~)).

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1) of this section have had adequate access to complete the required training, whichever is

later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

(5) The department shall adopt rules to implement this section.

NEW SECTION. **Sec. 3.** (1) Within 120 days after becoming a long-term care worker, a long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs must receive 35 hours of training, five of which must be completed before becoming eligible to provide care and divided as follows:

(a) Two hours of orientation training relevant to the role of a long-term care worker as a caregiver and the applicable terms of employment; and

(b) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control.

(2) This section expires July 1, 2026.

Passed by the House February 6, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 19

[House Bill 1190]

UNIVERSITY OF WASHINGTON HEALTH SCIENCES LIBRARY—ACCESS BY PSYCHOLOGICAL AND MENTAL HEALTH COUNSELOR ASSOCIATES

AN ACT Relating to allowing additional health professions to access the University of Washington health sciences library; and amending RCW 43.70.110.

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

Sec. 1. RCW 43.70.110 and 2023 c 123 s 23 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. Physicians regulated pursuant to chapter 18.71 RCW who reside and practice in Washington and obtain or renew a retired active license are exempt from such fees. Municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may charge different fees for registered nurses licensed under chapter 18.79 RCW, licensed practical nurses licensed under chapter 18.79 RCW, and nurses who hold a valid multistate license issued by the state of Washington under chapter 18.80 RCW. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, and for nurses who hold a valid multistate license issued by the state of Washington under chapter 18.80 RCW, support of a central nursing resource center as provided in RCW 18.79.202;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists and psychological associates licensed under chapter 18.83 RCW, registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, nurses who hold a valid multistate license issued by the state of Washington under chapter 18.80 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors and mental health counselor associates licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, advanced social workers licensed under chapter 18.225 RCW, independent clinical social workers and independent clinical social worker associates licensed under chapter 18.225 RCW, midwives licensed under chapter 18.50 RCW, marriage and family therapists and marriage and family therapist associates licensed under chapter 18.225 RCW, occupational therapists and occupational therapy assistants licensed under chapter 18.59 RCW, dietitians and nutritionists certified under chapter 18.138 RCW, speech-language pathologists licensed under chapter 18.35 RCW, acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW, and veterinarians and veterinary technicians licensed under chapter 18.92 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of RCW 43.70.112.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Passed by the House January 30, 2025.

Passed by the Senate March 26, 2025.

Approved by the Governor April 7, 2025.

Filed in Office of Secretary of State April 7, 2025.

CHAPTER 20

[House Bill 1234]

MENTAL HEALTH COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND SOCIAL WORKERS ADVISORY COMMITTEE—MEMBERSHIP

AN ACT Relating to the mental health counselors, marriage and family therapists, and social workers advisory committee; and amending RCW 18.225.060.

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

Sec. 1. RCW 18.225.060 and 2001 c 251 s 6 are each amended to read as follows:

The Washington state mental health counselors, marriage and family therapists, and social workers advisory committee is established.

(1) The committee shall be comprised of nine members((~~,~~)) as follows:

(a) Two members ((~~shall~~)) must be licensed mental health counselors((~~,~~));

(b) Two members ((~~shall~~)) must be licensed marriage and family therapists((~~,~~));

(c) One member ((~~shall~~)) must be a licensed independent clinical social worker((~~, and one~~));

(d) One member ((~~shall~~)) must be either a licensed advanced social worker((~~,~~)) or a licensed independent clinical social worker; and

(e) Three members must be consumers and represent the public at large and may not be licensed mental health care providers.

(2) Three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and three members shall be appointed for a term of three years. Subsequent members shall be appointed for terms of three years. A person must not serve as a member for more than two consecutive terms.

(3)(a) Each member must be a resident of the state of Washington.

(b) Each member must not hold ((~~an~~)) a governing office or board position in a professional association for mental health, social work, or marriage and family therapy and must not be employed by the state of Washington.

(c) Each professional member must have been actively engaged as a mental health counselor, marriage and family therapist, or social worker for five years immediately preceding appointment.

(d) The consumer members must represent the general public and be unaffiliated directly or indirectly with the professions licensed under this chapter.

(4) The secretary shall appoint the committee members.

(5) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(6) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The committee shall elect a chair and vice chair.

Passed by the House February 6, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 21

[House Bill 1314]

EARLY LEARNING FACILITIES GRANT AND LOAN PROGRAM—MODIFICATION

AN ACT Relating to the early learning facilities grant and loan program; amending RCW 43.31.565, 43.31.569, 43.31.571, 43.31.573, 43.31.575, 43.31.577, 43.31.579, and 43.31.581; adding a new section to chapter 43.31 RCW; and repealing RCW 43.31.567.

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

Sec. 1. RCW 43.31.565 and 2021 c 130 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW ((~~43.31.567~~)) 43.31.569 through 43.31.583:

(1) "Department" means the department of commerce.

(2) "Director" means the director of commerce.

(3) "Early learning facility" means a facility providing regularly scheduled care for a group of children one month of age through ((~~twelve~~)) 12 years of age for periods of less than ((~~twenty-four~~)) 24 hours.

(4) "Tribal compact school" means a state-tribal education compact school subject to chapter 28A.715 RCW.

Sec. 2. RCW 43.31.569 and 2021 c 130 s 3 are each amended to read as follows:

(1)(a) The early learning facilities revolving account ((~~and the early learning facilities development account are~~)) is created in the state treasury.

(((~~(2)~~))) (b) Revenues to the early learning facilities revolving account shall consist of appropriations by the legislature, early learning facilities grant and loan repayments, taxable bond proceeds, and all other sources deposited in the account.

(((~~(3)~~))) (c) Expenditures from the account shall be used, in combination with other private and public funding, for: (i) State matching funds for the planning, renovation, purchase, and construction of early learning facilities as established in RCW 43.31.573 through 43.31.583 and 43.84.092; and (ii) emergency grants for eligible organizations.

(d) Expenditures from the account are subject to appropriation and the allotment provisions of chapter 43.88 RCW.

(e) The early learning facilities revolving account shall be known as the Ruth LeCocq Kagi early learning facilities revolving account.

(2)(a) The early learning facilities development account is created in the state treasury.

(b) Revenues to the early learning facilities development account shall consist of tax exempt bond proceeds.

(((~~(4)~~))) (c) Expenditures from the account((~~s~~)) shall be used((~~, in combination with other private and public funding, for state matching funds~~)) for

the planning, renovation, purchase, and construction of early learning facilities as established in RCW 43.31.573 through 43.31.583 and 43.84.092.

(((~~(5)~~))) (d) Expenditures from the account((~~s~~)) are subject to appropriation and the allotment provisions of chapter 43.88 RCW.

(((~~(6) The early learning facilities revolving account shall be known as the Ruth LeCocq Kagi early learning facilities revolving account.~~

~~(7)~~))) (e) The early learning facilities development account shall be known as the Ruth LeCocq Kagi early learning facilities development account.

Sec. 3. RCW 43.31.571 and 2018 c 58 s 5 are each amended to read as follows:

(1) The department, in consultation with the department of children, youth, and families, shall oversee the early learning facilities revolving account and the early learning facilities development account, and is the lead state agency for the early learning facilities grant and loan program.

(2) It is the intent of the legislature that state funds invested in the accounts be matched by private or local government funding whenever feasible. Every effort ((~~shall~~)) may be made to maximize funding available for early learning facilities from public schools, community colleges, educational service districts, local governments, and private funders.

(3) Amounts used for program administration by the department may not exceed an average of four percent of the appropriated funds.

(4) ((~~Commitment of state funds for construction, purchase, or renovation of early learning facilities may be given only after private or public match funds are committed~~)) The department is encouraged to leverage private and public match funds when feasible and may not require match funds for applicants experiencing financial hardship. The department may not consider the level of project match funds as a competitive criterion when selecting or recommending projects for funding. Private or public match funds may consist of cash, equipment, land, buildings, or like-kind. ((~~In determining the level of match required, the department shall take into consideration the financial need of the applicant and the economic conditions of the location of the proposed facility.~~))

Sec. 4. RCW 43.31.573 and 2017 3rd sp.s. c 12 s 6 are each amended to read as follows:

(1) The department must expend moneys from the early learning facilities revolving account ((~~to~~)): (a) To provide state matching funds for early learning facilities grants or loans to provide classrooms necessary for children to participate in the early childhood education and assistance program and working connections child care; and (b) for emergency grants for eligible organizations as identified in this chapter.

(2) The department must expend moneys from the early learning facilities development account ((~~to provide state matching funds~~)) for early learning facilities grants to provide classrooms necessary for children to participate in the early childhood education and assistance program and working connections child care.

(3) Funds expended from the accounts as specified in subsections (1) and (2) of this section may fund projects only for:

(a) Eligible organizations identified in RCW 43.31.575; ((~~and~~))

(b) School districts; and

(c) Tribal compact schools.

(4)(((~~(a) Beginning August 1, 2017, the~~)) The department shall:

(((~~(i)~~))) (a) In consultation with the office of the superintendent of public instruction, implement and administer the early learning facilities grant and loan program for school districts and tribal compact schools as described in RCW 43.31.579(3) and 43.31.581(1); and

(((~~(ii)~~))) (b) Contract with one or more nongovernmental private-public partnerships that are certified by the community development financial institutions fund to ((~~implement~~)): (i) Implement and administer grants and loans funded through the early learning facilities revolving account or for a grant funded through the early learning facilities development account, for eligible organizations; and (ii) subject to the availability of amounts appropriated for this specific purpose, award and administer emergency project grants on an ongoing basis to eligible organizations.

(A) Emergency projects are projects that are made necessary by a natural disaster or another immediate health or safety threat resulting from unforeseen circumstances. Emergency projects may include the construction, repair, reconstruction, replacement, rehabilitation, or other improvements to early learning facilities that are necessary to restore a safe and healthy early learning environment, preserve existing capacity, or to mitigate situations that obstruct children's access to early learning.

(B) The grant administrator must adopt policies and procedures to ensure that funding from emergency grants does not duplicate payments resulting from insurance proceeds or other payment from any other source. The grant administrator may receive administrative costs associated with conducting application processes, managing contracts, and providing technical assistance for emergency project grants.

(5) Any nongovernmental private-public partnership that is certified by the community development financial institutions fund that is seeking early learning fund resources must demonstrate an ability to raise funding from private and other public entities for early learning facilities construction projects.

(((~~(b)~~))) (6) The department may allow the application of an eligible organization for a grant or loan from the early learning facilities revolving account or for a grant from the early learning facilities development account created in RCW 43.31.569 to be considered without the involvement of the nongovernmental private-public partnership that is certified by the community development financial institutions fund if a nongovernmental private-public partnership certified by the community development financial institutions fund is not reasonably available to the location of the proposed facility or if the eligible organization has sufficient ability and capacity to proceed with a project absent the involvement of a nongovernmental private-public partnership that is certified by the community development financial institutions fund.

(((~~(5)~~))) (7) The department shall monitor performance of the early learning facilities grant and loan program. Any nongovernmental private-public partnership that is certified by the community development financial institutions fund receiving state funds for purposes of ((~~chapter 12, Laws of 2017 3rd sp. sess. shall provide annual reports, beginning July 1, 2018~~)) this section and RCW 43.31.577 and 43.31.579, shall provide reports by July 1st of each year, to the department. The reports must include, but are not limited to, the following:

(a) A list of projects funded through the early learning facilities grant and loan program for eligible organizations to include:

(i) Name;

(ii) Location;

(iii) Grant or loan amount;

(iv) Private match amount;

(v) Public match amount;

(vi) Number of early learners served; and

(vii) Other elements as required by the department;

(b) A demonstration of sufficient investment of private match funds; and

(c) A description of how the projects met the criteria described in RCW 43.31.581.

Sec. 5. RCW 43.31.575 and 2024 c 230 s 3 are each amended to read as follows:

(1) Organizations eligible to receive funding from the early learning facilities grant and loan program include:

(a) Early childhood education and assistance program providers;

(b) Working connections child care providers who are eligible to receive state subsidies;

(c) Licensed early learning centers not currently participating in the early childhood education and assistance program, but intending to do so;

(d) Developers of housing and community facilities;

(e) Community and technical colleges;

(f) Educational service districts;

(g) Local governments;

(h) Federally recognized tribes in the state; and

(i) Religiously affiliated entities.

(2) To be eligible to receive funding from the early learning facilities grant and loan program for activities described in RCW 43.31.577 (1) (b), (c), and (d) and (2), eligible organizations ((~~and~~)), school districts, and tribal compact schools must:

(a) Commit to being an active participant in good standing with the early achievers program as defined by chapter 43.216 RCW; and

(b) Demonstrate that projects receiving construction, purchase, or renovation grants or loans must also:

(i) Demonstrate that the project site is under the applicant's control for a minimum of ((~~ten~~)) 10 years, either through ownership or a long-term lease; and

(ii) Commit to using the facility funded by the grant or loan for the purposes of providing preschool or child care for a minimum of ((~~ten~~)) 10 years.

(3) To be eligible to receive funding from the early learning facilities grant and loan program for activities described in RCW 43.31.577 (1) (b), (c), and (d) and (2), religiously affiliated entities must use the facility to provide child care and education services consistent with subsection (4)(a) of this section.

(4)(a) Upon receiving a grant or loan, the recipient must continue to be an active participant and in good standing with the early achievers program.

(b) If the recipient does not meet the conditions specified in (a) of this subsection, the grants shall be repaid to the early learning facilities revolving account or the early learning facilities development account, as directed by the department. So long as an eligible organization continues to provide an early

learning program in the facility, the facility is used as authorized, and the eligible organization continues to be an active participant and in good standing with the early achievers program, the grant repayment is waived.

(((~~(c) The department, in consultation with the department of children, youth, and families, may adopt rules to implement this section.~~)))

Sec. 6. RCW 43.31.577 and 2024 c 230 s 1 are each amended to read as follows:

(1) Activities eligible for funding through the early learning facilities grant and loan program for eligible organizations include:

(a) Facility predesign grants or loans to allow eligible organizations to secure professional services or consult with organizations certified by the community development financial institutions fund to plan for and assess the feasibility of early learning facilities projects or receive other technical assistance to design and develop projects for construction funding;

(b) Grants or loans for predevelopment activities to advance a proposal from planning to major construction or renovation;

(c) Grants or loans for renovations or repairs of existing early learning facilities;

(d) Major construction and renovation grants or loans and grants or loans for facility purchases to create or expand early learning facilities, including those that increase early childhood education and assistance program capacity by supporting conversion of slots from part day to full day or extended day, or conversion of full day to extended day, as defined in RCW 43.216.010; ((~~and~~))

(e) Emergency project grants as provided in RCW 43.31.573; and

(f) Administration costs associated with conducting application processes, managing contracts, translation services, and providing technical assistance.

(2) For grants or loans awarded under subsection (1)(c) and (d) of this section, the department must prioritize applications for facilities that are ready for construction.

(3) Activities eligible for funding through the early learning facilities grant and loan program for school districts and tribal compact schools include major construction, purchase, and renovation grants or loans to create or expand early learning facilities that received priority and ranking as described in RCW 43.31.581.

Sec. 7. RCW 43.31.579 and 2017 3rd sp.s. c 12 s 9 are each amended to read as follows:

(1) It is the intent of the legislature that state funds invested in the early learning facilities grant and loan program be matched by private or local government funding whenever feasible. Every effort ((~~shall~~)) may be made to maximize funding available for early learning facilities from public schools, community colleges, ((~~education[al]~~)) educational service districts, local governments, and private funders.

(2) In the administration of the early learning facilities grant and loan program for eligible organizations, any nongovernmental private-public partnership that is certified by the community development financial institutions fund contracted with the department shall award grants or loans as described in RCW 43.31.577 and 43.31.573, that meet the criteria described in RCW

43.31.581 or 43.31.573, through an application process or in compliance with state and federal requirements of the funding source.

(3) In the administration of the early learning facilities grant and loan program for school districts and tribal compact schools, the department, in coordination with the office of the superintendent of public instruction, shall submit a ranked and prioritized list of proposed purchases and major construction or renovation of early learning facilities projects for school districts and tribal compact schools subject to the prioritization methodology described in RCW 43.31.581 to the office of financial management and the relevant legislative committees by ((~~December 15, 2017, and by~~)) September 15th of even-numbered years ((~~thereafter~~)).

Sec. 8. RCW 43.31.581 and 2018 c 58 s 17 are each amended to read as follows:

(1) The department shall convene a committee of early learning facilities experts to advise the department regarding the prioritization methodology of applications for projects described in RCW 43.31.577 including no less than one representative each from the department of children, youth, and families, the Washington state housing finance commission, an organization certified by the community development financial institutions fund, and the office of the superintendent of public instruction.

(2) When developing a prioritization methodology under this section, the committee shall consider, but is not limited to:

(a) Projects that add ((~~part-day, full-day, or extended day~~)) early childhood education and assistance program slots in areas with the highest unmet need or increase capacity by supporting conversion of slots from part day to full day or extended day, or conversion of full day to extended day, as defined in RCW 43.216.010;

(b) Projects benefiting low-income children;

(c) Projects located in low-income neighborhoods;

(d) Projects that provide more access to the early childhood education and assistance program as a ratio of the children eligible to participate in the program;

(e) Projects that are geographically disbursed relative to statewide need;

(f) Projects that include new or renovated kitchen facilities equipped to support the use of from scratch, modified scratch, or other cooking methods that enhance overall student nutrition; and

(g) Projects that balance mixed-use development and rural locations((~~; and~~

~~(h) Projects that maximize resources available from the state with funding from other public and private organizations, including the use of state lands or facilities~~)).

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members are not liable to the state, the early learning facilities revolving account, the early learning facilities development account, or to any other person, as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law.

(5) The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

NEW SECTION. **Sec. 9.** A new section is added to chapter 43.31 RCW to read as follows:

The department may adopt rules to implement RCW 43.31.565 through 43.31.583.

NEW SECTION. **Sec. 10.** RCW 43.31.567 (Early learning facilities grant and loan program—Review of existing licensing standards by department of early learning—Preapproval under existing licensing standards) and 2017 3rd sp.s. c 12 s 2 are each repealed.

Passed by the House March 5, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 22

[Substitute House Bill 1353]

ACCESSORY DWELLING UNIT PERMITS—SELF-CERTIFICATION PROGRAM

AN ACT Relating to establishing a self-certification program for accessory dwelling unit project permit applications; adding a new section to chapter 36.70A RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities planning under this chapter may, in compliance with the conditions set forth in subsection (2) of this section, operate a self-certification program to allow for registered architects as provided for in chapter 18.08 RCW to self-certify compliance with applicable building code requirements for the construction or development of one or more detached accessory dwelling units on a residential property. If a permit application has been self-certified, then the city reviewing the permit application may consider the application to be in compliance with applicable building code requirements without the need for additional review after determining that it is procedurally complete pursuant to RCW 36.70B.070. A permit issued after a permit review that includes a self-certified component shall have the same effect as a permit issued after full project permit review under chapter 36.70B RCW.

(2)(a) A city must adopt rules for its self-certification program. These rules must consist of, at a minimum:

(i) Any professional requirements, other than the registration required in subsection (1) of this section, that must be met in order for an architect to qualify for the self-certification program within the city;

(ii) Requirements for random audits of self-certified program permit applications, utilizing any randomization process the city deems appropriate, to ensure that submissions are satisfying applicable building code requirements, including that a minimum 20 percent of applications, or five applications, whichever is fewer, must be audited each calendar year in addition to any additional nonrandom audits the city deems necessary;

(iii) Penalties for project permits that fail an audit, including any appropriate financial penalties and a requirement that an architect who has submitted an application that has failed an audit be temporarily prohibited from participating in the self-certification program for a period of not less than one year and that the submission of a second application that fails an audit within five years of a preceding submission that failed an audit will result in a permanent prohibition on participation in the self-certification program, and provisions for administrative hearing procedures to resolve any disputes over the results of an audit or resulting penalties;

(iv) Requirements that architects participating in the program maintain an appropriate level of professional liability insurance coverage as determined by the city.

(b) A city may adopt any additional rules, and may exceed the minimum rules in this subsection, as the city deems appropriate.

(3) A city operating a self-certification program must create a self-certification form that includes, at a minimum:

(a) An attestation that the architect certifying the permit application will correct any false or inaccurate statements within the application as soon as they become known to the architect;

(b) An acknowledgment that participation in the program is conditional upon the accuracy of the architect's certification, and that discovery of inaccuracies, insufficiencies, or errors during an audit may result in suspension or termination from the self-certification program;

(c) An agreement, signed by the property owner, the owner or authorized representative of the company that will construct the accessory dwelling unit for which the permit has been submitted, and the certifying architect, to protect, defend, indemnify, and hold harmless the city for any claims or injuries connected with the design or construction of the accessory dwelling unit for which the self-certification program permit application was submitted, or for the issuance of a project permit pursuant to the self-certification program; and

(d) An acknowledgment from the property owner for whom the project permit is submitted that the property owner has authorized the architect to submit the self-certification project permit application and that the owner has the responsibility and obligation to correct, at the owner's expense, any nonconformities with the applicable building code requirements within a reasonable period after such nonconformities are discovered.

(4)(a) Cities utilizing a self-certification program must notify the department whenever any penalty is imposed on an architect because of a failed audit under this section.

(b) The department shall maintain a database that is accessible to cities of architects that are currently subject to penalties within a city because of a failed audit under this section. No city shall accept a self-certified project permit application from an architect that is currently subject to penalties because of a failed audit under this section in another city.

(5)(a) Any city operating a self-certification program shall submit a report on its program to the department by July 31, 2028. The report must include, at a minimum:

(i) The number of projects within the city for which a self-certification was submitted;

(ii) The number of such projects for which a permit was issued;

(iii) The average length of time, excluding any periods in which the city is awaiting additional information from an applicant, in which the applicant has requested that review of the application be suspended, or in which an administrative appeal is pending, from project permit submission for detached accessory dwelling units to the issuance of the project permit within the city for both self-certified project permit applications and nonself-certified project permit applications; and

(iv) The results of any audits of self-certified project permit applications undertaken by the jurisdiction.

(b) The department shall submit a report to the appropriate committees of the legislature by December 31, 2028, summarizing the information received from cities pursuant to (a) of this subsection.

(6) For the purposes of this section, "building code" means the state building code, the state energy code, and any local building, electrical, plumbing, mechanical, or fire codes. It does not include any utility connection requirements.

NEW SECTION. **Sec. 2.** Nothing in this act may be construed to affect the validity of any self-certification or similar program existing prior to the effective date of section 1 of this act.

Passed by the House March 4, 2025.

Passed by the Senate March 26, 2025.

Approved by the Governor April 7, 2025.

Filed in Office of Secretary of State April 7, 2025.

CHAPTER 23

[Engrossed Substitute House Bill 1439]

MOTOR VEHICLE AND DRIVER LICENSING—VARIOUS PROVISIONS

AN ACT Relating to modifying motor vehicle and driver licensing laws to align with federal definitions, making technical corrections, and streamlining requirements; amending RCW 46.04.480, 46.04.580, 46.12.635, 46.12.665, 46.12.665, 46.20.285, 46.20.2892, 46.20.328, 46.20.329, 46.25.082, 46.29.050, 46.65.060, and 46.65.065; repealing RCW 46.18.240 and 46.18.250; providing effective dates; and providing an expiration date.

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

Sec. 1. RCW 46.04.480 and 2007 c 419 s 4 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one ((~~calendar~~)) year and thereafter until reissue. However, under the provisions of RCW 46.20.285, 46.20.311, 46.20.265, or 46.61.5055, and chapters 46.32 and 46.65 RCW, the invalidation may last for a period other than one ((~~calendar~~)) year.

Sec. 2. RCW 46.04.580 and 1994 c 275 s 28 are each amended to read as follows:

"Suspend," in all its forms and unless a different period is specified, means invalidation for any period less than one ((~~calendar~~)) year and thereafter until reinstatement.

Sec. 3. RCW 46.12.635 and 2021 c 93 s 6 are each amended to read as follows:

(1) Notwithstanding the provisions of chapter 42.56 RCW, the name or address of an individual vehicle or vessel owner shall not be released by the department, county auditor, data recipient, subrecipient, or agency or firm authorized by the department except under the following circumstances:

(a) The requesting party is a business entity that requests the information for use as defined by the department in rule, and in the course of business;

(b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(2) Where both a mailing address and residence address are recorded on the vehicle or vessel record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

(3) The disclosing entity shall retain the request for disclosure for three years.

(4)(a) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle or vessel owner, to whom the information applies, that the request has been granted. The notice must only include: (i) That the disclosing entity has disclosed the vehicle or vessel owner's name and address pursuant to a request made under this section; (ii) the date that the disclosure was made; and (iii) ((~~that the vehicle or vessel owner has five days from receipt of the notice to contact the disclosing entity to determine the occupation of the requesting party.~~

~~(b) Except as provided in (c) of this subsection, the only information about the requesting party that the disclosing entity may disclose in response to a request made by a vehicle or vessel owner under (a) of this subsection is whether the requesting party was an attorney or private investigator. The request by the vehicle or vessel owner must be submitted to the disclosing entity within five days of receipt of the original notice~~)) the occupation of the requesting party.

(((~~(c)~~))) (b) In the case of a vehicle or vessel owner who submits to the disclosing entity a copy of a valid court order restricting another person from contacting the vehicle or vessel owner or his or her family or household member, the disclosing entity shall provide the vehicle or vessel owner with the name and

address of the requesting party. All inquiries from a vehicle or vessel owner, without a court order, will be treated and processed as a request for public record as required in chapter 42.56 RCW.

(5) Any person who is furnished vehicle or vessel owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.

(6) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle or vessel owners. Requests from law enforcement officers for vessel record information must be granted. The disclosure agreement with law enforcement entities must provide that law enforcement may redisclose a vessel owner's name or address when trying to locate the owner of or otherwise deal with a vessel that has become a hazard.

(7) The department shall disclose vessel records for any vessel owned by a governmental entity upon request.

(8) This section shall not apply to title history information under RCW 19.118.170.

(9) The department shall charge a fee of ((~~two dollars~~)) $2 for each record returned pursuant to a request made by a business entity under subsection (1) of this section and deposit the fee into the highway safety fund.

(10) The department, county auditor, or agency or firm authorized by the department shall not release the name, any address, vehicle make, vehicle model, vehicle year, vehicle identification number, vessel make and model, vessel model year, hull identification number, vessel document number, vessel registration number, vessel decal number, or license plate number associated with an individual vehicle or vessel owner who is a participant in the address confidentiality program under chapter 40.24 RCW except as allowed in subsection (6) of this section and RCW 40.24.075.

Sec. 4. RCW 46.12.665 and 2010 c 161 s 312 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall require a written odometer disclosure statement with every application for a certificate of title for a motor vehicle. The odometer disclosure statement must be on either the certificate of title or on a separate form approved by the department. A secure odometer disclosure statement is required if the certificate of title was issued after April 30, 1990. Odometer disclosure statements must include, at a minimum, the following:

(a) The miles shown on the odometer at the time of transfer of ownership, but not to include tenths of miles;

(b) The date of transfer of ownership;

(c) The transferor's printed name, current address, and signature;

(d) The transferee's printed name, current address, and signature;

(e) The identity of the motor vehicle, including its make, model, year, body type, and vehicle identification number;

(f) Information that the odometer statement is required by the federal truth in mileage act of 1986 and that failure to complete the odometer statement or providing false information may result in fines or imprisonment, or both; and

(g) One of the following statements:

(i) The mileage shown is actual to the best of transferor's knowledge;

(ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(iii) The odometer reading is not the actual mileage.

If the odometer reading is under ((~~one hundred thousand~~)) 100,000 miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is ((~~one hundred thousand~~)) 100,000 miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.

(2) The transferee and the transferor shall each sign the odometer disclosure statement. Only one registered owner is required to complete the odometer disclosure statement for the transferee, and only one owner is required to complete the odometer disclosure statement for the transferor. When applicable, both the business name and a company representative's name must be shown on the odometer disclosure statement when the registered owner is a business or the transferee represents a company, or both.

(3) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.

(4) The following vehicles are not subject to odometer disclosure requirements at the time of ownership transfer:

(a) A motor vehicle having a declared gross vehicle weight of more than ((~~sixteen thousand~~)) 16,000 pounds;

(b) A vehicle that is not self-propelled;

(c) A motor vehicle that ((~~is ten years old~~)) has a model year of 2010 or older;

(d) A motor vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or

(e) A new motor vehicle before its first retail sale.

(5) The requirements of this section also apply to the transfer of a motor vehicle held:

(a) For lease when transferred to a lessee and then to the lessor at the end of the leasehold; and

(b) In a fleet when transferred to a purchaser.

Sec. 5. RCW 46.12.665 and 2010 c 161 s 312 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall require a written odometer disclosure statement with every application for a certificate of title for a motor vehicle. The odometer disclosure statement must be on either the certificate of title or on a separate form approved by the department. A secure odometer disclosure statement is required if the certificate of title was issued after April 30, 1990. Odometer disclosure statements must include, at a minimum, the following:

(a) The miles shown on the odometer at the time of transfer of ownership, but not to include tenths of miles;

(b) The date of transfer of ownership;

(c) The transferor's printed name, current address, and signature;

(d) The transferee's printed name, current address, and signature;

(e) The identity of the motor vehicle, including its make, model, year, body type, and vehicle identification number;

(f) Information that the odometer statement is required by the federal truth in mileage act of 1986 and that failure to complete the odometer statement or providing false information may result in fines or imprisonment, or both; and

(g) One of the following statements:

(i) The mileage shown is actual to the best of transferor's knowledge;

(ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(iii) The odometer reading is not the actual mileage.

If the odometer reading is under ((~~one hundred thousand~~)) 100,000 miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is ((~~one hundred thousand~~)) 100,000 miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.

(2) The transferee and the transferor shall each sign the odometer disclosure statement. Only one registered owner is required to complete the odometer disclosure statement for the transferee, and only one owner is required to complete the odometer disclosure statement for the transferor. When applicable, both the business name and a company representative's name must be shown on the odometer disclosure statement when the registered owner is a business or the transferee represents a company, or both.

(3) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.

(4) The following vehicles are not subject to odometer disclosure requirements at the time of ownership transfer:

(a) A motor vehicle having a declared gross vehicle weight of more than ((~~sixteen thousand~~)) 16,000 pounds;

(b) A vehicle that is not self-propelled;

(c) A motor vehicle that is ((~~ten~~)) 20 years old or older;

(d) A motor vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or

(e) A new motor vehicle before its first retail sale.

(5) The requirements of this section also apply to the transfer of a motor vehicle held:

(a) For lease when transferred to a lessee and then to the lessor at the end of the leasehold; and

(b) In a fleet when transferred to a purchaser.

Sec. 6. RCW 46.20.285 and 2020 c 16 s 1 are each amended to read as follows:

The department shall revoke the license of any driver for the period of one ((~~calendar~~)) year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years. The revocation period shall be tolled during any period of total confinement for the offense;

(2) Vehicular assault. The revocation period shall be tolled during any period of total confinement for the offense;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree ((~~which~~)) that renders the driver incapable of safely driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

(4) Any felony where the sentencing court determines that in the commission of the offense a motor vehicle was used in a manner that endangered persons or property;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under ((~~Title 46 RCW~~)) this title or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 7. RCW 46.20.2892 and 2021 c 240 s 7 are each amended to read as follows:

(1) Whenever the official records of the department show that a person has committed a traffic infraction for a moving violation on three or more occasions within a one-year period, or on four or more occasions within a two-year period, the department must suspend the license of the driver for a period of 60 days and establish a period of probation for one ((~~calendar~~)) year to begin when the suspension ends. Prior to reinstatement of a license, the person must complete a safe driving course as recommended by the department. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Any traffic infraction for a moving violation committed during the period of probation shall result in an additional 30-day suspension to run consecutively with any suspension already being served.

(2) When a person has committed a traffic infraction for a moving violation on two occasions within a one-year period or three occasions within a two-year period, the department shall send the person a notice that an additional infraction will result in suspension of the person's license for a period of 60 days.

(3) The department may not charge a reissue fee at the end of the term of suspension under this section.

(4) For purposes of this section, multiple traffic infractions issued during or as the result of a single traffic stop constitute one occasion.

Sec. 8. RCW 46.20.328 and 1979 c 61 s 11 are each amended to read as follows:

Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and shall notify the person involved in writing ((~~by personal service of the findings~~)). Such findings may be served on a party via electronic distribution, with a party's agreement. The referee's findings shall be final unless the person involved is notified to the contrary ((~~by personal service or by certified mail~~)) within

((~~fifteen~~)) 15 days. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days, request a formal hearing.

Sec. 9. RCW 46.20.329 and 1982 c 189 s 4 are each amended to read as follows:

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing, including a remote hearing or an in-person hearing in the county where the applicant or licensee resides, with the concurrence of the applicant or the licensee, as early as may be arranged ((~~in the county where the applicant or licensee resides~~)), and shall give ((~~ten~~)) 10 days' notice of the hearing to the applicant or licensee((~~, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived~~)).

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person has committed a traffic infraction ((~~which~~)) that is a moving violation during pendency of hearing and appeal: PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted ((~~by the director or~~)) by a person or persons appointed by the director from among the employees of the department.

Sec. 10. RCW 46.25.082 and 2013 c 224 s 10 are each amended to read as follows:

(1)(a) Before issuing a CDL or CLP, the department must obtain driving record information:

(i) Through the commercial driver's license information system;

(ii) Through the national driver register;

(iii) From the current state of record; and

(iv) From all states where the applicant was previously licensed over the last ((~~ten~~)) 10 years to drive any type of motor vehicle.

(b) A driving record check under (a)(iv) of this subsection need only be performed once at the time of initial issuance of a CDL or CLP, provided a notation is made on the driver's record confirming that the driving record check has been made and noting the date it was completed.

(2) Within ((~~ten~~)) 10 days after issuing a CDL or CLP, the department must notify the commercial driver's license information system of the information required under 49 C.F.R. Sec. 383.73 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section and provide all information required to ensure identification of the person.

(3) Every district court, municipal court, and clerk of a superior court shall report a traffic conviction of a CDL or CLP holder so that the conviction may be posted to the record in the commercial driver's license information system. No

state, county, or municipal official or employee may take any action to mask, defer imposition of judgment, or allow entry into a diversion or alternative disposition program.

Sec. 11. RCW 46.29.050 and 2012 c 74 s 5 are each amended to read as follows:

(1) The department shall upon request furnish any person or his or her attorney a certified abstract of his or her driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the person has committed a traffic infraction which have been reported to the department, and a record of any vehicles registered in the name of the person. The department shall collect for each abstract the ((~~sum of thirteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038~~)) fee required in RCW 46.52.130(5).

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the ((~~sum of thirteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038~~)) fee required in RCW 46.52.130(5).

Sec. 12. RCW 46.65.060 and 1999 c 274 s 7 are each amended to read as follows:

If the department finds that such person is not an habitual offender under this chapter, the proceeding shall be dismissed, but if the department finds that such person is an habitual offender, the department shall revoke the operator's license for a period of seven years: PROVIDED, That the department may stay the date of the revocation if it finds that the traffic offenses upon which it is based were caused by or are the result of alcoholism and/or drug addiction as evaluated by a program approved by the department of ((~~social and health services~~)) health, and that since his or her last offense he or she has undertaken and followed a course of treatment for alcoholism and/or drug treatment in a program approved by the department of ((~~social and health services~~)) health; such stay shall be subject to terms and conditions as are deemed reasonable by the department. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1) or violation of any of the terms or conditions of the original stay order, the stay shall be removed and the department shall revoke the operator's license for a period of seven years.

Sec. 13. RCW 46.65.065 and 1989 c 337 s 10 are each amended to read as follows:

(1) Whenever a person's driving record, as maintained by the department, brings him or her within the definition of an habitual traffic offender, as defined

in RCW 46.65.020, the department shall forthwith notify the person of the revocation in writing ((~~by certified mail~~)) at his or her address of record as maintained by the department. If the person is a nonresident of this state, notice shall be sent to the person's last known address. Notices of revocation shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain a hearing. Within ((~~fifteen~~)) 15 days after the notice has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. A request for a hearing stays the effectiveness of the revocation.

(2) Upon receipt of a request for a hearing, the department shall schedule a hearing ((~~in the county in which the person making the request resides, and if [the] person is a nonresident of this state, the hearing shall be held in Thurston county. The department~~)), including a remote hearing, and shall give at least ((~~ten days~~)) 10 days' notice of the hearing to the person.

(3) The scope of the hearings provided by this section is limited to the issues of whether the certified transcripts or abstracts of the convictions, as maintained by the department, show that the requisite number of violations have been accumulated within the prescribed period of time as set forth in RCW 46.65.020 and whether the terms and conditions for granting stays, as provided in RCW 46.65.060, have been met.

(4) Upon receipt of the hearing officer's decision, an aggrieved party may appeal to the superior court of the county in which he or she resides, or, in the case of a nonresident of this state, in the superior court of Thurston county, for review of the revocation. Notice of appeal must be filed within ((~~thirty~~)) 30 days after receipt of the hearing officer's decision or the right to appeal is waived. Review by the court shall be de novo and without a jury.

(5) The filing of a notice of appeal does not stay the effective date of the revocation.

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

(1) RCW 46.18.240 (Foreign organization license plates) and 2010 c 161 s 620; and

(2) RCW 46.18.250 (Honorary consul special license plates) and 2010 c 161 s 622.

NEW SECTION. **Sec. 15.** Section 4 of this act expires January 1, 2031.

NEW SECTION. **Sec. 16.** Section 5 of this act takes effect January 1, 2031.

NEW SECTION. **Sec. 17.** Sections 1 through 4 and 6 through 14 of this act take effect October 1, 2025.

Passed by the House March 4, 2025.

Passed by the Senate March 26, 2025.

Approved by the Governor April 7, 2025.

Filed in Office of Secretary of State April 7, 2025.

CHAPTER 24

[House Bill 1511]

WASHINGTON STATE FERRY VESSEL CAPTAINS—VARIOUS PROVISIONS

AN ACT Relating to Washington state ferries captains; and amending RCW 47.64.340.

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

Sec. 1. RCW 47.64.340 and 2011 1st sp.s. c 16 s 8 are each amended to read as follows:

(1) The captain of a Washington state ferry vessel, also known as the master of a vessel or the commanding officer, is the ultimate authority on, ((~~manager of,~~)) and has responsibility for, the entire vessel and its Washington state ferries personnel while it is ((~~in service~~)) under their command. The captain's responsibilities include, but are not limited to:

(a) Ensuring the safe navigation of the vessel and its crew and passengers;

(b) Following all applicable international, federal, and state laws and regulations, and agency policies ((~~and regulations~~));

(c) ((~~Supervising~~)) Directing crew in performance, operations, training, security, and environmental protection;

(d) Overseeing all aspects of vessel operations;

(e) Ensuring that the vessel operations and its Washington state ferries personnel satisfy performance expectations set forth by the department; and

(f) ((~~Managing~~)) Coordinating vessel arrivals and departures, as well as all other vessel operations while the vessel is in ((~~service~~)) their command.

((~~(3) [(2)] Effective July 1, 2013, the public employment relations commission shall sever from the masters, mates, and pilots bargaining unit all captains. By August 31, 2011, if a majority of the captains in the masters, mates, and pilots bargaining unit indicate by vote that they desire to be included in a newly formed captains-only bargaining unit, the public employment relations commission shall certify a captains-only bargaining unit, to be effective July 1, 2013. For the vote described in this subsection, a union seeking to represent captains does not have to demonstrate a showing of interest to be included on a ballot. Notwithstanding the results of a vote, captains shall remain a part of the masters, mates, and pilots bargaining unit through June 30, 2013.~~

~~(4) [(3)] If a new captains-only bargaining unit is created, the employer and the exclusive bargaining representative for the captains-only bargaining unit must negotiate a collective bargaining agreement exclusive to the captains-only bargaining unit.~~

~~(5) [(4)]~~)) (2) By August 31, 2025, if a majority of the captains in the masters and pilots bargaining unit indicate by vote that they desire to be included in the combined masters, mates, and pilots bargaining unit, the public employees relations commission shall certify a combined masters, mates, and pilots bargaining unit, to be effective July 1, 2026.

(3) Beginning with negotiations covering the ((~~2013-2015~~)) 2027-2029 biennium, if the condition described in subsection (2) of this section is satisfied, then the employer and the exclusive bargaining representative of the ((~~captains-only~~)) masters, mates, and pilots bargaining unit must negotiate collective bargaining agreements that are consistent with this section. Otherwise, the employer and the exclusive bargaining representative of the captains-only

bargaining unit must negotiate collective bargaining agreements that are consistent with this section.

(((~~(6) [(5)] A collective bargaining agreement may not contain any provision that extends the term of an existing collective bargaining agreement or applicability of items incompatible with this section in an existing collective bargaining agreement.~~)))

Passed by the House March 4, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 25

[Substitute House Bill 1706]

HEALTH CARRIERS—PRIOR AUTHORIZATION APPLICATION PROGRAMMING INTERFACES

AN ACT Relating to aligning the implementation of application programming interfaces for prior authorization with federal guidelines; and amending RCW 48.43.830, 41.05.845, and 74.09.840.

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

Sec. 1. RCW 48.43.830 and 2023 c 382 s 1 are each amended to read as follows:

(1) Each carrier offering a health plan issued or renewed on or after January 1, 2024, shall comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The carrier shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process, as designated by each carrier:

(i) For electronic standard prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The carrier shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that

submits the prior authorization request through a process other than an electronic prior authorization process:

(i) For nonelectronic standard prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which a carrier has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, a carrier may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider and enrollee with a carrier's request for additional information.

(d) The carrier's prior authorization requirements must be described in detail and written in easily understandable language. The carrier shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each carrier shall ((~~build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for health care services, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must support the exchange of prior authorization requests and determinations for health care services beginning January 1, 2025, and must:~~

~~(i) Use health level 7 fast health care interoperability resources in accordance with standards and provisions defined in 45 C.F.R. Sec. 170.215 and 45 C.F.R. Sec. 156.22(3)(b);~~

~~(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment or a health care service;~~

~~(iii) Allow providers to query the carrier's prior authorization documentation requirements;~~

~~(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and~~

~~(v) Indicate that~~)) establish and maintain a prior authorization application programming interface that is consistent with final rules issued by the federal centers for medicare and medicaid services and published in the federal register, and that indicates that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the carrier's grievance and appeal process under RCW 48.43.535.

(b) Each carrier shall establish and maintain an interoperable electronic process or application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for a covered prescription drug. The interoperable electronic process or application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs, beginning January 1, 2027, and must:

(i) Allow providers to identify prior authorization information and documentation requirements;

(ii) Facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system((~~, and may include the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services~~)); and

(iii) Indicate that a prior authorization denial or authorization of a drug other than the one included in the original prior authorization request is an adverse benefit determination and is subject to the carrier's grievance and appeal process under RCW 48.43.535.

(c) ((~~If~~)) Regardless of whether federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are revoked, delayed, suspended, or not finalized by the federal centers for medicare and medicaid services ((~~by September 13, 2023~~)) after February 8, 2024, the requirements of (a) of this subsection ((~~may not~~)) shall be enforced ((~~until~~)) beginning January 1, ((~~2026~~)) 2027.

(d)((~~(i) If a carrier determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the carrier shall submit a narrative justification to the commissioner on or before September 1, 2024, describing:~~

~~(A) The reasons that the carrier cannot reasonably satisfy the requirements;~~

~~(B) The impact of noncompliance upon providers and enrollees;~~

~~(C) The current or proposed means of providing health information to the providers; and~~

~~(D) A timeline and implementation plan to achieve compliance with the requirements.~~

~~(ii) The commissioner may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the commissioner determines that the carrier has made a good faith effort to comply with the requirements.~~

~~(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.~~

~~(e)~~)) By September 13, 2023, and at least every six months thereafter until September 13, 2026, the commissioner shall provide an update to the health care policy committees of the legislature on the development of rules and implementation guidance from the federal centers for medicare and medicaid services regarding the standards for development of application programming interfaces and interoperable electronic processes related to prior authorization functions. The updates should include recommendations, as appropriate, on whether the status of the federal rule development aligns with the provisions of chapter 382, Laws of 2023. The commissioner also shall report on any actions by the federal centers for medicare and medicaid services to exercise enforcement discretion related to the implementation and maintenance of an application programming interface for prior authorization functions. The commissioner shall consult with the health care authority, carriers, providers, and consumers on the development of these updates and any recommendations.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 48.43.761.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service or prescription drug that is not required to be expedited.

Sec. 2. RCW 41.05.845 and 2023 c 382 s 2 are each amended to read as follows:

(1) A health plan offered to public employees, retirees, and their covered dependents under this chapter issued or renewed on or after January 1, 2024, shall comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The health plan shall meet the following time frames for prior authorization determinations and notifications to a participating provider or

facility that submits the prior authorization request through an electronic prior authorization process:

(i) For electronic standard prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The health plan shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process described in subsection (2) of this section:

(i) For nonelectronic standard prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which the health plan has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, the health plan may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider and enrollee with the health plan's request for additional information.

(d) The prior authorization requirements of the health plan must be described in detail and written in easily understandable language. The health plan shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers

and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each health plan offered to public employees, retirees, and their covered dependents under this chapter shall ((~~build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for health care services, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must support the exchange of prior authorization requests and determinations for health care services beginning January 1, 2025, and must:~~

~~(i) Use health level 7 fast health care interoperability resources in accordance with standards and provisions defined in 45 C.F.R. Sec. 170.215 and 45 C.F.R. Sec. 156.22(3)(b);~~

~~(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment or a health care service;~~

~~(iii) Allow providers to query the health plan's prior authorization documentation requirements;~~

~~(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and~~

~~(v) Indicate that~~)) establish and maintain a prior authorization application programming interface that is consistent with final rules issued by the federal centers for medicare and medicaid services and published in the federal register, and that indicates that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the health plan's grievance and appeal process under RCW 48.43.535.

(b) Each health plan offered to public employees, retirees, and their covered dependents under this chapter shall establish and maintain an interoperable electronic process or application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for a covered prescription drug. The interoperable electronic process or application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs, beginning January 1, 2027, and must:

(i) Allow providers to identify prior authorization information and documentation requirements;

(ii) Facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management

system((~~, and may include the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services~~)); and

(iii) Indicate that a prior authorization denial or authorization of a drug other than the one included in the original prior authorization request is an adverse benefit determination and is subject to the health plan's grievance and appeal process under RCW 48.43.535.

(c) ((~~If~~)) Regardless of whether federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are revoked, delayed, suspended, or not finalized by the federal centers for medicare and medicaid services ((~~by September 13, 2023~~)) after February 8, 2024, the requirements of (a) of this subsection ((~~may not~~)) shall be enforced ((~~until~~)) beginning January 1, ((~~2026~~)) 2027.

(((~~(d)(i) If the health plan determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the health plan shall submit a narrative justification to the authority on or before September 1, 2024, describing:~~

~~(A) The reasons that the health plan cannot reasonably satisfy the requirements;~~

~~(B) The impact of noncompliance upon providers and enrollees;~~

~~(C) The current or proposed means of providing health information to the providers; and~~

~~(D) A timeline and implementation plan to achieve compliance with the requirements.~~

~~(ii) The authority may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the authority determines that the health plan has made a good faith effort to comply with the requirements.~~

~~(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.~~))

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 41.05.526.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the

request is made in advance of the enrollee obtaining a health care service that is not required to be expedited.

(5) This section shall not apply to coverage provided under the medicare part C or part D programs set forth in Title XVIII of the social security act of 1965, as amended.

Sec. 3. RCW 74.09.840 and 2023 c 382 s 3 are each amended to read as follows:

(1) Beginning January 1, 2024, the authority shall require each managed care organization to comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The managed care organization shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process, as designated by each managed care organization:

(i) For electronic standard prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The managed care organization shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process described in subsection (2) of this section:

(i) For nonelectronic standard prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic

prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which a managed care organization has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, a managed care organization may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider and enrollee with a managed care organization's request for additional information.

(d) The prior authorization requirements of the managed care organization must be described in detail and written in easily understandable language. The managed care organization shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each managed care organization shall ((~~build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for health care services, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must support the exchange of prior authorization requests and determinations for health care services beginning January 1, 2025, and must:~~

~~(i) Use health level 7 fast health care interoperability resources in accordance with standards and provisions defined in 45 C.F.R. Sec. 170.215 and 45 C.F.R. Sec. 156.22(3)(b);~~

~~(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment or a health care service;~~

~~(iii) Allow providers to query the managed care organization's prior authorization documentation requirements;~~

~~(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and~~

~~(v) Indicate that~~)) establish and maintain a prior authorization application programming interface that is consistent with final rules issued by the federal centers for medicare and medicaid services and published in the federal register, and that indicates that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit

determination and is subject to the managed care organization's grievance and appeal process under RCW 48.43.535.

(b) Each managed care organization shall establish and maintain an interoperable electronic process or application programming interface that automates the process for in-network providers to determine whether a prior authorization is required for a covered prescription drug. The interoperable electronic process or application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs, beginning January 1, 2027, and must:

(i) Allow providers to identify prior authorization information and documentation requirements;

(ii) Facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system((~~, and may include the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services~~)); and

(iii) Indicate that a prior authorization denial or authorization of a drug other than the one included in the original prior authorization request is an adverse benefit determination and is subject to the managed care organization's grievance and appeal process under RCW 48.43.535.

(c) ((~~If~~)) Regardless of whether federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are revoked, delayed, suspended, or not finalized ((~~by September 13, 2023~~)) after February 8, 2024, the requirements of (a) of this subsection ((~~may not~~)) shall be enforced ((~~until~~)) beginning January 1, ((~~2026~~)) 2027.

(((~~(d)(i) If a managed care organization determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the managed care organization shall submit a narrative justification to the authority on or before September 1, 2024, describing:~~

~~(A) The reasons that the managed care organization cannot reasonably satisfy the requirements;~~

~~(B) The impact of noncompliance upon providers and enrollees;~~

~~(C) The current or proposed means of providing health information to the providers; and~~

~~(D) A timeline and implementation plan to achieve compliance with the requirements.~~

~~(ii) The authority may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the authority determines that the managed care organization has made a good faith effort to comply with the requirements.~~

~~(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.~~))

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 71.24.618 or 74.09.490.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service or prescription drug that is not required to be expedited.

Passed by the House March 4, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 26

[Substitute House Bill 1720]
COMMUNITY-BASED CARE SETTINGS—MEDICATION ASSISTANCE

AN ACT Relating to expanding the types of medication assistance that may be provided to residents of community-based care settings; and amending RCW 69.41.010.

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

Sec. 1. RCW 69.41.010 and 2024 c 102 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Commission" means the pharmacy quality assurance commission.

(3) "Community-based care settings" include: Community residential programs for persons with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(5) "Department" means the department of health.

(6) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(7) "Dispenser" means a practitioner who dispenses.

(8) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(9) "Distributor" means a person who distributes.

(10) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(11) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization transmitted verbally by telephone nor a facsimile manually signed by the practitioner.

(12) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(13) "Legend drugs" means any drugs which are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(14) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order. A prescription must be hand printed, typewritten, or electronically generated.

(15) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or legend drugs, which may include a controlled substance or controlled substances. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. A nonpractitioner may help in the preparation of legend drugs ((~~or~~)), including controlled substances, for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except ((~~prefilled insulin syringes~~)) setting up diabetic devices for

self-administration or handing injectable medications to an individual for self-administration.

(16) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(17) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern medicine practitioner to the extent authorized under chapter 18.06 RCW and the rules adopted under RCW 18.06.010(1)(m), a veterinarian under chapter 18.92 RCW, a registered nurse, advanced practice registered nurse ((~~practitioner~~)), or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a licensed athletic trainer to the extent authorized under chapter 18.250 RCW, a pharmacist under chapter 18.64 RCW, when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, a licensed dental therapist to the extent authorized under chapter 18.265 RCW, or a licensed midwife to the extent authorized under chapter 18.50 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(18) "Secretary" means the secretary of health or the secretary's designee.

Passed by the House February 20, 2025.
Passed by the Senate March 26, 2025.
Approved by the Governor April 7, 2025.
Filed in Office of Secretary of State April 7, 2025.

CHAPTER 27

[Senate Bill 5141]

GROUP DISABILITY INCOME INSURERS—RATE MANUAL FILINGS

AN ACT Relating to requiring that experience-rated group disability income insurers include all applicable rating factors and credibility formulas in rate manual filings with the insurance commissioner; and amending RCW 48.19.010.

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

Sec. 1. RCW 48.19.010 and 2015 c 19 s 4 are each amended to read as follows:

(1) Except as is otherwise expressly provided the provisions of this chapter apply to all insurances upon subjects located, resident or to be performed in this state except:

(a) Life insurance;

(b) Disability insurance;

(c) Reinsurance except as to joint reinsurance as provided in RCW 48.19.360;

(d) Insurance against loss of or damage to aircraft, their hulls, accessories, and equipment, or against liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance((~~[,]~~)), or use of aircraft;

(e) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection((~~[,]~~)), and indemnity; and such other risks commonly insured under marine, as distinguished from inland marine, insurance contracts as may be defined by ruling of the commissioner for the purposes of this provision;

(f) Title insurance.

(2) Except, that every insurer shall, as to disability insurance, before using file with the commissioner its manual of classification, manual of rules and rates, and any modifications thereof except as provided under RCW 48.43.733 or rate filing requirements established by a specific statute or federal law. In the case of experience-rated group disability income insurance, insurers shall include in such filings their experience rating formulas including all applicable rating factors and credibility formulas as part of the rate manual. Such filings must be detailed enough to confirm that a group is fully or partially credible and to allow the commissioner to replicate the premium rates for the experience-rated group if given the experience and demographics of the group.

Passed by the Senate February 25, 2025.

Passed by the House March 31, 2025.

Approved by the Governor April 8, 2025.

Filed in Office of Secretary of State April 8, 2025.

CHAPTER 28

[Senate Bill 5209]

DEPARTMENT OF LABOR AND INDUSTRIES—LIMITED AUTHORITY WASHINGTON LAW ENFORCEMENT AGENCY DEFINITION

AN ACT Relating to explicitly listing the department of labor and industries in the definition of limited authority Washington law enforcement agency while not granting new enforcement authority; and amending RCW 10.93.020.

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

Sec. 1. RCW 10.93.020 and 2024 c 319 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the

statutorily authorized enforcement boundaries of the port district, state college, or university.

(2) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(3) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(4) "General authority Washington peace officer" means any fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(5) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including, but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, the office of the insurance commissioner, the state department of corrections, ((~~and~~)) the office of independent investigations, and the state department of labor and industries.

(6) "Limited authority Washington peace officer" means any fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(7) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority

Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Reserve officer" means any person who does not serve as a regularly employed, fully compensated peace officer of this state, but who, when called by an agency into active service, is fully commissioned on the same basis as regularly employed, fully compensated officers to enforce the criminal laws of this state.

(11) "Specially commissioned Washington peace officer," for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho.

Passed by the Senate February 12, 2025.
Passed by the House March 31, 2025.
Approved by the Governor April 8, 2025.
Filed in Office of Secretary of State April 8, 2025.

CHAPTER 29

[Substitute Senate Bill 5316]

REVISED UNIFORM UNCLAIMED PROPERTY ACT—MODIFICATION

AN ACT Relating to modifying provisions of the revised uniform unclaimed property act by clarifying the abandonment period and reporting procedures for prearrangement funeral service contracts trusts, modifying holder reporting requirements, modifying owner notification requirements, and making other changes not estimated to impact revenue; amending RCW 18.39.370, 63.30.010, 63.30.040, 63.30.050, 63.30.090, 63.30.120, 63.30.230, 63.30.240, 63.30.280, 63.30.300, 63.30.330, 63.30.340, 63.30.360, 63.30.410, 63.30.420, 63.30.460, 63.30.550, 63.30.650, 63.30.680, 63.30.690, 63.30.730, 63.30.740, 63.30.790, and 63.30.820; adding a new section to chapter 63.30 RCW; creating new sections; repealing RCW 63.30.670; and providing an effective date.

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

Sec. 1. RCW 18.39.370 and 1989 c 390 s 13 are each amended to read as follows:

Any trust ((~~which~~)) created under this chapter that has not matured or has not been refunded as provided in RCW 18.39.250 and for which no beneficiary of the prearrangement funeral service contract can be located ((~~fifty years after its creation shall~~)) within the time specified by section 2 of this act must be ((~~considered abandoned and will be handled in accordance with the escheat laws of~~)) transferred to the state ((~~of Washington~~)) as unclaimed property under chapter 63.30 RCW.

NEW SECTION. **Sec. 2.** A new section is added to chapter 63.30 RCW to read as follows:

(1) The proceeds of any prearrangement funeral service contract for which money paid is required to be deposited in a trust, including money required to be deposited in a trust under RCW 18.39.250, is presumed abandoned three years after the earlier of the following:

(a) The date of death of the contract beneficiary.

(i) The date of death of a contract beneficiary may be documented through any source, including a declaration of death, a death certificate, a comparison of the contract seller's records against the United States social security administration death master file, or other equivalent resource.

(ii) A funeral establishment may but is under no duty to compare its records to the United States social security administration death master file, or other equivalent resource;

(b) The date the contract beneficiary, if living, would have attained the age of 107 years;

(c) 50 years from the date that the contract was executed.

(2) For purposes of this section:

(a) The amount reportable for an abandoned prearrangement funeral service contract is determined under the laws of the state where the contract was executed. For contracts entered under the laws of this state, the amount reportable for an abandoned prearrangement funeral service contract is the trust balance, inclusive of accrued interest or income, less any amounts authorized by law under RCW 18.39.250.

(b) The apparent owner of an unclaimed prearrangement funeral service contract is determined under the laws of the state where the contract was executed.

(c)(i) "Contract beneficiary" means the person for whom the prearrangement funeral service contract is purchased and will be the recipient of the funeral merchandise or services at the time of the person's death.

(ii) "Contract purchaser" means the person who purchases the prearrangement funeral service contract either on the person's behalf or on behalf of the contract beneficiary.

(iii) "Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145 that provides for any aspect of the care, shelter, transportation, embalming, preparation, and arrangements for the disposition of human remains and includes all areas of such entity and all equipment, instruments, and supplies used in the care, shelter, transportation, preparation, and embalming of human remains.

(iv) "Prearrangement funeral service contract" means any contract under which, for a specified consideration, a funeral establishment promises, upon the death of the person that is named or implied in the contract, to furnish funeral merchandise or services.

Sec. 3. RCW 63.30.010 and 2022 c 225 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the department of revenue established under RCW 82.01.050.

(2) "Administrator's agent" means a person with which the administrator contracts to conduct an examination under RCW 63.30.570 through 63.30.690

on behalf of the administrator. The term includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor.

(3) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.

(4) "Business association" means a corporation, joint stock company, investment company other than an investment company registered under the investment company act of 1940, as amended, 15 U.S.C. Secs. 80a-1 through 80a-64, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.

(5) "Confidential information" means records, reports, and information that are confidential under RCW 63.30.820.

(6) "Domicile" means:

(a) For a corporation, the state of its incorporation;

(b) For a business association whose formation requires a filing with a state, other than a corporation, the state of the principal place of business of such a business association, if formed under the laws of a state other than the state in which its principal place of business is located, unless determined to be otherwise by a court of competent jurisdiction;

(c) For a federally chartered entity or an investment company registered under the investment company act of 1940, as amended, 15 U.S.C. Secs. 80a-1 through 80a-64, the state of its home office; and

(d) For any other holder, the state of its principal place of business.

(7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(8) "Email" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(9) "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union.

(10) "Game-related digital content" means digital content that exists only in an electronic game or electronic game platform. The term:

(a) Includes:

(i) Game-play currency such as a virtual wallet, even if denominated in United States currency; and

(ii) The following if for use or redemption only within the game or platform or another electronic game or electronic game platform:

(A) Points sometimes referred to as gems, tokens, gold, and similar names; and

(B) Digital codes; and

(b) Does not include an item that the issuer:

(i) Permits to be redeemed for use outside a game or platform for:

(A) Money; or

(B) Goods or services that have more than minimal value; or

(ii) Otherwise monetizes for use outside a game or platform.

(11) "Gift certificate" means a record described in RCW 19.240.010, and includes both gift cards and gift certificates, including both tangible instruments and electronic records.

(12) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this chapter.

(13) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and ((~~worker compensation~~)) industrial insurance. The term does not include governmental agencies that provide industrial insurance.

(14) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of January 1, 2023, or such subsequent date as the department of revenue may provide by rule consistent with the purpose of this chapter unless the context clearly indicates otherwise.

(15) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program, which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

((~~(15)~~)) (16) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by law of this state other than this chapter.

((~~(16)~~)) (17) "Mineral proceeds" means an amount payable for extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

(a) For the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

(b) For the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and

(c) Under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farm-out agreement.

((~~(17)~~)) (18) "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.

((~~(18)~~)) (19) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

((~~(19)~~)) (20) "Net card value" means the original purchase price or original issued value of a stored value card, plus amounts added to the original price or value, minus amounts used and any service charge, fee, or dormancy charge permitted by law.

((~~(20)~~)) (21) "Nonfreely transferable security" means a security that cannot be delivered to the administrator by the depository trust clearing corporation or

similar custodian of securities providing posttrade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(((~~(21)~~))) (22) "Owner" means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner. The term includes:

(a) A depositor, for a deposit;

(b) A beneficiary, for a trust other than a deposit in trust;

(c) A creditor, claimant, or payee, for other property; and

(d) The lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.

(((~~(22)~~))) (23) "Payroll card" means a record that evidences a payroll card account as defined in Regulation E, 12 C.F.R. Part 1005, as it existed on January 1, 2023.

(((~~(23)~~))) (24) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(((~~(24)~~))) (25) "Property" means tangible property described in RCW 63.30.080 or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government, governmental subdivision, agency, or instrumentality. The term:

(a) Includes all income from or increments to the property;

(b) Includes property referred to as or evidenced by:

(i) Money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;

(ii) A credit balance, customer's overpayment, stored value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;

(iii) A security except for:

(A) A worthless security; or

(B) A security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;

(iv) A bond, debenture, note, or other evidence of indebtedness;

(v) Money deposited to redeem a security, make a distribution, or pay a dividend;

(vi) An amount due and payable under an annuity contract or insurance policy; and

(vii) An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee savings, supplemental unemployment insurance, or a similar benefit; and

(c) Does not include:

(i) Property held in a plan described in ((~~section~~)) Title 26 U.S.C. Sec. 529A of the internal revenue code((~~, as it existed on January 1, 2023, 26 U.S.C. Sec. 529A~~));

(ii) Game-related digital content;

(iii) A loyalty card;

(iv) A gift certificate complying with chapter 19.240 RCW;

(v) Store credit for returned merchandise; and

(vi) A premium paid by an agricultural fair by check. For the purposes of this subsection, the following definitions apply:

(A) "Agricultural fair" means a fair or exhibition that is intended to promote agriculture by including a balanced variety of exhibits of livestock and agricultural products, as well as related manufactured products and arts, including products of the farm home and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farmers and rural living; and

(B) "Premium" means an amount paid for exhibits and educational contests, displays, and demonstrations of an educational nature. A "premium" does not include judges' fees and expenses; livestock sale revenues; or prizes or amounts paid for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races.

((~~(25)~~)) (26) "Putative holder" means a person believed by the administrator to be a holder, until the person pays or delivers to the administrator property subject to this chapter or the administrator or a court makes a final determination that the person is or is not a holder.

((~~(26)~~)) (27) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

((~~(27)~~)) (28) "Security" means:

(a) A security as defined in RCW 62A.8-102;

(b) A security entitlement as defined in RCW 62A.8-102, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:

(i) Registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;

(ii) Payable to the order of the person; or

(iii) Specifically indorsed to the person; or

(c) An equity interest in a business association not included in (a) or (b) of this subsection.

((~~(28)~~)) (29) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

((~~(29)~~)) (30) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

((~~(30)~~)) (31) "Stored value card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services, or money will be provided to the owner of the record to the value or amount shown in the record. The term:

(a) Includes:

(i) A record that contains or consists of a microprocessor chip, magnetic strip, or other means for the storage of information, which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration; and

(ii) A payroll card; and

(b) Does not include a loyalty card, gift certificate, or game-related digital content.

(((~~(31)~~))) (32) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

(a) Transmission of communications or information;

(b) Production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; or

(c) Provision of sewage or septic services, or trash, garbage, or recycling disposal.

(((~~(32)~~))) (33) "Virtual currency" means ((~~a~~)) any type of digital ((~~representation of value~~)) unit, including cryptocurrency, used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

(a) The software or protocols governing the transfer of the digital representation of value;

(b) Game-related digital content; or

(c) A loyalty card or gift certificate.

(((~~(33)~~))) (34) "Worthless security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this chapter.

Sec. 4. RCW 63.30.040 and 2023 c 258 s 8 are each amended to read as follows:

Subject to RCW 63.30.120, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

(1) A traveler's check, 15 years after issuance;

(2) A money order, five years after issuance;

(3) A state or municipal bond, bearer bond, or original issue discount bond, not held by a government entity or governmental subdivision, agency, or instrumentality, three years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises;

(4) A debt of a business association, three years after the obligation to pay arises;

(5) A demand, savings, or time deposit, including a deposit that is automatically renewable, three years after the later of maturity, if applicable, of the deposit or the owner's last indication of interest in the deposit, except a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;

(6) Money or a credit owed to a customer as a result of a retail business transaction, three years after the obligation arose;

(7) An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after the obligation to pay arose under the terms of the policy or contract

or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:

(a) With respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:

(i) The insurance company has knowledge of the death of the insured; or

(ii) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and

(b) With respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant;

(8) Property distributable by a business association in the course of dissolution, one year after the property becomes distributable;

(9) Property held by a court, including property received as proceeds of a class action, one year after the property becomes distributable;

(10) Property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one year after the property becomes distributable;

(11) Wages, commissions, or bonuses((~~, or reimbursements~~)) to which an employee is entitled, or other compensation for personal services, one year after the amount becomes payable;

(12) A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable;

(13) Payroll card, one year after the amount becomes payable;

(14) Excess proceeds from the sale of property by an owner of a self-service storage facility conducted pursuant to RCW 19.150.080, ((~~six months~~)) one year from the date of sale;

(15) Excess income from the sale of tenant property by a landlord conducted pursuant to RCW 59.18.312 and 59.18.595, one year from the date of the sale;

(16) Excess funds from the sale of an abandoned vessel by an operator of a private moorage facility conducted pursuant to RCW 88.26.020, one year from the date of the sale; and

(17) Property not specified in this section or RCW 63.30.050 through 63.30.100, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

Sec. 5. RCW 63.30.050 and 2022 c 225 s 202 are each amended to read as follows:

(1) Subject to RCW 63.30.120, property held in a pension account or retirement account that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three years after the later of:

(a) The following dates:

(i) Except as in (a)(ii) of this subsection, the date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States postal service; or

(ii) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States postal service; or

(b) The earlier of the following dates if the apparent owner is required to take a distribution to avoid a tax penalty:

(i) The date the apparent owner ((~~becomes 72 years of age~~)) reaches the required minimum distribution age to avoid a tax penalty under Title 26 U.S.C. Sec. 4974 of the internal revenue code, if determinable by the holder; or

(ii) ((~~If the internal revenue code, as it existed on January 1, 2023, 26 U.S.C. Sec. 1 et seq., requires distribution to avoid a tax penalty, two~~)) Two years after the date the holder:

(A) Receives confirmation of the death of the apparent owner in the ordinary course of its business; or

(B) Confirms the death of the apparent owner under subsection (2) of this section.

(2) If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner and subsection (1)(b) of this section applies, the holder ((~~shall~~)) must attempt not later than 90 days after receipt of the notice or indication to confirm whether the apparent owner is deceased.

(3) If the holder does not send communications to the apparent owner of an account described in subsection (1) of this section by first-class United States mail, the holder ((~~shall~~)) must attempt to confirm the apparent owner's interest in the property by sending the apparent owner an email communication not later than two years after the apparent owner's last indication of interest in the property. However, the holder promptly ((~~shall~~)) must attempt to contact the apparent owner by first-class United States mail if:

(a) The holder does not have information needed to send the apparent owner an email communication or the holder believes that the apparent owner's email address in the holder's records is not valid;

(b) The holder receives notification that the email communication was not received; or

(c) The apparent owner does not respond to the email communication not later than 30 days after the communication was sent.

(4) If first-class United States mail sent under subsection (3) of this section is returned to the holder undelivered by the United States postal service, the property is presumed abandoned three years after the later of:

(a) Except as in (b) of this subsection, the date a second consecutive communication to contact the apparent owner sent by first-class United States mail is returned to the holder undelivered;

(b) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered; or

(c) The date established by subsection (1)(b) of this section.

(5) This section does not apply to property held in a pension account or retirement account established by the state of Washington or any local governmental entity under chapter 41.28 RCW.

Sec. 6. RCW 63.30.090 and 2022 c 225 s 206 are each amended to read as follows:

(1) Subject to RCW 63.30.120, the net card value of a stored value card, other than a payroll card, is presumed abandoned on the latest of three years after:

(a) ((~~December 31st of the year in which the~~)) The card is issued or additional funds are deposited into it;

(b) The most recent indication of interest in the card by the apparent owner; or

(c) A verification or review of the balance by or on behalf of the apparent owner.

(2) The amount presumed abandoned in a stored value card is the net card value at the time it is presumed abandoned.

Sec. 7. RCW 63.30.120 and 2022 c 225 s 209 are each amended to read as follows:

(1) The period after which property is presumed abandoned is measured from the later of:

(a) The date the property is presumed abandoned under this section and RCW 63.30.040 through 63.30.110, 63.30.130, and 63.30.140; or

(b) The latest indication of interest by the apparent owner in the property.

(2) Under this chapter, an indication of an apparent owner's interest in property includes:

(a) A record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;

(b) An oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;

(c) Presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;

(d) ((~~Activity~~)) Either activity directed by an apparent owner in the account in which the property is held, or in another account of the apparent owner held by the same business association or financial organization, or both, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;

(e) A deposit into or withdrawal from an account at a financial organization, including an automatic deposit or withdrawal previously authorized by the apparent owner other than an automatic reinvestment of dividends or interest;

(f) Subject to subsection (5) of this section, payment of a premium on an insurance policy; and

(g) Any other action by the apparent owner which reasonably demonstrates to the holder that the apparent owner knows that the property exists.

(3) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner.

(4) A communication with an apparent owner by a person other than the holder or the holder's representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property.

(5) If the insured dies or the insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash

surrender value of the policy by operation of an automatic premium loan provision or other nonforfeiture provision contained in the policy, the operation does not prevent the policy from maturing or terminating.

Sec. 8. RCW 63.30.230 and 2022 c 225 s 402 are each amended to read as follows:

(1) The report required under RCW 63.30.220 must:

(a) Be signed by or on behalf of the holder and verified as to its completeness and accuracy;

(b) If filed electronically, be in a secure format approved by the administrator which protects confidential information of the apparent owner in the same manner as required of the administrator and the administrator's agent under RCW 63.30.810 through 63.30.880;

(c) Describe the property;

(d) Except for a traveler's check, money order, or similar instrument, contain the name, if known, last known address, if known, and social security number or taxpayer identification number, if known or readily ascertainable, of the apparent owner of property with a value of ((~~$50~~)) $5 or more;

(e) For an amount held or owing under a life or endowment insurance policy or annuity contract, contain the name and last known address of the insured, annuitant, or other apparent owner of the policy or contract and of the beneficiary;

(f) For property held in or removed from a safe deposit box, indicate the location of the property, where it may be inspected by the administrator, and any amounts owed to the holder under RCW 63.30.370;

(g) Contain the commencement date for determining abandonment under RCW 63.30.040 through 63.30.140;

(h) State that the holder has complied with the notice requirements of RCW 63.30.280; and

(i) ((~~Identify property that is a nonfreely transferable security and explain why it is a nonfreely transferable security; and~~

~~(j)~~)) Contain other information the administrator prescribes by rules.

(2) A report under RCW 63.30.220 may include in the aggregate items valued under ((~~$50~~)) $5 each. If the report includes items in the aggregate valued under ((~~$50~~)) $5 each, the administrator may not require the holder to provide the name and address of an apparent owner of an item unless the information is necessary to verify or process a claim in progress by the apparent owner.

(3) A report under RCW 63.30.220 may include personal information as defined in RCW 63.30.810(1) about the apparent owner or the apparent owner's property to the extent not otherwise prohibited by federal law.

(4) If a holder has changed its name while holding property presumed abandoned or is a successor to another person that previously held the property for the apparent owner, the holder must include in the report under RCW 63.30.220 its former name or the name of the previous holder, if any, and the known name and address of each previous holder of the property.

Sec. 9. RCW 63.30.240 and 2022 c 225 s 403 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section and subject to subsection (3) of this section, the report under RCW 63.30.220 must

be filed and paid on or before ((~~November 1st~~)) October 31st of each year and cover the 12 months preceding July 1st of that year.

(2) Subject to subsection (3) of this section, the report under RCW 63.30.220 to be filed by an insurance company must be filed and paid on or before ((~~May 1st~~)) April 30th of each year for the immediately preceding calendar year.

(3) Before the date for filing the report under RCW 63.30.220, the holder of property presumed abandoned may request the administrator to extend the time for filing. The administrator may grant an extension. If the extension is granted, the holder may pay or make a partial payment of the amount the holder estimates ultimately will be due. The payment or partial payment terminates accrual of interest on the amount paid.

Sec. 10. RCW 63.30.280 and 2022 c 225 s 501 are each amended to read as follows:

(1) Subject to subsection (2) of this section, the holder of property presumed abandoned ((~~shall~~)) must send to the apparent owner notice by first-class United States mail that complies with RCW 63.30.290 in a format acceptable to the administrator not more than 180 days nor less than 60 days before filing the report under RCW 63.30.220 if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first-class United States mail to the apparent owner; and

(b) The value of the property is ((~~$75~~)) $50 or more.

(2) If an apparent owner has consented to receive email delivery from the holder, the holder ((~~shall~~)) must send the notice described in subsection (1) of this section both by first-class United States mail to the apparent owner's last known mailing address and by email, unless the holder believes that the apparent owner's email address is invalid.

Sec. 11. RCW 63.30.300 and 2022 c 225 s 503 are each amended to read as follows:

(1) The administrator ((~~shall~~)) must give notice to an apparent owner that property presumed abandoned and appears to be owned by the apparent owner is held by the administrator under this chapter.

(2) In providing notice under subsection (1) of this section, the administrator ((~~shall~~)) must:

(a) Except as otherwise provided in (b) of this subsection, send written notice by first-class United States mail to each apparent owner of property valued at ((~~$75~~)) $50 or more held by the administrator, unless the administrator determines that a mailing by first-class United States mail would not be received by the apparent owner, and, in the case of a security held in an account for which the apparent owner had consented to receiving email from the holder, send notice by email if the email address of the apparent owner is known to the administrator instead of by first-class United States mail; or

(b) Send the notice to the apparent owner's email address if the administrator does not have a valid United States mail address for an apparent owner, but has an email address that the administrator does not know to be invalid.

(3) In addition to the notice under subsection (2) of this section, the administrator ((~~shall~~)) must:

(a) Publish every 12 months in the printed or online version of a newspaper of general circulation within this state, which the administrator determines is most likely to give notice to the apparent owner of the property, notice of property held by the administrator which must include:

(i) The total value of property received by the administrator during the preceding 12-month period, taken from the reports under RCW 63.30.220;

(ii) The total value of claims paid by the administrator during the preceding 12-month period;

(iii) The internet web address of the unclaimed property website maintained by the administrator;

(iv) A telephone number and email address to contact the administrator to inquire about or claim property; and

(v) A statement that a person may access the internet by a computer to search for unclaimed property and a computer may be available as a service to the public at a local public library; and

(b) Maintain a website or database accessible by the public and electronically searchable which contains the names reported to the administrator of all apparent owners for whom property is being held by the administrator.

(4) The website or database maintained under subsection (3)(b) of this section must include instructions for filing with the administrator a claim to property and a printable claim form with instructions for its use.

(5) In addition to giving notice under subsection (2) of this section, publishing the information under subsection (3)(a) of this section and maintaining the website or database under subsection (3)(b) of this section, the administrator may use other printed publication, telecommunications, the internet, or other media to inform the public of the existence of unclaimed property held by the administrator.

Sec. 12. RCW 63.30.330 and 2022 c 225 s 602 are each amended to read as follows:

(1) A holder may deduct a dormancy charge from property required to be paid or delivered to the administrator if:

(a) A valid contract between the holder and the apparent owner authorizes imposition of the charge for the apparent owner's failure to claim the property within a specified time; ((~~and~~))

(b) The holder regularly imposes the charge and regularly does not reverse or otherwise cancel the charge; and

(c) The holder notifies the apparent owner three months before ceasing interest payments or charging dormancy fees.

(2) The amount of the deduction under subsection (1) of this section is limited to an amount that is not unconscionable considering all relevant factors, including the marginal transactional costs incurred by the holder in maintaining the apparent owner's property and any services received by the apparent owner.

Sec. 13. RCW 63.30.340 and 2022 c 225 s 603 are each amended to read as follows:

(1)(a) Except as otherwise provided in this section, on filing a report under RCW 63.30.220, the holder ((~~shall~~)) must pay or deliver to the administrator the

property described in the report. Holders who are required to file a report electronically under this chapter must remit payments under this section by electronic funds transfer or other form of electronic payment acceptable to the administrator. However, the administrator, upon request or its own initiative, may relieve any holder or class of holders from the electronic payment requirement under this subsection for good cause as determined by the administrator.

(b) For purposes of this subsection, "good cause" means:

(i) A circumstance or condition exists that, in the administrator's judgment, prevents the holder from remitting payments due under this section electronically; or

(ii) The administrator determines that relief from the electronic payment requirement under this subsection supports the efficient or effective administration of this chapter.

(2) If property in a report under RCW 63.30.220 is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for payment of the property to the administrator is extended until a penalty or forfeiture no longer would result from payment, if the holder informs the administrator of the extended date.

(3) ((~~Tangible~~)) If the property in the report is tangible property held in a safe deposit box ((~~may not be delivered to~~)), the administrator ((~~until 180 days after filing the report under RCW 63.30.220~~)) must provide delivery instructions to the holder.

(4) If property reported to the administrator under RCW 63.30.220 is a security, the administrator may:

(a) Make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent, or the securities intermediary to transfer the security; or

(b) Dispose of the security under RCW 63.30.430.

(5) If the holder of that property reported to the administrator under RCW 63.30.220 is the issuer of a certificated security, the administrator may obtain a replacement certificate in physical or book-entry form under RCW 62A.8-405. An indemnity bond is not required.

(6) The administrator ((~~shall~~)) must establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the administrator by a holder.

(7) An issuer, holder, and transfer agent or other person acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the state against, a claim arising with respect to property after the property has been delivered to the administrator.

(8) A holder is not required to deliver to the administrator a security identified by the holder as a nonfreely transferable security. If the administrator or holder determines that a security is no longer a nonfreely transferable security, the holder ((~~shall~~)) must deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder ((~~shall~~)) must make a determination annually whether a security identified in a report filed under RCW

63.30.220 as a nonfreely transferable security is no longer a nonfreely transferable security.

(9) If the property reported to the administrator is virtual currency, the holder must liquidate the virtual currency within 30 days before filing the report under RCW 63.30.220. The report and liquidated proceeds must be submitted according to the due dates under RCW 63.30.240. The owner will not have recourse against the holder or the administrator to recover any gain in value after the virtual currency's liquidation under this subsection.

Sec. 14. RCW 63.30.360 and 2022 c 225 s 605 are each amended to read as follows:

(1) A holder that under this chapter pays money to the administrator may file a claim for ((~~reimbursement~~)) a refund from the administrator of the amount paid if the holder:

(a) Paid the money in error to the administrator; or

(b) After paying the money to the administrator, paid money to a person the holder reasonably believed was entitled to the money.

(2) If a claim for ((~~reimbursement~~)) a refund under subsection (1) of this section is made for a payment made on a negotiable instrument, including a traveler's check, money order, or similar instrument, the holder must submit proof that the instrument was presented and the payment was made to a person the holder reasonably believed was entitled to the payment. The holder may claim ((~~reimbursement~~)) a refund even if the payment was made to a person whose claim was made after the expiration of a period of limitation on the owner's right to receive or recover property, whether specified by contract, statute, or court order.

(3) If a holder is ((~~reimbursed~~)) paid by the administrator under subsection (1)(b) of this section, and the property was an interest-bearing demand, savings, or time deposit, the holder may also recover from the administrator ((~~income or gain~~)) interest under RCW 63.30.380 that would have been paid to the owner if the money had been claimed from the administrator by the owner to the extent the ((~~income or gain~~)) interest was paid by the holder to the owner.

(4) A holder that under this chapter delivers property other than money to the administrator may file a claim for return of the property from the administrator if:

(a) The holder delivered the property to the administrator in error; or

(b) The apparent owner has claimed the property from the holder.

(5) If a claim for return of property under subsection (4) of this section is made, the holder ((~~shall~~)) must include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the administrator in error.

(6) The administrator may determine that an affidavit submitted by a holder is evidence sufficient to establish that the holder is entitled to ((~~reimbursement~~)) a refund or to recover property under this section.

(7) A holder is not required to pay a fee or other charge for ((~~reimbursement~~)) a refund or return of property under this section.

(8) Not later than 90 days after a claim is filed under subsection (1) or (4) of this section, the administrator ((~~shall~~)) must allow or deny the claim and give the ((~~claimant~~)) holder notice of the decision in a record. If the administrator does not take action on a claim during the 90-day period, the claim is deemed denied.

(9)(a) If, upon receipt of an application under this section for a refund or return of property, or an examination conducted under RCW 63.30.580, it is determined by the administrator that any amount, interest, or penalty has been paid in excess of what was properly due under this chapter or that any property was delivered to the administrator under this chapter in error, then except for amounts delivered by the administrator to a claimant under RCW 63.30.540 and 63.30.550, the excess amount must be refunded to the holder, or the property delivered in error returned to the holder, as the case may be.

(b)(i) Except as otherwise provided in this section, no refund or return of property may be made for any amount or property paid or delivered, or for any interest or penalty paid, more than six years after the end of the calendar year in which the payment or delivery occurred.

(ii) The expiration of the limitations period in (b)(i) of this subsection will not restrict a refund or the return of property if the administrator received a complete application for such refund or return of property before the expiration of such limitations period.

(10) The execution of a written waiver signed by the holder and the administrator will extend the time for making a refund of any amounts paid, or a return of property delivered in error, during, or attributable to, the years covered by the waiver if, before the expiration of the waiver, a complete application for refund or return of such amounts or property is made by the holder or the administrator discovers a refund is due or a return of property under this section is required.

(11) For purposes of this section, an application for a refund or return of property is complete if it includes information the administrator deems sufficient to substantiate the holder's claim for a refund or return of property. If the administrator receives an incomplete application before the expiration of the limitations period in subsection (9)(b)(i) of this section, the administrator must provide the holder written notice of the deficiencies of information in the application and grant the holder 90 days from the date of such notice to provide sufficient documentation to substantiate the holder's claim for a refund or return of property.

(12) Interest as provided under RCW 82.32.050 (1)(c) and (2) must be added to the amount of any refund allowed by the administrator or any court. Interest must be computed from the date the administrator received the excess payment until the date the refund is issued.

(13) Decisions under this section are subject to review under RCW 63.30.730 and 63.30.740.

Sec. 15. RCW 63.30.410 and 2022 c 225 s 610 are each amended to read as follows:

(1) Expiration, before, on, or after January 1, 2023, of a period of limitation on an owner's right to receive or recover property, whether specified by contract, statute, or court order, does not prevent the property from being presumed abandoned or affect the duty of a holder under this chapter to file a report or pay or deliver property to the administrator.

(2) ((~~The administrator may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property~~)) If a holder files a report meeting the requirements under RCW 63.30.220, the administrator, absent a showing of fraud, may not issue a

determination of liability under RCW 63.30.680 more than six years after the holder filed ((~~a nonfraudulent report under RCW 63.30.220 with the administrator~~)) the report. The parties may agree in a record to extend the limitation in this subsection.

(3) The administrator may not issue a determination of liability under RCW 63.30.680 or otherwise commence an action, proceeding, or examination with respect to a reporting obligation or other duty of a holder under this chapter more than 10 years after the duty arose, including circumstances where the holder:

(a) Fails to file a report with the administrator;

(b) Files an incomplete report with the administrator; or

(c) Files a fraudulent report with the administrator.

Sec. 16. RCW 63.30.420 and 2022 c 225 s 701 are each amended to read as follows:

(1) Except as otherwise provided in RCW 63.30.430, the administrator may sell the property (((~~(a)~~))) not earlier than two years after receipt of property stored in a safe deposit box and presumed abandoned((~~, and (b) not earlier than three years after receipt of all other property presumed abandoned~~)).

(2) Before selling property under subsection (1) of this section, the administrator ((~~shall~~)) must give notice to the public of:

(a) The date of the sale; and

(b) A reasonable description of the property.

(3) A sale under subsection (1) of this section must be to the highest bidder:

(a) At public sale at a location in this state which the administrator determines to be the most favorable market for the property;

(b) On the internet; or

(c) On another forum the administrator determines is likely to yield the highest net proceeds of sale.

(4) The administrator may decline the highest bid at a sale under this section and reoffer the property for sale if the administrator determines the highest bid is insufficient.

(5) The administrator must publish at least one notice of the sale, at least three weeks but not more than five weeks before the sale, in a newspaper of general circulation in the county in which the property is sold.

Sec. 17. RCW 63.30.460 and 2022 c 225 s 705 are each amended to read as follows:

(1) The administrator may not sell a medal or decoration awarded for military service in the armed forces of the United States.

(2) The administrator, with the consent of the respective organization under (a) of this subsection, agency under (b) of this subsection, or entity under (c) of this subsection, may deliver a medal or decoration described in subsection (1) of this section to be held in custody for the owner, to:

(a) A military veterans organization qualified under the internal revenue code((~~, as it existed on January 1, 2023, 26 U.S.C. Sec. 501(c)(19)~~));

(b) The agency that awarded the medal or decoration; or

(c) A governmental entity.

(3) On delivery under subsection (2) of this section, the administrator is not responsible for safekeeping the medal or decoration.

Sec. 18. RCW 63.30.550 and 2022 c 225 s 905 are each amended to read as follows:

(1) Not later than 30 days after a claim is allowed under RCW 63.30.540(2), the administrator ((~~shall~~)) must pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with income or gain to which the owner is entitled under RCW 63.30.380. ((~~On request of the owner, the administrator may sell or liquidate a security and pay the net proceeds to the owner, even if the security had been held by the administrator for less than three years or the administrator has not complied with the notice requirements under RCW 63.30.430.~~))

(2) Property held under this chapter by the administrator is subject to a claim for the payment of an enforceable debt the owner owes in this state for:

(a) Child support arrearages, including child support collection costs and child support arrearages that are combined with maintenance;

(b) A civil or criminal fine or penalty, court costs, a surcharge, or restitution imposed by a final order of an administrative agency or a final court judgment; or

(c) State or local taxes, penalties, and interest that have been determined to be delinquent.

(3) Before delivery or payment to an owner under subsection (1) of this section of property or payment to the owner of net proceeds of a sale of the property, the administrator first ((~~shall~~)) must apply the property or net proceeds to a debt under subsection (2) of this section the administrator determines is owed by the owner. The administrator ((~~shall~~)) must pay the amount to the appropriate state or local agency and notify the owner of the payment.

(4) The administrator may make periodic inquiries of state and local agencies in the absence of a claim filed under RCW 63.30.530 to determine whether an apparent owner included in the unclaimed property records of this state has enforceable debts described in subsection (2) of this section. The administrator first ((~~shall~~)) must apply the property or net proceeds of a sale of property held by the administrator to a debt under subsection (2) of this section of an apparent owner which appears in the records of the administrator and deliver the amount to the appropriate state or local agency. The administrator ((~~shall~~)) must notify the apparent owner of the payment.

Sec. 19. RCW 63.30.650 and 2022 c 225 s 1009 are each amended to read as follows:

(1) In this section, "related to the administrator" refers to an individual who is:

(a) The administrator's spouse, partner in a civil union, domestic partner, or reciprocal beneficiary;

(b) The administrator's child, stepchild, grandchild, parent, stepparent, sibling, stepsibling, half-sibling, aunt, uncle, niece, or nephew;

(c) A spouse, partner in a civil union, domestic partner, or reciprocal beneficiary of an individual under (b) of this subsection; or

(d) Any individual residing in the administrator's household.

(2) The administrator may contract with a person to conduct an examination under this section and RCW 63.30.570 through 63.30.640 and 63.30.660 through 63.30.690. The contract may be awarded only under chapter 39.26 RCW.

(3) If the person with which the administrator contracts under subsection (2) of this section is:

(a) An individual, the individual may not be related to the administrator; or

(b) A business entity, the entity may not be owned in whole or in part by the administrator or an individual related to the administrator.

(4) ((~~At least 60 days before assigning a person under contract with the administrator under subsection (2) of this section to conduct an examination, the administrator shall demand in a record that the person to be examined submit a report and deliver property that is previously unreported.~~

~~(5)~~)) If the administrator contracts with a person under subsection (2) of this section:

(a) The contract may provide for compensation of the person based on a fixed fee, hourly fee, or contingent fee;

(b) A contingent fee arrangement may not provide for a payment that exceeds 10 percent of the amount or value of property paid or delivered as a result of the examination; and

(c) On request by a person subject to examination by a contractor, the administrator ((~~shall~~)) must deliver to the person a complete and unredacted copy of the contract.

(((~~(6)~~))) (5) A contract under subsection (2) of this section is subject to public disclosure without redaction under chapter 42.56 RCW.

Sec. 20. RCW 63.30.680 and 2022 c 225 s 1012 are each amended to read as follows:

If the administrator determines from an examination conducted under RCW 63.30.580 that a ((~~putative~~)) holder failed or refused to pay or deliver to the administrator property which is reportable under this chapter, the administrator ((~~shall~~)) must issue a determination of the ((~~putative~~)) holder's liability to pay or deliver and give notice in a record to the ((~~putative~~)) holder of the determination.

Sec. 21. RCW 63.30.690 and 2023 c 258 s 9 are each amended to read as follows:

(1) A ((~~person~~)) holder who fails to pay or deliver property when due is required to pay to the administrator interest at the rate as computed under RCW 82.32.050(1)(c) and set under RCW 82.32.050(2). However, the administrator must waive or cancel interest imposed under this subsection if:

(a) The administrator finds that the failure to pay or deliver the property within the time prescribed by this chapter was the result of circumstances beyond the ((~~person's~~)) holder's control sufficient for waiver or cancellation of interest under RCW 82.32.105;

(b) The failure to timely pay or deliver the property within the time prescribed by this chapter was the direct result of written instructions given to the ((~~person~~)) holder by the administrator; or

(c) The extension of a due date for payment or delivery under an assessment issued by the administrator was not at the ((~~person's~~)) holder's request and was for the sole convenience of the administrator.

(2) If a ((~~person~~)) holder fails to file any report or to pay or deliver any amounts or property when due under a report required under this chapter, there is assessed a penalty equal to 10 percent of the amount unpaid and the value of any property not delivered.

(3) If an examination results in an assessment for amounts unpaid or property not delivered, there is assessed a penalty equal to 10 percent of the amount unpaid and the value of any property not delivered.

(4) If a ((~~person~~)) holder fails to pay or deliver to the administrator by the due date any amounts or property due under ((~~an assessment~~)) a determination issued by the administrator to the ((~~person~~)) holder, there is assessed an additional penalty of five percent of the amount unpaid and the value of any property not delivered.

(5) If a holder makes a fraudulent report under this chapter, the administrator may require the holder to pay the administrator, in addition to interest under this section, a civil penalty of $1,000 for each day from the date the report was made until corrected, up to a cumulative maximum amount of $25,000, plus 25 percent of the amount or value of any property that should have been reported or was underreported.

(6) Penalties under subsections (2) through (4) of this section may be waived or canceled only if:

(a) The administrator finds that the failure to pay or deliver within the time prescribed by this chapter was the result of circumstances beyond the ((~~person's~~)) holder's control sufficient for waiver or cancellation of penalties under RCW 82.32.105; or

(b) The ((~~person~~)) holder requests the waiver for a report required to be filed under RCW 63.30.220 and has timely filed as provided by RCW 63.30.240 all reports due under RCW 63.30.220 and paid or delivered all property associated with those reports for a period of 24 months immediately preceding the period covered by the report for which the waiver is being requested.

(7) If a ((~~person~~)) holder willfully fails to file a report or to provide written notice to apparent owners as required under this chapter, the administrator may assess a civil penalty of $100 for each day the report is withheld or the notice is not sent, but not more than $5,000.

(8) If a holder, having filed a report, failed to file the report electronically as required by RCW 63.30.220, or failed to pay electronically any amounts due under the report as required by RCW 63.30.340, the administrator must assess a penalty equal to five percent of the amount payable or deliverable under the report, unless the administrator grants the ((~~taxpayer~~)) holder relief from the electronic filing and payment requirements. Total penalties assessed under this subsection may not exceed five percent of the amount payable and value of property deliverable under the report.

(9) If a holder enters into a contract or other arrangement for the purpose of evading an obligation under this chapter or otherwise willfully fails to perform a duty imposed on the holder under this chapter, the administrator may require the holder to pay the administrator, in addition to interest as provided in this section, a civil penalty of $1,000 for each day the obligation is evaded or the duty not performed, up to a cumulative maximum amount of $25,000, plus 25 percent of the amount or value of property that should have been but was not reported, paid, or delivered as a result of the evasion or failure to perform.

(10) The penalties imposed in this section are cumulative.

Sec. 22. RCW 63.30.730 and 2022 c 225 s 1103 are each amended to read as follows:

Any ((~~person~~)) putative holder having been issued a determination by the administrator, or a denial of an application for a refund or return of property, under the provisions of this chapter is entitled to a review by the administrator conducted in accordance with the provisions of RCW 34.05.410 through 34.05.494, subject to judicial review under RCW 34.05.510 through 34.05.598. A petition for review under this section is timely if received in writing by the administrator on or before 90 days after the holder receives the determination from the administrator pursuant to RCW 63.30.680 or from any extension of the due date granted by the administrator, or in the case of a refund or return application, 30 days after the administrator rejects the application in writing, regardless of any subsequent action by the administrator to reconsider its initial decision. The period for filing a petition for review under this section may be extended as provided in a rule adopted by the administrator under chapter 34.05 RCW or upon a written agreement signed by the holder and the administrator.

Sec. 23. RCW 63.30.740 and 2022 c 225 s 1104 are each amended to read as follows:

(1) Any ((~~person~~)) putative holder who has paid or delivered property to the administrator under the provisions of this chapter, except one who has failed to keep and preserve records as required in this chapter, feeling aggrieved by such payment or delivery, may appeal to the Thurston county superior court. The ((~~person~~)) putative holder filing a notice of appeal under this section is deemed the plaintiff, and the administrator, the defendant.

(2) An appeal under this section must be made within 30 days after the administrator rejects in writing an application for refund or return of property, regardless of any subsequent action by the administrator to reconsider its initial decision.

(3)(a) In an appeal filed under this section, the plaintiff must set forth the amount or property, if any, payable or deliverable on the report or assessment that the plaintiff is contesting, which the holder concedes to be the correct amount payable or deliverable, and the reason why the amount payable or deliverable should be reduced or abated.

(b) The appeal is perfected only by serving a copy of the notice of appeal upon the administrator and filing the original with proof of service with the clerk of the superior court of Thurston county, within the time specified in subsection (2) of this section.

(4)(a) The trial in the superior court on appeal must be de novo and without the necessity of any pleadings other than the notice of appeal. At trial, the burden is on the plaintiff to (i) prove that the amount paid by that ((~~person~~)) putative holder is incorrect, either in whole or in part, or the property in question was delivered in error to the administrator, and (ii) establish the correct amount payable or the property required to be delivered to the administrator, if any.

(b) Both parties are entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount due, if any, that should be paid by the plaintiff.

(c) Either party may seek appellate review in the same manner as other civil actions are appealed to the appellate courts.

(5) An appeal may be maintained under this section without the need for the plaintiff to first:

(a) Protest against the payment of any amount due or reportable under this chapter or to make any demand to have such amount refunded or returned; or

(b) Petition the administrator for a refund, return of property, or a review of its action as authorized in RCW 63.30.730.

(6) No court action or proceeding of any kind may be maintained by the plaintiff to recover any amount paid, delivered, or reported to the administrator under this chapter, except as provided in this section or as may be available to the plaintiff under RCW 34.05.510 through 34.05.598.

(7) No appeal may be maintained under this section with respect to matters reviewed by the administrator under the provisions of chapter 34.05 RCW.

Sec. 24. RCW 63.30.790 and 2022 c 225 s 1302 are each amended to read as follows:

(1) ((~~Subject to subsection (2) of this section, an~~)) An agreement under RCW 63.30.780 is void if ((~~it is entered into during the period beginning on the date the property was paid or delivered by a holder to the administrator and ending 24 months after the payment or delivery.~~

~~(2) If a provision in an agreement described in subsection (1) of this section applies to mineral proceeds for which compensation is to be paid to the other person based in whole or in part on a part of the underlying minerals or mineral proceeds not then presumed abandoned, the provision is void regardless of when the agreement was entered into.~~

~~(3)~~)) a provision in the agreement applies to mineral proceeds for which compensation is to be paid to the other person based in whole or in part of the underlying minerals or mineral proceeds not then presumed abandoned.

(2) An agreement under ((~~subsection (1) of this section which~~)) RCW 63.30.780 that provides for compensation in an amount that ((~~is unconscionable~~)) exceeds five percent of the value of the property reasonably expected to be recovered, is unenforceable ((~~except by the apparent owner. An apparent owner that believes the compensation the apparent owner has agreed to pay is unconscionable or the administrator, acting on behalf of an apparent owner, or both, may file an action in superior court to reduce the compensation to the maximum amount that is not unconscionable~~)).

(((~~(4)~~))) (3) An apparent owner or the administrator may assert that an agreement ((~~described in this section~~)) under RCW 63.30.780 is void on a ground other than it provides for payment of unconscionable compensation in an amount that exceeds five percent of the value of the property reasonably expected to be recovered.

(((~~(5)~~))) (4) This section does not apply to an apparent owner's agreement with an attorney to pursue a claim for recovery of specifically identified property held by the administrator or to contest the administrator's denial of a claim for recovery of the property.

Sec. 25. RCW 63.30.820 and 2022 c 225 s 1402 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the following are confidential and exempt from public inspection or disclosure:

(a) Reports and records of a holder in the possession of the administrator or the administrator's agent; ((~~and~~))

(b) Personal information and other information derived or otherwise obtained by or communicated to the administrator or the administrator's agent from an examination under this chapter of the records of a person; and

(c) Correspondence sent by the administrator or the administrator's agent to holders concerning past, current, pending, or potential examinations.

(2) A record or other information that is confidential under law of this state other than this chapter, another state, or the United States continues to be confidential when disclosed or delivered under this chapter to the administrator or administrator's agent.

NEW SECTION. **Sec. 26.** RCW 63.30.670 (Report by administrator to state official) and 2022 c 225 s 1011 are each repealed.

NEW SECTION. **Sec. 27.** Sections 1 and 2 of this act apply to prearrangement funeral service contracts executed before, on, or after the effective date of this section.

NEW SECTION. **Sec. 28.** Sections 3 through 6, 14 through 17, and 20 through 23 of this act apply retroactively and prospectively to January 1, 2023.

NEW SECTION. **Sec. 29.** Sections 8 and 10 through 12 of this act take effect January 1, 2026.

Passed by the Senate February 25, 2025.
Passed by the House March 31, 2025.
Approved by the Governor April 8, 2025.
Filed in Office of Secretary of State April 8, 2025.

CHAPTER 30

[Substitute Senate Bill 5106]

LEGISLATIVELY RECOGNIZED DAYS—EID AL-FITR AND EID AL-ADHA

AN ACT Relating to celebrating Eid al-Fitr and Eid al-Adha; and amending RCW 1.16.050.

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

Sec. 1. RCW 1.16.050 and 2024 c 76 s 3 are each amended to read as follows:

(1) The following are state legal holidays:

(a) Sunday;

(b) The first day of January, commonly called New Year's Day;

(c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;

(d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;

(e) The last Monday of May, commonly known as Memorial Day;

(f) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the African slaves learned of their freedom;

(g) The fourth day of July, the anniversary of the Declaration of Independence;

(h) The first Monday in September, to be known as Labor Day;

(i) The eleventh day of November, to be known as Veterans Day;

(j) The fourth Thursday in November, to be known as Thanksgiving Day;

(k) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

(l) The twenty-fifth day of December, commonly called Christmas Day.

(2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

(3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) The thirteenth day of January, recognized as Korean-American day;

(b) The twelfth day of October, recognized as Columbus day;

(c) The ninth day of April, recognized as former prisoner of war recognition day;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The seventh day of August, recognized as purple heart recipient recognition day;

(f) The second Sunday in October, recognized as Washington state children's day;

(g) The sixteenth day of April, recognized as Mother Joseph day;

(h) The fourth day of September, recognized as Marcus Whitman day;

(i) The seventh day of December, recognized as Pearl Harbor remembrance day;

(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(k) The nineteenth day of February, recognized as civil liberties day of remembrance;

(l) The thirtieth day of March, recognized as welcome home Vietnam veterans day;

(m) The eleventh day of January, recognized as human trafficking awareness day;

(n) The thirty-first day of March, recognized as Cesar Chavez day;

(o) The tenth day of April, recognized as Dolores Huerta day;

(p) The fourth Saturday of September, recognized as public lands day;

(q) The eighteenth day of December, recognized as blood donor day;

(r) The fifteenth day of May, recognized as water safety day;

(s) The ninth day of March, recognized as Billy Frank Jr. day; ((~~and~~))

(t) The date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, recognized as the lunar new year;

(u) The first day of the tenth month of the Islamic calendar, which is lunar-cycle based and shifts by approximately 10 to 11 days each year, commonly called Eid al-Fitr; and

(v) The tenth day of the twelfth month of the Islamic calendar, which is lunar-cycle based and shifts by approximately 10 to 11 days each year, commonly called Eid al-Adha.

Passed by the Senate February 26, 2025.

Passed by the House March 31, 2025.

Approved by the Governor April 8, 2025.

Filed in Office of Secretary of State April 11, 2025.

CHAPTER 31

[House Bill 1075]

PUBLIC HOUSING AUTHORITIES—FINANCING OF HOUSING DEVELOPMENTS—RENT LIMIT

AN ACT Relating to expanding housing supply by supporting the ability of public housing authorities to finance affordable housing developments; and amending RCW 35.82.070.

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

Sec. 1. RCW 35.82.070 and 2023 c 133 s 1 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not

constitute a housing project as that term is defined in this chapter. However, notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy at least 50 percent of the interior space in the total development owned by the authority or at least 50 percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made available to persons of low income shall be at least 50 percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of housing for persons of low income for at least 20 years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To contract with a property management services company for purposes of operating a housing project. Rental and other project revenues collected by a property management services company from the housing project's tenants and used to pay administrative operating and ordinary maintenance costs incurred by the company under the terms of the contract with the authority shall be treated as private funds, and any resulting services as executed at the cost of the property management services company and the housing project's tenants, until the net operating revenues are distributed to the authority for its exclusive use and control. For the purposes of this subsection, "ordinary maintenance" only includes: Routine repairs related to unit turnover work; grounds and parking lot upkeep; and repairs and cleaning work needed to keep a property in a clean, safe, sanitary, and rentable condition that are customarily undertaken or administered by residential property management services companies. "Ordinary maintenance" does not include repairs that would be considered replacement capital repairs or scheduled regular maintenance work on plumbing, electrical, or HVAC/R systems or their components.

(7) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(8) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(9) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(10) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

(11) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(12) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(13) Upon the request of a county or city, to exercise any powers of a community renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW.

(14) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

(15) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

(16) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

(17) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind to which the authority is a party.

(18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

(19) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least 20 years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least 50 percent of the interior space in the total development or at least 50 percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least 50 percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The 20-year requirement under this subsection (19)(a) shall not apply when an authority finances the development by nonprofit corporations or governmental units of dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented, and have rents affordable, to persons whose incomes do not exceed 80 percent of the area median income, adjusted for household size((~~, and shall have unit or lot rents that do not exceed 15 percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income~~)).

For purposes of this subsection (19)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed 80 percent of the area median income, adjusted for

household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than 20 percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the authority to carry out its powers and purposes under this chapter.

(20) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects.

Passed by the House January 30, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 32

[Engrossed House Bill 1191]

MOBILE AND MANUFACTURED HOMES—REMOVING VEHICLE TITLES

AN ACT Relating to removing vehicle titles from manufactured homes; amending RCW 65.20.020, 65.20.030, 65.20.050, 65.20.060, and 65.20.070; and providing an effective date.

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

Sec. 1. RCW 65.20.020 and 2010 c 161 s 1154 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affixed" means that the manufactured home is installed in accordance with the installation standards in state law.

(2) "Department" means the department of licensing.

(3) "Eliminating the title" means to cancel an existing certificate of title issued by this state or a foreign jurisdiction or to waive the certificate of title required in chapter 46.12 RCW and recording the appropriate documents in the county real property records pursuant to this chapter.

(4) "Homeowner" means the owner of a manufactured home.

(5) "Land" means real property excluding the manufactured home.

(6) "Manufactured home" or "mobile home" means a structure, designed and constructed to be transportable in one or more sections and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. "Manufactured home" does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

(7) "Owner" means, when referring to a manufactured home that is titled, the person who is the registered owner. When referring to a ((~~mobile~~)) manufactured home that is untitled pursuant to this chapter, the owner is the person who owns the land. When referring to land, the person may have fee simple title, have a leasehold estate of ((~~thirty-five~~)) 35 years or more, have an individual interest in a mobile home park as defined in RCW 59.22.020(5)(b), or be purchasing the ((~~property~~)) land on a real estate contract. Owners include joint tenants, tenants in common, holders of legal life estates, and holders of remainder interests.

(8) "Person" means any individual, trustee, partnership, corporation, or other legal entity. "Person" may refer to more than one individual or entity.

(9) "Secured party" means the legal owner when referring to a titled mobile home, or the lender securing a loan through a mortgage, deed of trust, or real estate contract when referring to land or land containing an untitled manufactured home pursuant to this chapter.

(10) "Security interest" means an interest in ((~~property~~)) land or a manufactured home to secure payment of a loan made by a secured party to a borrower.

(11) "Title" or "titled" means a certificate of title issued pursuant to chapter 46.12 RCW.

Sec. 2. RCW 65.20.030 and 2000 c 250 s 9A-836 are each amended to read as follows:

(1) When a manufactured home is sold or transferred on or after March 1, 1990, and when all ownership in the manufactured home is transferred through the sale or other transfer of the manufactured home to new owners, the manufactured home shall be real property when the new owners eliminate the title pursuant to this chapter. The manufactured home shall not be real property in any form, including fixture law, unless the title is eliminated under this chapter. Where any person who owned a used manufactured home on March 1, 1990, continues to own the manufactured home on or after March 1, 1990, the interests and rights of owners, secured parties, lienholders, and others in the manufactured home shall be based on the law prior to March 1, 1990, except where the owner voluntarily eliminates the title to the manufactured home by complying with this chapter. If the title to the manufactured home is eliminated under this chapter, the manufactured home shall be ((~~treated the same as a site-built structure and ownership shall be based on ownership of the~~)) considered real property ((~~through real property law~~)). If the title to the manufactured home has not been eliminated under this chapter, ownership shall be based on chapter 46.12 RCW.

(2) For purposes of perfecting and realizing upon security interests, manufactured homes shall always be treated as follows: (((~~(1)~~))) (a) If the title has not been eliminated under this chapter, security interests in the manufactured home shall be perfected only under chapter 62A.9A RCW in the case of a manufactured home held as inventory by a manufacturer or dealer or chapter 46.12 RCW in all other cases, and the lien shall be treated as securing personal property for purposes of realizing upon the security interest; or (((~~(2)~~))) (b) if the title has been eliminated under this chapter, a separate security interest in the manufactured home shall not exist, and the manufactured home shall only be

secured as part of the real property through a mortgage, deed of trust, lease, or real estate contract.

Sec. 3. RCW 65.20.050 and 1989 c 343 s 5 are each amended to read as follows:

(1) The department shall approve the application for elimination of the title when all requirements listed in RCW 65.20.040 have been satisfied and the registered and legal owners of the manufactured home have consented to the elimination of the title. After approval, the department shall have the approved application recorded in the county or counties in which the land is located and on which the manufactured home is affixed.

(2) The county auditor shall record the approved application, and any other form prescribed by the department, in the county real property records. The manufactured home shall then be treated as real property ((~~as if it were a site-built structure~~)). Removal of the manufactured home from the land is prohibited unless the procedures set forth in RCW 65.20.070 are complied with.

(3) The department shall cancel the title after verification that the county auditor has recorded the appropriate documents, and the department shall maintain a record of each manufactured home title eliminated under this chapter by vehicle identification number. The title is deemed eliminated on the date the appropriate documents are recorded by the county auditor.

Sec. 4. RCW 65.20.060 and 1989 c 343 s 6 are each amended to read as follows:

It is the responsibility of the owner, secured parties, and others to take action as necessary to protect their respective interests in conjunction with the elimination of the title or reissuance of a previously eliminated title.

A manufactured home whose title has been eliminated shall be conveyed by deed, lease, or real estate contract and shall only be transferred together with the interest in the ((~~property~~)) land to which it is affixed, unless procedures described in RCW 65.20.070 are completed.

Nothing in this chapter shall be construed to require a ((~~lender~~)) secured party to consent to the elimination of the title of a manufactured home, or to retitling a manufactured home under RCW 65.20.070. The obligation of the ((~~lender~~)) secured party to consent is governed solely by the agreement between the ((~~lender~~)) secured party and the owner of the manufactured home. Absent any express written contractual obligation, a ((~~lender~~)) secured party may withhold consent in the ((~~lender's~~)) secured party's sole discretion. In addition, the homeowner shall comply with all reasonable requirements imposed by a ((~~lender~~)) secured party for obtaining consent, and a ((~~lender~~)) secured party may charge a reasonable fee for processing a request for consent.

Sec. 5. RCW 65.20.070 and 1989 c 343 s 7 are each amended to read as follows:

Before physical removal of an untitled manufactured home from the land the home is affixed to, the owner shall follow one of these two procedures:

(1) Where a title is to be issued or the home has been destroyed:

(a) The owner shall apply to the department for a title pursuant to chapter 46.12 RCW. In addition the owner shall provide:

(i) An affidavit in the form prescribed by the department, signed by the owners of the land and all secured parties and other lienholders in the land consenting to the removal of the home;

(ii) Payment of recording fees;

(iii) A certification from a title insurance company listing the owners and lienholders in the land and dated within ((~~ten~~)) 10 days of the date of application for a new title under this subsection; and

(iv) Any other information the department may require;

(b) The owner shall apply for and obtain permits necessary to move a manufactured home including but not limited to the permit required by RCW 46.44.170, and comply with other regulations regarding moving a manufactured home; and

(c) The department shall approve the application for title when the requirements of chapter 46.12 RCW and this subsection have been satisfied. Upon approval the department shall have the approved application and the affidavit recorded in the county or counties in which the land from which the home is being removed is located and the department shall issue a title. The title is deemed effective on the date the appropriate documents are recorded with the county auditor.

(2) Where the manufactured home is to be moved to a new location but again will be affixed to land owned by the homeowner a new title need not be issued, but the following procedures must be complied with:

(a) The owner shall apply to the department for a transfer in location of the manufactured home and if a new owner, a transfer in ownership by filing an application pursuant to RCW 65.20.040. In addition the owner shall include:

(i) An affidavit in the form prescribed by the department signed by all of the owners ((~~of the real property from which the manufactured home is being moved indicating their consent~~)). The affidavit shall include the consent of all secured parties and other lienholders in the land from which the manufactured home is being moved;

(ii) A legal description and property tax parcel number of the real property from which the home is being removed and a legal description and property tax parcel number of the land on which the home is being moved to; and

(iii) A certification from a title insurance company listing the owners and lienholders in the land and dated within ((~~ten~~)) 10 days of the application for transfer in location under this subsection;

(b) The owner shall apply for and obtain permits necessary to move a manufactured home including but not limited to RCW 46.44.170, and comply with other regulations regarding moving a manufactured home; and

(c) After approval, including verification that the owners, secured parties, and other lienholders have consented to the move, the department shall have the approved application recorded in the county or counties in which the land from which the home is being removed and the land to which the home is being moved is located.

NEW SECTION. **Sec. 6.** This act takes effect October 15, 2025.

Passed by the House March 3, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 33

[House Bill 1457]

SEXUALLY VIOLENT PREDATORS—ELECTRONIC MONITORING DURING CONDITIONAL RELEASE

AN ACT Relating to improving community safety by requiring electronic monitoring of sexually violent predators granted conditional release to a less restrictive alternative; and amending RCW 71.09.096.

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

Sec. 1. RCW 71.09.096 and 2021 c 236 s 6 are each amended to read as follows:

(1) If the court or jury determines that conditional release to a less restrictive alternative is in the best interest of the person and includes conditions that would adequately protect the community, and the court determines that the minimum conditions set forth in RCW 71.09.092 and in this section are met, the court shall enter judgment and direct a conditional release.

(2) The court shall impose any additional conditions necessary to ensure compliance with treatment and to protect the community. If the court finds that conditions do not exist that will both ensure the person's compliance with treatment and protect the community, then the person shall be remanded to the custody of the department of social and health services for control, care, and treatment in a secure facility as designated in RCW 71.09.060(1).

(3) If the service provider designated by the court to provide inpatient or outpatient treatment or to monitor or supervise any other terms and conditions of a person's placement in a less restrictive alternative is other than the department of social and health services or the department of corrections, then the service provider so designated must agree in writing to provide such treatment, monitoring, or supervision in accord with this section. Any person providing or agreeing to provide treatment, monitoring, or supervision services pursuant to this chapter may be compelled to testify and any privilege with regard to such person's testimony is deemed waived.

(4)(a) Prior to authorizing any release to a less restrictive alternative, the court shall impose such conditions upon the person as are necessary to ensure the safety of the community, which must include, at minimum, the condition that the person will be subject to electronic monitoring that, to the extent feasible, provides real-time tracking, programmable inclusion and exclusion zones, and the ability to provide notifications if the person tampers with the monitoring device or enters an exclusion zone. In imposing conditions, the court must impose a restriction on the proximity of the person's residence to public or private schools providing instruction to kindergarten or any grades one through 12 in accordance with RCW 72.09.340. Courts shall require a minimum distance restriction of 500 feet on the proximity of the person's residence to child care

facilities and public or private schools providing instruction to kindergarten or any grades one through 12. The court shall order the department of corrections to investigate the less restrictive alternative and, within 60 days of the order to investigate, recommend any additional conditions to the court. These conditions shall be individualized to address the person's specific risk factors and criminogenic needs and may include, but are not limited to((:)), the following: Specification of residence or restrictions on residence including distance restrictions, specification of contact with a reasonable number of individuals upon the person's request who are verified by the department of corrections to be appropriate social contacts, prohibition of contact with potential or past victims, prohibition of alcohol and other drug use, participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph, monitoring through the use of global positioning system technology, supervision by a department of corrections community corrections officer, a requirement that the person remain within the state unless the person receives prior authorization by the court, and any other conditions that the court determines are in the best interest of the person or others. A copy of the conditions of release shall be given to the person and to any designated service providers.

(b) To the greatest extent possible, the person, person's counsel, prosecuting agency responsible for the initial commitment, treatment provider, supervising community corrections officer, and appropriate clinical staff of the special commitment center shall meet and collaborate to craft individualized, narrowly tailored, and empirically based conditions to present to the court to help facilitate the person's successful transition to the community.

(5)(a) Prior to authorizing release to a less restrictive alternative proposed by the department, the court shall consider whether the person's less restrictive alternative placement is in accordance with fair share principles. To ensure equitable distribution of releases, and prevent the disproportionate grouping of persons subject to less restrictive orders in any one county, or in any one jurisdiction or community within a county, the legislature finds it is appropriate for releases to a less restrictive alternative to occur in a manner that adheres to fair share principles. The legislature recognizes that there may be reasons why the department may not recommend that a person be released to his or her county of commitment, including availability of individualized resources, the person's support needs, or when the court determines that the person's return to his or her county of commitment would be inappropriate considering any court-issued protection orders, victim safety concerns that cannot be addressed through use of global positioning system technology, the unavailability of appropriate treatment or facilities that would adequately protect the community, negative influences on the person, and the location of family or other persons or organizations offering support to the person. If the court authorizes conditional release based on the department's proposal to a county other than the county of commitment, the court shall enter specific findings regarding its decision and identify whether the release remains in line with fair share principles.

(b)(i) When the department develops a less restrictive alternative placement under this section, it shall attempt to identify a placement satisfying the requirements of RCW 71.09.092 that is aligned with fair share principles. The department shall document its rationale for the recommended placement.

(ii) If the department does not support or recommend conditional release to a less restrictive alternative due to a clinical determination, the department shall document its objection and certify that the department is developing the less restrictive alternative pursuant to a court order and not because of a clinical determination.

(iii) When the department develops or proposes a less restrictive alternative placement under this chapter, it shall be considered a predisposition recommendation.

(iv) In developing, modifying, and enforcing less restrictive alternatives, the department shall be deemed to be performing a quasi-judicial function.

(c) If the committed person is not conditionally released to his or her county of commitment, the department shall provide the law and justice council of the county in which the person is conditionally released with notice and a written explanation, including whether the department remains in compliance with fair share principles regarding releases under this chapter.

(d) For purposes of this section, the person's county of commitment means the county of the court which ordered the person's commitment.

(e) This subsection (5) does not apply to releases to a secure community transition facility under RCW 71.09.250.

(6)(a) When ordered by the court, the department must provide less restrictive alternative treatment that includes, at a minimum:

(i) The services identified in the person's discharge plan as outlined in RCW 71.09.080(4);

(ii) The assignment of a community care coordinator;

(iii) Regular contacts with providers of court-ordered treatment services;

(iv) Community escorts, if needed;

(v) A transition plan that addresses the person's access to continued services upon unconditional discharge;

(vi) Financial support for necessary housing;

(vii) Life skills training and disability accommodations, if needed; and

(viii) Assistance in pursuing benefits, education, and employment.

(b) At the time the department of corrections is ordered to investigate a proposed less restrictive alternative placement, subject to the availability of amounts appropriated for this specific purpose, the department shall assign a social worker to assist the person with discharge planning, pursuing benefits, and coordination of care prior to release.

(i) The social worker shall assist the person with completing applications for benefits prior to the person's release from total confinement.

(ii) To promote continuity of care and the individual's success in the community, the department social worker shall be responsible for initiating a clinical transition of care between the last treating clinician at the special commitment center and the person's designated community treatment provider. This transition between one clinical setting to another shall occur no later than 15 days before an individual's release from the special commitment center.

(iii) If applicable, the social worker shall assist the person with locating any needed disability accommodations in the community and with obtaining resources to help address the person's identified life skills needs prior to release from total confinement.

(7) Any service provider designated to provide inpatient or outpatient treatment shall monthly, or as otherwise directed by the court, submit to the court, to the department of social and health services facility from which the person was released, to the prosecuting agency, and to the supervising community corrections officer, a report stating whether the person is complying with the terms and conditions of the conditional release to a less restrictive alternative.

(8) Each person released to a less restrictive alternative shall have his or her case reviewed by the court that released him or her no later than one year after such release and annually thereafter until the person is unconditionally discharged. Review may occur in a shorter time or more frequently, if the court, in its discretion on its own motion, or on motion of the person, the secretary, or the prosecuting agency so determines. The questions to be determined by the court are whether the person shall continue to be conditionally released to a less restrictive alternative, and if so, whether a modification to the person's less restrictive alternative order is appropriate to ensure the conditional release remains in the best interest of the person and adequate to protect the victim and the community. The court in making its determination shall be aided by the periodic reports filed pursuant to subsection (7) of this section and the opinions of the secretary and other experts or professional persons.

Passed by the House March 3, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 34

[House Bill 1007]

SMALL CLAIMS ACTIONS—NOTICE OF CLAIM—DEFAULT JUDGMENTS

AN ACT Relating to requisites of notice in small claims actions; and amending RCW 12.40.060.

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

Sec. 1. RCW 12.40.060 and 1984 c 258 s 63 are each amended to read as follows:

The notice of claim directed to the defendant shall contain: (1) The name and address of the plaintiff; (2) a brief and concise statement of the nature and amount of the claim; (3) a statement directing and requiring defendant to appear personally in the small claims department at a time certain, which shall not be less than five days from the date of service of the notice; and (4) a statement advising the defendant that in case of his or her failure to appear, judgment ((~~will~~)) may be given against defendant for the amount of the claim.

Passed by the House February 13, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 35

[House Bill 1054]

COUNTY FERRY MAINTENANCE AND REPAIR CONTRACTS—MAXIMUM TERM

AN ACT Relating to county ferry maintenance and repair contracts; and amending RCW 36.32.235.

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

Sec. 1. RCW 36.32.235 and 2023 c 395 s 24 are each amended to read as follows:

(1) In each county which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section:

(a) "Public works" has the same definition as in RCW 39.04.010.

(b) "Riverine project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a river or stream and its tributaries and associated floodplains, beds, banks, and waters for the purpose of improving aquatic habitat, improving water quality, restoring floodplain function, or providing flood protection.

(c) "Stormwater project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a municipal separate storm sewer system, and any connections to the system, that is regulated under a state-issued national pollutant discharge elimination system general municipal stormwater permit for the purpose of improving control of stormwater runoff quantity and quality from developed land, safely conveying stormwater runoff, or reducing erosion or other water quality impacts caused by municipal separate storm sewer system discharges.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least 40 percent of the residences in that part of the county in which such public works are to be

done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least 13 days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and, after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within 10 days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection (11) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ((~~ten~~)) 10 percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection (13) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) A county may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(a) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the county, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(b) Unit priced contracts must be executed for an initial contract term not to exceed one year, with the county having the option of extending or renewing the unit priced contract for one additional year, except that contracts for the

maintenance or repair of a county ferry vessel or county ferry district vessel operated under chapter 36.54 RCW may instead be for a term of up to 10 years.

(c) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the county will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. The contract must be awarded to the lowest responsible bidder as defined under RCW 39.04.010. Whenever possible, the county must invite at least one bid from a certified minority or woman contractor who otherwise qualifies under this section.

(d) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous 12-month period of the unit priced contract.

(10) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ((~~ten~~)) 10 percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

(11) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of 400,000 or more shall not have public employees perform: A public works project in excess of $90,000 if more than a single craft or trade is involved with the public works project, a riverine project or stormwater project in excess of $250,000 if more than a single craft or trade is involved with the riverine project or stormwater project, a public works project in excess of $45,000 if only a single craft or trade is involved with the public works project, or a riverine project or stormwater project in excess of $125,000 if only a single craft or trade is involved with the riverine project or stormwater project. A public works project, a riverine project, and a stormwater project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(12) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be submitted to the state auditor indicating the total dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

(13) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimate of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency. Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

(14) In lieu of the procedures of subsections (3) through (12) of this section, a county may let contracts using the small works roster process provided in RCW 39.04.151 through 39.04.154.

Whenever possible, the county shall invite at least one proposal from a certified minority or woman contractor who shall otherwise qualify under this section.

(15) The allocation of public works projects to be performed by county employees shall not be subject to a collective bargaining agreement.

(16) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(6), that are negotiated under chapter 39.35A RCW.

(17) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(18) This section does not apply to contracts between the public stadium authority and a team affiliate under RCW 36.102.060(4), or development agreements between the public stadium authority and a team affiliate under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).

Passed by the House February 12, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 36

[House Bill 1112]

MUNICIPAL JUDGES PRO TEMPORE—RESIDENCY REQUIREMENT

AN ACT Relating to removing the city residency requirement for judges pro tempore in municipalities with a population of more than 400,000 inhabitants; and amending RCW 35.20.200.

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

Sec. 1. RCW 35.20.200 and 2000 c 55 s 2 are each amended to read as follows:

(1) The presiding municipal court judge shall((~~, from attorneys residing in the city and qualified to hold the position of judge of the municipal court as provided in RCW 35.20.170,~~)) appoint judges pro tempore who shall act in the absence of the regular judges of the court or in addition to the regular judges when the administration of justice and the accomplishment of the work of the court make it necessary. The presiding municipal court judge may appoint, as judges pro tempore, any full-time district court judges serving in the county in which the city is situated. The term of office must be specified in writing.

(2) A judge pro tempore must be an elector of this state and an attorney admitted to practice law before the courts of record of this state. A judge pro tempore need not be a resident of the city in which the municipal court is located.

(3) While acting as judge of the court, judges pro tempore shall have all of the powers of the regular judges. Before entering upon his or her duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the municipal court during their term of office as judge pro tempore. ((~~Such municipal~~))

(4) Municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance by the legislative body of the city and such compensation shall be paid by the city except that district court judges shall not be compensated by the city other than pursuant to an interlocal agreement.

Passed by the House January 30, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 37

[House Bill 1157]

CERTIFICATIONS OF BIRTH AND DEATH—ACCESS BY GREAT GRANDCHILDREN

AN ACT Relating to authorizing access to certifications of birth and death to additional family members; and amending RCW 70.58A.530.

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

Sec. 1. RCW 70.58A.530 and 2021 c 55 s 2 are each amended to read as follows:

(1)(a) A certification issued in accordance with this section is considered for all purposes the same as the original vital record and is prima facie evidence of the facts stated therein.

(b) An informational copy is not considered the same as the original vital record and does not serve as prima facie evidence of the facts stated therein.

(2) The state and local registrar shall issue all certifications registered in the vital records system from the state's central vital records system database upon submission by a qualified applicant of all required information and documentation required either by this chapter or by rule, or both, and shall ensure that all certifications include:

(a) The date of registration; and

(b) Security features that deter altering, counterfeiting, or simulation without ready detection as required under this chapter.

(3) A person requesting a certification of birth, death, fetal death, or birth resulting in stillbirth must submit an application, identity documentation, evidence of eligibility, and the applicable fee established in RCW 70.58A.560 to the state or local registrar.

(4) For a certification of birth, the state or local registrar may release the certification only to:

(a) The subject of the record or the subject of the record's spouse or domestic partner, child, parent, stepparent, stepchild, sibling, grandparent, great grandparent, grandchild, great grandchild, legal guardian, legal representative, or authorized representative; or

(b) A government agency or court, if the certification will be used in the conduct of the agency's or court's official duties.

(5) The state registrar may issue an heirloom certification of birth to a qualified applicant consistent with subsection (4) of this section. The heirloom certification of birth must contain the state seal and be signed by the governor.

(6) The state registrar may issue a certification of a birth record registered as delayed under RCW 70.58A.120 or 70.58A.130 to a qualified applicant consistent with subsection (4) of this section. The certification must:

(a) Be marked as delayed; and

(b) Include a description of the evidence or court order number used to establish the delayed record.

(7) The state registrar may issue a certification of a birth record for a person adopted under chapter 26.33 RCW and registered under RCW 70.58A.400 to a qualified applicant consistent with subsection (4) of this section. The certification:

(a) Must not include reference to the adoption of the child; and

(b) For children born outside of the state, must be issued consistent with the certification standards of this section, unless the court orders otherwise.

(8) When providing a birth certification to a qualified applicant under this chapter, the state or local registrar shall include information prepared by the department setting forth the advisability of a security freeze under RCW 19.182.230 and the process for acquiring a security freeze.

(9) For a certification of death, the state or local registrar may release the certification only to:

(a) The decedent's spouse or domestic partner, child, parent, stepparent, stepchild, sibling, grandparent, great grandparent, grandchild, great grandchild, legal guardian immediately prior to death, legal representative, authorized representative, or next of kin as specified in RCW 11.28.120;

(b) A funeral director, the funeral establishment licensed pursuant to chapter 18.39 RCW, or the person having the right to control the disposition of the human remains under RCW 68.50.160 named on the death record, within twelve months of the date of death; or

(c) A government agency or court, if the certification will be used in the conduct of the agency's or court's official duties.

(10) The state or local registrar may issue a short form certification of death that does not display information relating to cause and manner of death to a

qualified applicant. In addition to the qualified applicants listed in subsection (9) of this section, a qualified applicant for a short form certification of death includes:

(a) A title insurer or title insurance agent handling a transaction involving real property in which the decedent held some right, title, or interest; or

(b) A person that demonstrates that the certified copy is necessary for a determination related to the death or the protection of a personal or property right related to the death.

(11) The state or local registrar may issue reports of fetal death either as a certification of a fetal death or as a certification of birth resulting in a stillbirth, or both.

(12) When issuing a certification of fetal death, the state or local registrar may release the certification only to:

(a) A parent, a parent's legal representative, an authorized representative, a sibling, or a grandparent;

(b) The funeral director or funeral establishment licensed pursuant to chapter 18.39 RCW and named on the fetal death record, within twelve months of the date of fetal death; or

(c) A government agency or court, if the certification will be used in the conduct of the agency's or court's official duties.

(13) When issuing a certification of birth resulting in stillbirth, the state or local registrar may release the certification only to the individual who gave birth listed on the fetal death record.

(a) A certification of birth resulting in stillbirth must comply with the format requirements prescribed by the state registrar and be in a format similar to a certification of birth.

(b) The certification of birth resulting in stillbirth must contain a title at the top of the certification that reads: "This certificate of birth resulting in stillbirth is not proof of a live birth and is not an identity document."

(c) Nothing in this subsection (13):

(i) May be the basis for a civil cause of action seeking damages or criminal charges against any person or entity for bodily injury, personal injury, or wrongful death for a stillbirth;

(ii) Shall alter a woman's rights to reproductive freedom or equal protection under the law, or to alter or supersede any other provision of law; and

(iii) Except for the right to request a certification of birth resulting in stillbirth, may constitute the basis of any new right, privilege, or entitlement, or abrogate any existing right, privilege, or entitlement.

(14) The state or local registrar shall review the identity documentation and evidence of eligibility to determine if the person requesting the certification is a qualified applicant under this section. The state or local registrar may verify the identity documents and evidence of eligibility to determine the acceptability and authenticity of identity documentation and evidence of eligibility.

(15) The state or local registrar may not issue a certification of birth or fetal death, including a certification of birth resulting in stillbirth, that includes information from the confidential section of record, except as provided in subsection (16) of this section.

(16) The state registrar may release information contained in the confidential section of the birth record only to the following persons:

(a) The individual who is the subject of the birth record, upon confirmation of documentation and evidence of identity of the requestor in a manner approved by the state board of health and the department. The state registrar must limit the confidential information provided to the individual who is the subject of the birth record's information, and may not include the parent's confidential information; or

(b) A member of the public, upon order of a court of competent jurisdiction.

(17) A person requesting a certification of marriage, dissolution of marriage, or dissolution of domestic partnership currently held by the department must submit an application and the applicable fee established in RCW 70.58A.560 to the state registrar.

(18) The state registrar may mark deceased on a birth certification when that birth record is matched to a death record under RCW 70.58A.060.

(19) The state or local registrar must issue an informational copy from the central vital records system to anyone. Informational copies must contain only the information allowed by rule. Informational copies of death records must not display information related to cause and manner of death.

(20) A person requesting an informational copy must submit an application and the applicable fee established in RCW 70.58A.560 to the state or local registrar.

(21) If no record is identified as matching the information provided in the application, the state or local registrar shall issue a document indicating that a search of the vital records system was made and no matching record was identified.

(22) All government agencies or courts to whom certifications or informational copies are issued must pay the applicable fee for certifications established in RCW 70.58A.560.

(23) The state or local registrar must comply with the requirements of this chapter when issuing a certification or informational copy of a vital life event.

(24) The department may issue, through electronic means and processes determined by the department, verifications of information contained on birth or death records filed with the department when a verification is requested by a government agency, insurance company, hospital, or any other organization in the conduct of its official duties for fraud prevention and good governance purposes as determined by the department. The department shall charge a fee for a search under this subsection.

(25) For the purposes of this section:

(a) "Qualified applicant" means a person who is eligible to receive a certification of a vital record based on the standards established by this chapter and department rule.

(b) "Stillbirth" means the same as fetal death as defined in RCW 70.58A.010.

Passed by the House January 30, 2025.

Passed by the Senate April 2, 2025.

Approved by the Governor April 11, 2025.

Filed in Office of Secretary of State April 14, 2025.

CHAPTER 38

[House Bill 1172]

FIRE PROTECTION DISTRICTS—CIVIL SERVICE SYSTEM DISSOLUTION

AN ACT Relating to authorizing fire protection districts to dissolve existing civil service systems with approval from the civil service employees; and amending RCW 52.30.040.

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

Sec. 1. RCW 52.30.040 and 1984 c 230 s 79 are each amended to read as follows:

(1) A fire protection district with a fully-paid fire department may, by resolution of its board of fire commissioners, provide for civil service in its fire department in the same manner, with the same powers, and with the same force and effect as provided by chapter 41.08 RCW for cities, towns, and municipalities, including restrictions against the discharge of an employee because of residence outside the limits of the fire protection district.

(2) A fire protection district that has adopted civil service in its fire department as provided for in subsection (1) of this section may dissolve its civil service system if:

(a) Its board of fire commissioners adopts a resolution to dissolve the civil service system; and

(b) A majority of the civil service employees employed by the fire protection district vote to dissolve the civil service system within 60 calendar days of the adoption of the resolution by the board of fire commissioners.

Passed by the House March 4, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 39

[House Bill 1304]

BOUNDARY REVIEW BOARDS—NOTICE OF INTENTION EFFECTIVE FILING DATE

AN ACT Relating to the effective date of the filing of a notice of intention with a boundary review board; amending RCW 36.93.100; and adding a new section to chapter 36.93 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 36.93 RCW to read as follows:

(1) The effective filing date for a notice of intention is established by the earlier of the date that the chief clerk of the boundary review board determines that the notice of intention is sufficient or the date that the notice of intention is deemed sufficient pursuant to subsection (4) of this section. The chief clerk must make a determination of sufficiency within 30 calendar days of the receipt of the notice and the payment of the applicable filing fee.

(2) A notice of intention is sufficient if the applicable filing fee has been paid, and the information in the notice is accurate and complete and includes:

(a) The information required by RCW 36.93.130;

(b) Any additional information required by a board's rules; and

(c) Exhibits demonstrating that any statutory requirements related to the action for which the notice is being submitted have been completed.

(3) A notice of intention, whether the original notice submission or a resubmission containing corrections, that is found by the chief clerk of the boundary review board to be insufficient shall be returned to the initiator of the action for correction. The chief clerk must review any corrected notice within 14 calendar days of its resubmission to determine whether it is now sufficient or remains insufficient and in need of further correction.

(4) If the chief clerk of the boundary review board does not make a determination of sufficiency or insufficiency within the time periods established by this section, then the notice of intention shall be deemed sufficient.

Sec. 2. RCW 36.93.100 and 1994 c 216 s 13 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within ((~~forty-five~~)) 45 days of the effective filing date of a notice of intention:

(1) Three members of a five-member boundary review board or five members of a boundary review board in a county with a population of one million or more files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation of any special district or change in the boundary of any city, town, or special purpose district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district if (i) the extension is through the installation of water mains of six inches or less in diameter or (ii) the county legislative authority for the county in which the proposed extension is to be built is required or chooses to plan under RCW 36.70A.040 and has by a majority vote waived the authority of the board to initiate review of all other extensions; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district if (i) the extension is through the installation of sewer mains of eight inches or less in diameter or (ii) the county legislative authority for the county in which the proposed extension is to be built is required or chooses to plan under RCW 36.70A.040 and has by a majority vote waived the authority of the board to initiate review of all other extensions;

(2) Any governmental unit affected, including the governmental unit for which the boundary change or extension of permanent water or sewer service is proposed, or the county within which the area of the proposed action is located, files a request for review of the specific action;

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

If a period of ((~~forty-five~~)) 45 days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within ((~~one hundred twenty~~)) 120 days after the filing of such a request for review. If this period of ((~~one hundred twenty~~)) 120 days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the ((~~one hundred twenty~~)) 120-day period.

Passed by the House February 13, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 40

[House Bill 1361]

SERVICE OF PROCESS—ENTITIES AND NONRESIDENT MOTORISTS

AN ACT Relating to updating process service requirements in Washington state for business entities and motorists; amending RCW 4.28.080, 4.28.100, and 46.64.040; and repealing RCW 4.28.090.

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

Sec. 1. RCW 4.28.080 and 2015 c 51 s 2 are each amended to read as follows:

Service made in the modes provided in this section is personal service. The summons shall be served by delivering a copy thereof, as follows:

(1) If the action is against any county in this state, to the county auditor or, during normal office hours, to the deputy auditor, or in the case of a charter county, summons may be served upon the agent, if any, designated by the legislative authority.

(2) If against any town or incorporated city in the state, to the mayor, city manager, or, during normal office hours, to the mayor's or city manager's designated agent or the city clerk thereof.

(3) If against a school or fire district, to the superintendent or commissioner thereof or by leaving the same in his or her office with an assistant superintendent, deputy commissioner, or business manager during normal business hours.

(4) If against a railroad corporation, to any station, freight, ticket or other agent thereof within this state.

(5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found within the state.

(6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance within this state.

(7)(a) If against an authorized foreign or alien insurance company, as provided in RCW 48.05.200.

(b) If against an unauthorized insurer, as provided in RCW 48.05.215 and 48.15.150.

(c) If against a reciprocal insurer, as provided in RCW 48.10.170.

(d) If against a nonresident surplus line broker, as provided in RCW 48.15.073.

(e) If against a nonresident insurance producer or title insurance agent, as provided in RCW 48.17.173.

(f) If against a nonresident adjuster, as provided in RCW 48.17.380.

(g) If against a fraternal benefit society, as provided in RCW 48.36A.350.

(h) If against a nonresident reinsurance intermediary, as provided in RCW 48.94.010.

(i) If against a nonresident life settlement provider, as provided in RCW 48.102.011.

(j) If against a nonresident life settlement broker, as provided in RCW 48.102.021.

(k) If against a service contract provider, as provided in RCW 48.110.030.

(l) If against a protection product guarantee provider, as provided in RCW 48.110.055.

(m) If against a discount plan organization, as provided in RCW 48.155.020.

(8) If against a ((~~company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this state.~~

~~(9) If against a company or corporation other than those designated in subsections (1) through (8) of this section, to the president or other head of the company or corporation, the registered agent, secretary, cashier or managing agent thereof or to the secretary, stenographer or office assistant of the president or other head of the company or corporation, registered agent, secretary, cashier or managing agent.~~

~~(10) If against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof~~)) represented entity as defined in RCW 23.95.400, service of process, notice, or demand required or permitted by law to be served on the entity may be made in accordance with RCW 23.95.450.

(((~~(11)~~))) (9) If against a minor under the age of fourteen years, to such minor personally, and also to his or her father, mother, guardian, or if there be none within this state, then to any person having the care or control of such minor, or with whom he or she resides, or in whose service he or she is employed, if such there be.

(((~~(12)~~))) (10) If against any person for whom a guardian has been appointed for any cause, then to such guardian.

(((~~(13)~~))) (11) If against a foreign or alien steamship company or steamship charterer, to any agent authorized by such company or charterer to solicit cargo or passengers for transportation to or from ports in the state of Washington.

((~~(14)~~)) (12) If against a self-insurance program regulated by chapter 48.62 RCW, as provided in chapter 48.62 RCW.

((~~(15)~~)) (13) If against a party to a real estate purchase and sale agreement under RCW 64.04.220, by mailing a copy by first-class mail, postage prepaid, to the party to be served at his or her usual mailing address or the address identified for that party in the real estate purchase and sale agreement.

((~~(16)~~)) (14) In all other cases, to the defendant personally, or by leaving a copy of the summons at the house of his or her usual abode with some person of suitable age and discretion then resident therein.

((~~(17)~~)) (15) In lieu of service under subsection ((~~(16)~~)) (14) of this section, where the person cannot with reasonable diligence be served as described, the summons may be served as provided in this subsection, and shall be deemed complete on the tenth day after the required mailing: By leaving a copy at his or her usual mailing address with a person of suitable age and discretion who is a resident, proprietor, or agent thereof, and by thereafter mailing a copy by first-class mail, postage prepaid, to the person to be served at his or her usual mailing address. For the purposes of this subsection, "usual mailing address" does not include a United States postal service post office box or the person's place of employment.

Sec. 2. RCW 4.28.100 and 2011 c 336 s 97 are each amended to read as follows:

When the defendant cannot be found within the state, and upon the filing of an affidavit of the plaintiff, his or her agent, or attorney, with the clerk of the court, stating that he or she believes that the defendant is not a resident of the state, or cannot be found therein, and that he or she has deposited a copy of the summons (substantially in the form prescribed in RCW 4.28.110) and complaint in the post office, directed to the defendant at his or her place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons, by the plaintiff or his or her attorney in any of the following cases:

(1) When the defendant is a nonregistered foreign ((~~corporation~~)) entity as defined in RCW 23.95.105, and has property within the state;

(2) When the defendant, being a resident of this state, has departed therefrom with intent to defraud his or her creditors, or to avoid the service of a summons, or keeps himself or herself concealed therein with like intent;

(3) When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action;

(4) When the action is for (a) establishment or modification of a parenting plan or residential schedule; or (b) dissolution of marriage, legal separation, or declaration of invalidity, in the cases prescribed by law;

(5) When the action is for nonparental custody under chapter 26.10 RCW and the child is in the physical custody of the petitioner;

(6) When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein;

(7) When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same;

(8) When the action is against any corporation, whether private or municipal, organized under the laws of the state, and the proper officers on whom to make service do not exist or cannot be found;

(9) When the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to property in this state.

Sec. 3. RCW 46.64.040 and 2003 c 223 s 1 are each amended to read as follows:

((~~The acceptance by a~~)) (1)(a) A nonresident ((~~of~~)) accepts the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by ((~~his or her operation~~)):

(i) Operation of a vehicle thereon((~~,~~)); or ((~~the~~))

(ii) The operation thereon of ((~~his or her~~)) the nonresident's vehicle with ((~~his or her~~)) the nonresident's consent, express or implied((~~,~~)).

(b) Acceptance under (a) of this subsection shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be ((~~his or her~~)) the nonresident's true and lawful attorney upon whom may be served all lawful summons and processes against ((~~him or her~~)) the nonresident growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while ((~~his or her~~)) the nonresident's vehicle is being operated thereon with ((~~his or her~~)) the nonresident's consent, express or implied((~~, and such operation~~)).

(2) Operation and acceptance under subsection (1) of this section shall be a signification of the nonresident's agreement that any summons or process against ((~~him or her~~)) the nonresident which is so served shall be of the same legal force and validity as if served on the nonresident personally within the state of Washington. ((~~Likewise each~~))

(3) A resident of this state ((~~who~~)) appoints the secretary of state of the state of Washington as the person's lawful attorney for service of summons or process as provided in this section for nonresidents, if the resident, while operating a motor vehicle on the public highways of this state((~~, is~~)):

(a) Is involved in any accident, collision, or liability; and ((~~thereafter~~))

(b) Thereafter at any time within the following three years cannot, after a due and diligent search, be found in this state ((~~appoints the secretary of state of the state of Washington as his or her lawful attorney for service of summons as provided in this section for nonresidents~~)).

(4) Service of such summons or process under subsections (1) and (3) of this section shall be made by leaving ((~~two copies~~)) a copy for record and for each address to be served thereof with a fee established by the secretary of state by rule with the secretary of state of the state of Washington, or at the secretary of state's office((~~, and such service~~)).

(5) Service under subsection (4) of this section shall be sufficient and valid personal service upon said resident or nonresident((~~: PROVIDED, That notice~~)) provided that:

(a) Notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant((~~,~~)); and ((~~the~~))

(b) The plaintiff's affidavit of compliance herewith are appended to the process, together with ((~~the~~)):

(i) The affidavit of the plaintiff or plaintiff's attorney that the plaintiff or plaintiff's attorney has with due diligence attempted to serve personal process upon the defendant at all addresses of the defendant known to ((~~him or her of defendant and~~)) the plaintiff or attorney;

(ii) A further listing in ((~~his or her~~)) the plaintiff or plaintiff's attorney's affidavit of the addresses at which ((~~he or she~~)) the plaintiff or attorney attempted to have process served((~~. However, if~~)); and

(iii) If there are no known addresses, a statement to that effect within the plaintiff's or plaintiff's attorney's affidavit.

(6) If process is forwarded by registered mail and the defendant's endorsed receipt is received and entered as a part of the return of process then the ((~~foregoing~~)) affidavit ((~~of plaintiff's attorney~~)) required in subsection (5) of this section need only show that the defendant received personal delivery by mail((~~: PROVIDED FURTHER, That~~)). However, personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as ((~~hereinbefore~~)) provided in this section.

(7) The secretary of state shall ((~~forthwith~~)), within eight business days, send one of such copies provided under subsection (4) of this section by mail, postage prepaid, addressed to the defendant at the defendant's address, if known to the secretary of state.

(8) The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

(9) The fee paid by the plaintiff to the secretary of state shall be taxed as part of ((~~his or her~~)) the plaintiff's costs if ((~~he or she~~)) the plaintiff prevails in the action.

(10) The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

NEW SECTION. **Sec. 4.** RCW 4.28.090 (Service on corporation without officer in state upon whom process can be served) and 1985 c 469 s 1 & 1893 c 127 s 8 are each repealed.

Passed by the House March 5, 2025.

Passed by the Senate April 2, 2025.

Approved by the Governor April 11, 2025.

Filed in Office of Secretary of State April 14, 2025.

CHAPTER 41

[House Bill 1553]

DAIRY INSPECTION PROGRAM—EXTENSION

AN ACT Relating to extending the dairy inspection program until June 30, 2031; amending RCW 15.36.551; providing an effective date; providing an expiration date; and declaring an emergency.

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

Sec. 1. RCW 15.36.551 and 2019 c 115 s 1 are each amended to read as follows:

There is levied on all milk processed in this state an assessment not to exceed fifty-four one-hundredths of one cent per hundredweight. The director shall determine, by rule, an assessment, that with contribution from the general fund, will support an inspection program to maintain compliance with the provisions of the pasteurized milk ordinance of the national conference on interstate milk shipment. All assessments shall be levied on the operator of the first milk processing plant receiving the milk for processing. This shall include milk processing plants that produce their own milk for processing and milk processing plants that receive milk from other sources. Milk processing plants whose monthly assessment for receipt of milk totals less than ((~~twenty dollars~~)) $20 in any given month are exempted from paying this assessment for that month. All moneys collected under this section shall be paid to the director by the ((~~twentieth~~)) 20th day of the succeeding month for the previous month's assessments. The director shall deposit the funds into the dairy inspection account hereby created within the agricultural local fund established in RCW 43.23.230. The funds shall be used only to provide inspection services to the dairy industry. If the operator of a milk processing plant fails to remit any assessments, that sum shall be a lien on any property owned by him or her, and shall be reported by the director and collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes under chapters 84.60 and 84.64 RCW.

This section expires June 30, ((~~2025~~)) 2031.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2025.

Passed by the House March 5, 2025.
Passed by the Senate April 2, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 42

[House Bill 1556]

COMMUNITY AND TECHNICAL COLLEGES—TUITION WAIVERS FOR HIGH SCHOOL COMPLETERS—AGE

AN ACT Relating to tuition waivers for high school completers at community and technical colleges; and amending RCW 28B.15.520.

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

Sec. 1. RCW 28B.15.520 and 2015 c 55 s 217 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community and technical colleges:

(1) May waive all or a portion of tuition fees and services and activities fees for students ((~~nineteen years of age or older~~)) who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by RCW 28A.600.405;

(2)(a) Shall waive all of tuition fees and services and activities fees for:

(i) Children of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community or technical college within ten years of their graduation from high school; and

(ii) Surviving spouses of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

(b) For the purposes of this section, "totally disabled" means a person who has become totally and permanently disabled for life by bodily injury or disease, and is thereby prevented from performing any occupation or gainful pursuit.

(c) The governing boards of the community and technical colleges shall report to the state board for community and technical colleges on the annual cost of tuition fees and services and activities fees waived for surviving spouses and children under (a) of this subsection. The state board for community and technical colleges shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature; and

(3) May waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community or technical college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by RCW 28A.600.405. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Passed by the House March 5, 2025.

Passed by the Senate April 2, 2025.

Approved by the Governor April 11, 2025.

Filed in Office of Secretary of State April 14, 2025.

CHAPTER 43

[House Bill 1947]

GROUP B PUBLIC WATER SYSTEMS—SATELLITE MANAGEMENT AGENCY REQUIREMENT

AN ACT Relating to reducing satellite management agency requirements for simple group B public water systems; and amending RCW 70A.125.060.

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

Sec. 1. RCW 70A.125.060 and 2020 c 20 s 1356 are each amended to read as follows:

(1) To assure safe and reliable public drinking water and to protect the public health:

(a) Public water systems shall comply with all applicable federal, state, and local rules; and

(b) Group A public water systems shall:

(i) Protect the water sources used for drinking water;

(ii) Provide treatment adequate to assure that the public health is protected;

(iii) Provide and effectively operate and maintain public water system facilities;

(iv) Plan for future growth and assure the availability of safe and reliable drinking water;

(v) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and

(vi) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.

(2) No new group A public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70A.100.130 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service. The approval of any new system that is not owned by a satellite system management agency shall be conditioned upon future management or ownership by a satellite system management agency, if such management or ownership can be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements. The department and local health jurisdictions shall enforce this requirement under authority provided under this chapter, chapter 70A.100, or 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.

(3)(a) No new group B public water systems that are described by any of the criteria in (a)(i) through (iv) of this subsection may be approved or created unless it is owned or operated by a satellite system management agency consistent with the requirements applicable to group A public water systems:

(i) The group B public water system is required to provide treatment to meet water quality standards;

(ii) The group B public water system provides fire flow;

(iii) The group B public water system has atmospheric storage; or

(iv) The group B public water system serves 10 or more service connections.

(b) The local board of health may adopt, under RCW 70.05.060 or 70.46.060, more stringent satellite management system requirements than the requirements of (a) of this subsection.

(c) For group B water systems, the department and local health jurisdictions shall enforce the requirements of this subsection under authority provided under this chapter, chapter 70A.100 RCW, or chapter 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.

(4) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2) (a) and (b) and other rules adopted by the department relating to public water systems.

Passed by the House March 8, 2025.
Passed by the Senate April 3, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 44

[House Bill 1003]

FORCIBLE ENTRY AND FORCIBLE AND UNLAWFUL DETAINER—SERVICE OF NOTICE BY MAIL

AN ACT Relating to service of notice by mail in cases involving forcible entry and forcible and unlawful detainer; and amending RCW 59.12.040.

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

Sec. 1. RCW 59.12.040 and 2021 c 115 s 14 are each amended to read as follows:

Any notice provided for in this chapter shall be served either (1) by delivering a copy personally to the person entitled thereto; or (2) if he or she be absent from the premises unlawfully held, by leaving there a copy, with some person of suitable age and discretion, and sending a copy ((~~through the mail addressed to~~)) by certified mail, posted from within Washington state, to the last known address of the person entitled thereto ((~~at his or her place of residence~~)); or (3) if the person to be notified be a tenant, or an unlawful holder of premises, and his or her place of residence is not known, or if a person of suitable age and discretion there cannot be found then by affixing a copy of the notice in a conspicuous place on the premises unlawfully held, and also delivering a copy to a person there residing, if such a person can be found, and also sending a copy through the mail addressed to the tenant, or unlawful occupant, at the place where the premises unlawfully held are situated. Service upon a subtenant may be made in the same manner: PROVIDED, That in cases where the tenant or unlawful occupant, shall be conducting a hotel, inn, lodging house, boarding house, or shall be renting rooms while still retaining control of the premises as a whole, that the guests, lodgers, boarders, or persons renting such rooms shall not

be considered as subtenants within the meaning of this chapter, but all such persons may be served by affixing a copy of the notice to be served in two conspicuous places upon the premises unlawfully held; and such persons shall not be necessary parties defendant in an action to recover possession of said premises. Service of any notice provided for in this chapter may be had upon a corporation by delivering a copy thereof to any officer, agent, or person having charge of the business of such corporation, at the premises unlawfully held, and in case no such officer, agent, or person can be found upon such premises, then service may be had by affixing a copy of such notice in a conspicuous place upon said premises and by sending a copy through the mail addressed to such corporation at the place where said premises are situated. Proof of any service under this section may be made by the affidavit of the person making the same in like manner and with like effect as the proof of service of summons in civil actions. When a copy of notice is sent through the mail, as provided in this section, service shall be deemed complete when such copy is deposited in the United States mail ((~~in the county in which the property is situated properly addressed with~~)) postage prepaid, by certified mail, posted from within Washington state, directed to the last known address of the person entitled thereto: PROVIDED, HOWEVER, That when service is made by mail ((~~one additional day~~)) five additional days shall be allowed before the commencement of an action based upon such notice. A termination notice served pursuant to this section shall specify in the notice the date by which the person to whom the notice is sent must vacate or, if applicable, comply.

Passed by the House February 6, 2025.
Passed by the Senate April 3, 2025.
Approved by the Governor April 11, 2025.
Filed in Office of Secretary of State April 14, 2025.

CHAPTER 45

[House Bill 1631]

STATE MARINE FOREST

AN ACT Relating to establishing bull kelp forests as the official state marine forest; adding a new section to chapter 1.20 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** (1) As the foundational species of the evergreen state's underwater forests, bull kelp is vital to Washington's culture, commerce, and ecology. Together with understory kelp, other floating kelps, and eelgrass meadows, bull kelp forests provide a mosaic of habitats and food that support the state's marine species like orcas, salmon, rockfish, and pinto abalone, and serve to sustain commercially and culturally important marine fisheries. Bull kelp holds deep cultural significance for tribal nations, continuing to sustain and support tribal communities today as it has for generations. For tribes, access to healthy bull kelp ecosystems within their usual and accustomed grounds, stations, and traditional areas is essential not only as a source of food and traditional materials, but also for spiritual, cultural, and economic practices that have long depended on the kelp forest's vitality. Recognizing this, this act

explicitly respects and upholds the treaty rights of Indian tribes. Nothing within this act is intended to alter or infringe upon these inherent rights.

(2) Bull kelp has declined dramatically throughout south and central Puget Sound in recent years, endangering its crucial role in our marine and coastal ecosystems. The Washington state legislature provided initial funding to implement priority actions identified in the Puget Sound kelp conservation and recovery plan during the 2021 and 2023 legislative sessions. Continuing this work, the department of natural resources established the statewide kelp and eelgrass health and conservation plan in 2023 to conserve and recover at least 10,000 acres of kelp forests and eelgrass meadows by 2040, driving collaborative efforts to preserve and restore our bull kelp forests on Washington's coast and in Puget Sound.

(3) Conserving and recovering this vital species relies on awareness that our bull kelp forests are critical to Washington's identity, culture, economy, and ecology. In recognition of this important habitat, the state legislature hereby designates bull kelp (*Nereocystis luetkeana*) forests as the official state marine forest.

NEW SECTION. **Sec. 2.** A new section is added to chapter 1.20 RCW to read as follows:

Bull kelp (*Nereocystis luetkeana*) forests are hereby designated to be the official marine forest of the state of Washington.

Passed by the House March 4, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor April 16, 2025.
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CHAPTER 46

[Substitute House Bill 1490]

FINGERPRINT-BASED BACKGROUND CHECKS—WHEN REQUIRED

AN ACT Relating to fingerprint-based background checks; and reenacting and amending RCW 43.43.837.

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

Sec. 1. RCW 43.43.837 and 2023 c 437 s 1 and 2023 c 223 s 3 are each reenacted and amended to read as follows:

(1) In order to determine ((~~the~~)) an applicant's or service provider's character, competence, and suitability ((~~of any applicant or service provider to have unsupervised access to vulnerable adults, children, or juveniles, the secretary of the department of social and health services shall require the applicant or service provider to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation when the applicant or service provider~~)) for working unsupervised as a department of social and health services or department of children, youth, and families long-term care worker, direct care worker, child placement provider, high-risk provider, residential habilitation center worker, transitional care facility worker, or a contracted home and community-based service provider, applicants and service providers described in subsections (2) and (4) of this section shall submit their fingerprints to the

Washington state patrol for forwarding to the federal bureau of investigation for a national background check, as shall individuals 16 years of age or older living in the home of a companion home provider as identified in subsection (2)(c) of this section, and individuals 16 years of age or older living in the home of a child placement provider as identified in subsection (4)(b) of this section.

(2) The department of social and health services shall require a person to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation when the person:

(a) ((~~Has resided in the state less than three consecutive years before application and:~~

~~(i)~~)) Is an applicant or service provider who has resided in the state less than three consecutive years before application and:

(i) Is a contractor providing services funded by ((~~other~~)) home and community long-term care programs, established pursuant to chapters 71A.12, 74.09, 74.39, and 74.39A RCW, administered by the department of social and health services; or

(ii) ((~~Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or~~

~~(iii)~~)) Is applying for employment or is already employed by an area agency on aging or federally recognized Indian tribe, or is an employee of a contractor of an area agency on aging or federally recognized Indian tribe, that will, or may, have unsupervised access to vulnerable adults, children, or juveniles when engaging in the activities described in RCW 74.09.520(5);

(b) Is an applicant or service provider who:

(((~~b~~))) (i) Is applying for employment or is already employed at any secure facility operated by the department of social and health services under chapter 71.09 RCW;

(((~~c~~))) (ii) Is applying to be an adult family home licensee, entity representative, or resident manager under chapter 70.128 RCW;

(((~~d~~))) (iii) Is applying to be an assisted living facility licensee or administrator under chapter 18.20 RCW. For the purposes of this subsection (2)(b)(iii), "administrator" means an assisted living facility administrator who is in active administrative charge of the assisted living facility as required in this chapter, and unless exempt under RCW 18.88B.041, must complete long-term care worker training and home care aide certification;

(((~~e~~))) (iv) Is applying to be an enhanced services facility licensee or administrator under chapter 70.97 RCW. For the purposes of this subsection (2)(b)(iv), "administrator" means an enhanced services facility administrator who is in active administrative charge of the enhanced services facility as required in this chapter, and unless exempt under RCW 18.88B.041, must complete long-term care worker training and home care aide certification;

(((~~f~~))) (v) Is applying to be a certified community residential ((~~services and supports provider~~)) service provider or administrator under chapter 71A.12 RCW. For the purposes of this subsection (2)(b)(v), "administrator" means an individual who is responsible for or has control over daily operations of a certified community residential service provider, who may or will have unsupervised access to vulnerable adults in a certified community residential

service setting, whether or not they provide direct care to vulnerable adults. An individual who is responsible for or has control over daily operations of a certified community residential service provider includes any person who:

(A) Oversees aspects of staffing, such as recruitment, staff training, or performance reviews;

(B) Develops and maintains policies and procedures that give staff direction to provide appropriate services and supports under chapter 71A.12 RCW; or

(C) Maintains and securely stores client, personnel, or financial records;

(((~~(g)~~))) (vi) Has been categorized as a high-risk provider as defined in subsection (((~~(8)~~))) (9)(f) of this section; ((~~or~~

~~(h)~~))) (vii) Is applying for employment ((~~or is already employed at any~~)) by a residential habilitation center ((~~or other state-operated program for individuals with developmental disabilities under chapter 71A.20 RCW~~)) under chapter 71A.20 RCW or is applying for a job class series change at a residential habilitation center; or

(viii) Is applying for employment by a transitional care facility; or

(c) Is an individual 16 years of age or older and resides in a certified community residential companion home authorized by the developmental disabilities administration to provide services to individuals with developmental disabilities under chapter 71A.12 RCW.

(((~~(2)~~))) (3) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to fingerprint-based background checks under RCW 74.39A.056.

(((~~(3)~~))) (4) In order to determine the character, competence, and suitability of ((~~an applicant or service provider~~)) a person to have unsupervised access to children or juveniles, the secretary of the department of children, youth, and families shall require the ((~~applicant or service provider~~)) person to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation when ((~~the~~)):

(a) The person is an applicant or service provider who:

(((~~(a)~~))) (i) Is applying for a license under RCW 74.15.030 or is an adult living in a home where a child is placed;

(((~~(b)~~))) (ii) Is applying for employment or already employed at a group care facility, regardless of whether the applicant is working directly with children;

(((~~(c)~~))) (iii) Is newly applying for an agency license, is newly licensed, is an employee of an agency that is newly licensed, or will newly have unsupervised access to children in child care, pursuant to RCW 43.216.270; or

(((~~(d)~~))) (iv) Has resided in the state less than three consecutive years before application; and:

(((~~(i)~~))) (A) Is applying for employment, promotion, reallocation, or transfer to a position the department of children, youth, and families has identified as one that will, or may, require the applicant to have unsupervised access to children or juveniles because of the nature of the work; or

(((~~(ii)~~))) (B) Is a business or individual contracted to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(((~~(iii) Is~~))) (b) The person has resided in the state less than three consecutive years, is an individual 16 years of age or older ((~~who~~)) and: (((~~(A)~~))) (i) Is not under the placement and care authority of the department of children, youth, and families; and (((~~(B)~~))) (ii) resides in an applicant or service provider's home,

facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030.

((~~(4)~~)) (5) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for foster care and childcare applicants and service providers.

((~~(5)~~)) (6) Applicants and service providers of the department of social and health services, except for long-term care workers subject to RCW 74.39A.056, who are required to complete a fingerprint-based background check may be hired for a ((~~one-hundred-twenty-day~~)) 120-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

((~~(6)~~)) (7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under ((~~other~~)) home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115.

((~~(7)~~)) (8) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the respective department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

((~~(8)~~)) (9) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any ((~~other~~)) individual specified in subsection ((~~(1)(a) through (g)~~)) (2) or ((~~(3)(a) through (d)~~)) (4) of this section who will or may have unsupervised access to vulnerable adults, children, or juveniles because of the nature of the work or services he or

she provides. "Applicant" includes any individual who will or may have unsupervised access to vulnerable adults, children, or juveniles and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer; or

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

(b) "Area agency on aging" means an agency that is designated by the state to address the needs and concerns of older persons at the regional and local levels and is responsible for a particular geographic area that is a tribal reservation, a single county, or a multicounty planning area. Area agencies on aging have governance based on the corresponding county, city, tribal government, or council of governments.

(c) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families employment position.

(d) "Community residential services and supports provider" means a person or entity certified by the department of social and health services to deliver one or more of the services described in RCW 71A.12.040 to a person with a developmental disability, as defined in RCW 71A.10.020, who is eligible to receive services from the department of social and health services.

(e) "Entity representative" means the individual designated by an entity provider or entity applicant who:

(i) Is the representative of the entity for the purposes of fulfilling ((~~the~~)) training and qualification requirements ((~~of the state~~)) that only an individual can fulfill and an entity cannot;

(ii) Is responsible for overseeing the operation of the home; and

(iii) Does not hold the license on behalf of the entity.

(f) "High-risk provider" means a service provider that has been designated by the state medicaid agency as posing an increased financial risk of fraud, waste, or abuse to the medicaid program. A "high-risk provider" additionally includes any person who has a five percent or more direct or indirect ownership interest in such a provider.

(g) "Long-term care workers" include all persons who provide paid, hands-on, personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services; direct care workers

employed by home care agencies or a consumer directed employer; providers of home care services to persons with developmental disabilities under Title 71A RCW; all direct care workers in state-licensed assisted living facilities, enhanced services facilities, and adult family homes; respite care providers; direct care workers employed by community residential service businesses; and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(h) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.

(i) "Transitional care facility" means a staff secure and voluntary state-operated residential treatment facility offering specialized treatment and habilitative interventions for eligible youth with developmental disabilities.

(j) "Unsupervised" means not in the presence of:

(i) Another employee or volunteer from the same business or organization as the applicant; or

(ii) Any relative or guardian of any of the children or persons with developmental disabilities or vulnerable adults to which the applicant has access while they are employed or involved with the business or organization.

Passed by the House March 6, 2025.
Passed by the Senate April 7, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 47

[Second Substitute House Bill 1524]

ISOLATED EMPLOYEES—WORKPLACE STANDARDS

AN ACT Relating to ensuring compliance with and enforcement of certain workplace standards and requirements applicable to employers of isolated employees; amending RCW 49.60.515; creating a new section; prescribing penalties; and providing an effective date.

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

Sec. 1. RCW 49.60.515 and 2019 c 392 s 1 are each amended to read as follows:

(1) Every hotel, motel, retail, or security guard entity, or property services contractor, who employs an isolated employee, must:

(a) Adopt a sexual harassment policy;

(b) Provide mandatory training to the employer's managers, supervisors, and isolated employees to:

(i) Prevent sexual assault and sexual harassment in the workplace;

(ii) Prevent sexual discrimination in the workplace; ((~~and~~))

(iii) Educate the employer's workforce regarding protection for isolated employees who report violations of a state or federal law, rule, or regulation; and

(iv) Inform isolated employees on how to use panic buttons, and inform managers and supervisors on the responsibility to respond to the use of panic buttons;

(c) Provide a list of resources for the employer's isolated employees to utilize. At a minimum, the resources must include contact information of the equal employment opportunity commission, the Washington state human rights commission, and local advocacy groups focused on preventing sexual harassment and sexual assault; ((~~and~~))

(d) Provide a panic button to each isolated employee. An employer must maintain a record of the purchase and utilization of panic buttons provided to its isolated employees under this section. Records must be provided to the department upon request. The department must publish advice and guidance for employers with fifty or fewer employees relating to this subsection (1)(d). This subsection (1)(d) does not apply to contracted security guard companies licensed under chapter 18.170 RCW; and

(e) Document completion of the mandatory training required by this subsection and provide the documentation to the department upon request.

(2)(a) A property services contractor shall submit the following to the department on an annual basis on a form or in a manner determined by the department:

(i) The date of adoption of the sexual harassment policy required in subsection (1)(a) of this section;

(ii) The number of managers, supervisors, and isolated employees trained as required by subsection (1)(b) of this section; and

(iii) The physical address of the work location or locations at which janitorial services are provided by workers of the property services contractor, and for each location: (A) The total number of workers or contractors of the property services contractor who perform janitorial services; and (B) the total hours worked.

(b) The department must make aggregate data submitted as required in this subsection (2) available upon request.

((~~(c) The department may adopt rules to implement this subsection (2).~~))

(3)(a) The department must investigate if a complaint is filed with the department alleging a violation of this section or if the department has reason to believe that an employer has committed a violation of this section.

(b) Except when a violation is otherwise resolved, the department must issue: (i) A citation assessing a civil penalty under (c) of this subsection if it finds a violation has occurred; or (ii) a closure letter detailing any findings if it finds that a violation cannot be substantiated. The notice of a citation or closure letter must be sent to the employer by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to the last known address.

(c) If the department finds a violation of this section, the department may order the employer to pay the department a civil penalty of $1,000 for each willful violation. For a repeat willful violator, the citation assessing a civil

penalty must be at least $2,000 for each repeat willful violation, but no greater than $10,000 for each repeat willful violation. The department may, at any time, waive or reduce a civil penalty assessed under this section if the department determines that the employer has taken corrective action to resolve the violation. Penalties collected under this section must be deposited into the supplemental pension fund established under RCW 51.44.033.

(d) An employer who fails to comply with the department's investigation of records within a reasonable time period may not use such records in any appeal to challenge the correctness of any determination by the department.

(4) For the purposes of this section:

(a) "Department" means the department of labor and industries.

(b) "((~~Employee~~)) Isolated employee" means an ((~~individual who spends a majority of~~)) employee who:

(i)(A) Performs work in an area where two or more coworkers, supervisors, or a combination thereof are unable to immediately respond to an emergency without being summoned by the employee; or (B) spends at least 50 percent of her or his working hours ((~~alone, or whose primary work responsibility involves working without another coworker present, and who is~~)) without a supervisor or another coworker present; and

(ii) Is employed by an employer as a janitor, security guard, hotel or motel housekeeper, or room service attendant.

(c) "Employer" means any person, association, partnership, property services contractor, or public or private corporation, whether for-profit or not, who employs one or more persons.

(d) "Panic button" means an emergency contact device carried by an isolated employee by which the isolated employee may summon immediate on-scene assistance from another worker, a security guard, or a representative of the employer.

A panic button must:

(i) Be designed to be carried by the isolated employee;

(ii) Be simple to activate without delays caused by entering passwords or waiting for the system to turn on;

(iii) Provide an effective signal for the circumstances when activated; and

(iv) Be able to summon immediate assistance and allow responders to accurately identify the isolated employee's location.

(e) "Property services contractor" means any person or entity that employs workers: (i) To perform labor for another person to provide commercial janitorial services; or (ii) on behalf of an employer to provide commercial janitorial services. "Property services contractor" does not mean the employment security department or individuals who perform labor under an agreement for exchanging their own labor or services with each other, provided the work is performed on land owned or leased by the individuals.

(f) "Repeat willful violator" means any employer that has been the subject of a final and binding citation for a willful violation of one or more requirements under this section and all applicable rules, within three years of the date of issuance of the most recent citation for a willful violation of one or more requirements.

(g) "Security guard" means an individual who is principally employed as, or typically referred to as, a security officer or guard, regardless of whether the

individual is employed by a private security company or a single employer or whether the individual is required to be licensed under chapter 18.170 RCW.

~~(((4)(a) Hotels and motels with sixty or more rooms must meet the requirements of this section by January 1, 2020.~~

~~(b) All other employers identified in subsection (1) of this section must meet the requirements of this section by January 1, 2021.~~))

(h) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute.

(5) The department must adopt rules for purposes of implementing and enforcing this section including, but not limited to, rules concerning the collection of civil penalties and establishing the processes for appeals of citations issued under this section in accordance with chapter 34.05 RCW.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2026.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 5, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 48

[Substitute House Bill 1133]

SEXUALLY VIOLENT PREDATORS—VARIOUS PROVISIONS

AN ACT Relating to sexually violent predators; amending RCW 71.09.025 and 9.94A.717; and adding a new section to chapter 71.09 RCW.

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

Sec. 1. RCW 71.09.025 and 2023 c 453 s 26 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020, the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county in which an action under this chapter may be filed pursuant to RCW 71.09.030 and the attorney general, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.086(7); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(((~~(3)~~))) and 10.77.025.

(b) The agency shall provide the prosecuting agency with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(c) The prosecuting agency has the authority, consistent with RCW 72.09.345(4), to obtain all records relating to the person if the prosecuting agency deems such records are necessary to fulfill its duties under this chapter. The prosecuting agency may only disclose such records in the course of performing its duties pursuant to this chapter, unless otherwise authorized by law.

(d) The prosecuting agency has the authority to utilize the inquiry judge procedures of chapter 10.27 RCW prior to the filing of any action under this chapter to seek the issuance of compulsory process for the production of any records ((~~necessary for~~)) relevant to a determination of whether to seek the civil commitment of a person under this chapter. Any records obtained pursuant to this process may only be disclosed by the prosecuting agency in the course of performing its duties pursuant to this chapter, or unless otherwise authorized by law.

(e) The prosecuting agency has the authority to utilize the procedures under section 2 of this act for the production of any records held by a public agency, including any agency as defined in RCW 42.56.010, relevant to a determination of whether to seek the civil commitment of a person under this chapter. Any records obtained pursuant to this process may only be disclosed by the prosecuting agency in the course of performing its duties pursuant to this chapter, or unless otherwise authorized by law.

(2) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(3) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.09 RCW to read as follows:

(1) Whenever the prosecuting agency believes that any public agency, including any agency as defined in RCW 42.56.010, may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situated, which is believed to be relevant to the determination of whether to seek the civil commitment of a person under this chapter, the prosecuting agency may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such public agency, a civil investigative demand

requiring such public agency to produce such documentary material and permit inspection and copying.

(2) Each demand executed under this section shall:

(a) State the relevant sections or subsections authorizing the issuance of the demand and further state that the demand is for the purpose of obtaining information to aid in a determination of whether to seek the civil commitment of a person;

(b) Describe the class or classes of documentary material to be produced with reasonable specificity so as fairly to indicate the material demanded;

(c) Prescribe a return date within which the documentary material is to be produced; and

(d) Identify the members of the prosecuting agency's staff to whom such documentary material is to be made available for inspection and copying.

(3) No demand executed under this section may:

(a) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum; or

(b) Require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state.

(4) Service of any demand executed under this section may be made by delivering a copy consistent with the civil rules regarding the service of a subpoena duces tecum unless the public agency to whom the demand is directed to agrees otherwise.

(5) At any time before the return date specified in the demand, or within 20 days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside a demand issued under subsection (1) of this section, stating good cause, may be filed in the superior court for Thurston county, or in such other county where the public agency is situated. A petition by the public agency on whom the demand is served, stating good cause, to require the prosecuting agency or any person to perform any duty imposed by the provisions of this section, and all other petitions in connection with a demand executed under this section, may be filed in the superior court for Thurston county, or in the county where the public agency is situated or in such other county as may be agreed upon by the parties to such petition. The court shall have jurisdiction to impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

(6) Whenever any public agency fails to comply with any civil investigative demand for documentary material under this section, or whenever satisfactory copying or reproduction of any such material cannot be done and such public agency refuses to surrender such material, the prosecuting agency may file, in the trial court of general jurisdiction of the county in which such public agency is situated, and serve upon such public agency a petition for an order of such court for the enforcement of this section, except that if such public agency is situated in more than one county such petition shall be filed in the county in which such public agency maintains its principal place of business, or in such other county as may be agreed upon by the parties to such petition. Whenever any petition is filed in the trial court of general jurisdiction of any county under this section, such court shall have jurisdiction to hear and determine the matter presented and to enter such order or orders as may be required to carry into effect

the provisions of this section, and may impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

(7) This section shall not be applicable to criminal prosecutions.

Sec. 3. RCW 9.94A.717 and 2020 c 275 s 2 are each amended to read as follows:

(1) If an offender sentenced under this chapter or chapter 9.94B RCW is supervised by the department, the offender may earn supervision compliance credit in accordance with procedures that are developed and adopted by the department.

(a) The supervision compliance credit shall be awarded to offenders who are in compliance with supervision terms and are making progress towards the goals of their individualized supervision case plan, including: Participation in specific targeted interventions, risk-related programming, or treatment; or completing steps towards specific targeted goals that enhance protective factors and stability, as determined by the department.

(b) For each month in compliance with community custody conditions in accordance with (a) of this subsection, an offender may earn supervision compliance credit of ten days.

(c) Supervision compliance credit is accrued monthly and time shall not be applied to an offender's term of supervision prior to the earning of the time.

(2) An offender is not eligible to earn supervision compliance credit if he or she:

(a) Was sentenced under RCW 9.94A.507 or 10.95.030;

(b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(c) Is subject to supervision pursuant to RCW 9.94A.745;

(d) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017; or

(e) Is serving community custody pursuant to early release under RCW 9.94A.730.

(3) An offender is not eligible to earn supervision compliance credit on any cause being served concurrently with a less restrictive alternative subject to supervision pursuant to RCW 71.09.092.

NEW SECTION. **Sec. 4.** 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.

Passed by the House March 10, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 49

[House Bill 1114]

RESPIRATORY CARE INTERSTATE COMPACT

AN ACT Relating to the respiratory care interstate compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

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

NEW SECTION. **Sec. 1.** TITLE AND PURPOSE. (1) The purpose of this compact is to facilitate the interstate practice of respiratory therapy with the goal of improving public access to respiratory therapy services by providing respiratory therapists licensed in a member state the ability to practice in other member states. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(2) This compact is designed to achieve the following objectives:

(a) Increase public access to respiratory therapy services by creating a responsible, streamlined pathway for licensees to practice in member states with the goal of improving outcomes for patients;

(b) Enhance states' ability to protect the public's health and safety;

(c) Promote the cooperation of member states in regulating the practice of respiratory therapy within those member states;

(d) Ease administrative burdens on states by encouraging the cooperation of member states in regulating multistate respiratory therapy practice;

(e) Support relocating active military members and their spouses; and

(f) Promote mobility and address workforce shortages.

NEW SECTION. **Sec. 2.** DEFINITIONS. As used in this compact, unless the context requires otherwise, the following definitions shall apply:

(1) "Active military member" means any person with a full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

(2) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by any state authority with regulatory authority over respiratory therapists, such as license denial, censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice, not including participation in an alternative program.

(3) "Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a respiratory therapist approved by any state authority with regulatory authority over respiratory therapists. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.

(4) "Charter member states" means those member states that were the first seven states to enact the compact into the laws of their state.

(5) "Commission" or "respiratory care interstate compact commission" means the government instrumentality and body politic whose membership consists of all member states that have enacted the compact.

(6) "Commissioner" means the individual appointed by a member state to serve as the member of the commission for that member state.

(7) "Compact" means the respiratory care interstate compact.

(8) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a respiratory therapist in the remote state under the remote state's laws and rules. The practice of respiratory therapy occurs in the member state where the patient is located at the time of the patient encounter.

(9) "Criminal background check" means the submission by the member state of fingerprints or other biometric-based information on license applicants at the time of initial licensing for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. Sec. 20.3(d) or successor

provision, from the federal bureau of investigation and the state's criminal history record repository, as defined in 28 C.F.R. Sec. 20.3(f) or successor provision.

(10) "Data system" means the commission's repository of information about licensees as further set forth in section 8 of this act.

(11) "Domicile" means the jurisdiction which is the licensee's principal home for legal purposes.

(12) "Encumbered license" means a license that a state's respiratory therapy licensing authority has limited in any way.

(13) "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(14) "Home state," except as set forth in section 5 of this act, means the member state that is the licensee's primary domicile.

(15) "Home state license" means an active license to practice respiratory therapy in a home state that is not an encumbered license.

(16) "Jurisprudence requirement" means an assessment of an individual's knowledge of the state laws and regulations governing the practice of respiratory therapy in such state.

(17) "Licensee" means an individual who currently holds an authorization from the state to practice as a respiratory therapist.

(18) "Member state" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions herein and commission rules.

(19) "Model compact" means the model for the respiratory care interstate compact on file with the council of state governments or other entity as designated by the commission.

(20) "Remote state" means a member state where a licensee is exercising or seeking to exercise the compact privilege.

(21) "Respiratory therapist" or "respiratory care practitioner" means an individual who holds a credential issued by the national board for respiratory care (or its successor) and holds a license in a state to practice respiratory therapy. For purposes of this compact, any other title or status adopted by a state to replace the term "respiratory therapist" or "respiratory care practitioner" shall be deemed synonymous with "respiratory therapist" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment.

(22) "Respiratory therapy," "respiratory therapy practice," "respiratory care," "the practice of respiratory care," and "the practice of respiratory therapy" means the care and services provided by or under the direction and supervision of a respiratory therapist or respiratory care practitioner.

(23) "Respiratory therapy licensing authority" means the agency, board, or other body of a state that is responsible for licensing and regulation of respiratory therapists.

(24) "Rule" means a regulation promulgated by an entity that has the force and effect of law.

(25) "Scope of practice" means the procedures, actions, and processes a respiratory therapist licensed in a state or practicing under a compact privilege in a state is permitted to undertake in that state and the circumstances under which the respiratory therapist is permitted to undertake those procedures, actions, and

processes. Such procedures, actions, and processes, and the circumstances under which they may be undertaken, may be established through means including, but not limited to, statute, regulations, case law, and other processes available to the state respiratory therapy licensing authority or other government agency.

(26) "Significant investigative information" means information, records, and documents received or generated by a state respiratory therapy licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state respiratory therapy licensing authority could pursue adverse action against the licensee.

(27) "State" means any state, commonwealth, district, or territory of the United States.

NEW SECTION. **Sec. 3.** STATE PARTICIPATION IN THIS COMPACT. (1) In order to participate in this compact and thereafter continue as a member state, a member state shall:

(a) Enact a compact that is not materially different from the model compact;

(b) License respiratory therapists;

(c) Participate in the commission's data system;

(d) Have a mechanism in place for receiving and investigating complaints against licensees and compact privilege holders;

(e) Notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee, a compact privilege holder, or a license applicant;

(f) Notify the commission, in compliance with the terms of this compact and commission rules, of the existence of significant investigative information;

(g) Comply with the rules of the commission;

(h) Grant the compact privilege to a holder of an active home state license and otherwise meet the applicable requirements of section 4 of this act in a member state; and

(i) Complete a criminal background check for each new licensee at the time of initial licensure.

(2) Where expressly authorized or permitted by federal law, whether such federal law is in effect prior to, at, or after the time of a member state's enactment of this compact, a member state's enactment of this compact shall hereby authorize the member state's respiratory therapy licensing authority to perform criminal background checks as defined herein. The absence of such a federal law as described in this subsection shall not prevent or preclude such authorization where it may be derived or granted through means other than the enactment of this compact.

(3) Nothing in this compact prohibits a member state from charging a fee for granting and renewing the compact privilege.

NEW SECTION. **Sec. 4.** COMPACT PRIVILEGE. (1) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(a) Hold and maintain an active home state license as a respiratory therapist;

(b) Hold and maintain an active credential from the national board for respiratory care (or its successor) that would qualify them for licensure in the remote state in which they are seeking the privilege;

(c) Have not had any adverse action against a license within the previous two years;

(d) Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

(e) Pay any applicable fees, including any state and commission fees and renewal fees, for the compact privilege;

(f) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege;

(g) Report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken;

(h) Report to the commission, when applying for a compact privilege, the address of the licensee's domicile and thereafter promptly report to the commission any change in the address of the licensee's domicile within 30 days of the effective date of the change in address; and

(i) Consent to accept service of process by mail at the licensee's domicile on record with the commission with respect to any action brought against the licensee by the commission or a member state, and consent to accept service of a subpoena by mail at the licensee's domicile on record with the commission with respect to any action brought or investigation conducted by the commission or a member state.

(2) The compact privilege is valid until the expiration date or revocation of the home state license unless terminated pursuant to adverse action. The licensee must comply with all of the requirements of subsection (1) of this section to maintain the compact privilege in a remote state. If those requirements are met, no adverse actions are taken, and the licensee has paid any applicable compact privilege renewal fees, then the licensee will maintain the licensee's compact privilege.

(3) A licensee providing respiratory therapy in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for the type of respiratory therapist license the licensee holds. Such procedures, actions, processes, and the circumstances under which they may be undertaken may be established through means including, but not limited to, statute, regulations, case law, and other processes available to the state respiratory therapy licensing authority or other government agency.

(4) If a licensee's compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in that remote state until the compact privilege is no longer limited or restricted by that state.

(5) If a home state license is encumbered, the licensee shall lose the compact privilege in all remote states until the following occur:

(a) The home state license is no longer encumbered; and

(b) Two years have elapsed from the date on which the license is no longer encumbered due to the adverse action.

(6) Once a licensee with a restricted or limited license meets the requirements of subsection (5)(a) and (b) of this section, the licensee must also

meet the requirements of subsection (1) of this section to obtain a compact privilege in a remote state.

NEW SECTION. **Sec. 5.** ACTIVE MILITARY MEMBER OR THEIR SPOUSE. (1) An active military member, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty.

(2) An active military member and their spouse shall not be required to pay to the commission for a compact privilege any fee that may otherwise be charged by the commission. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to an active military member and their spouse for a compact privilege.

NEW SECTION. **Sec. 6.** ADVERSE ACTIONS. (1) A member state in which a licensee is licensed shall have authority to impose adverse action against the license issued by that member state.

(2) A member state may take adverse action based on significant investigative information of a remote state or the home state, so long as the member state follows its own procedures for imposing adverse action.

(3) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws.

(4)(a) A remote state shall have the authority to:

(i) Take adverse actions as set forth herein against a licensee's compact privilege in that state;

(ii) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence.

(A) Subpoenas may be issued by a respiratory therapy licensing authority in a member state for the attendance and testimony of witnesses and the production of evidence.

(B) Subpoenas issued by a respiratory therapy licensing authority in a member state for the attendance and testimony of witnesses shall be enforced in the latter state by any court of competent jurisdiction in the latter state, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it.

(C) Subpoenas issued by a respiratory therapy licensing authority in a member state for production of evidence from another member state shall be enforced in the latter state, according to the practice and procedure of that court applicable to subpoenas issued in the proceedings pending before it.

(D) The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(iii) Unless otherwise prohibited by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(b) Notwithstanding (a)(ii) of this subsection, a member state may not issue a subpoena to gather evidence of conduct in another member state that is lawful in such other member state for the purpose of taking adverse action against a

licensee's compact privilege or application for a compact privilege in that member state.

(c) Nothing in this compact authorizes a member state to impose discipline against a respiratory therapist's compact privilege in that member state for the individual's otherwise lawful practice in another state.

(5) Joint investigations.

(a) In addition to the authority granted to a member state by its respective respiratory therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees, provided, however, that a member state receiving such a request has no obligation to respond to any subpoena issued regarding an investigation of conduct or practice that was lawful in a member state at the time it was undertaken.

(b) Member states shall share any significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact. In sharing such information between member state respiratory therapy licensing authorities, all information obtained shall be kept confidential, except as otherwise mutually agreed upon by the sharing and receiving member state(s).

(6) Nothing in this compact may permit a member state to take any adverse action against a licensee or holder of a compact privilege for conduct or practice that was legal in the member state at the time it was undertaken.

(7) Nothing in this compact may permit a member state to take disciplinary action against a licensee or holder of a compact privilege for conduct or practice that was legal in the member state at the time it was undertaken.

NEW SECTION. **Sec. 7.** ESTABLISHMENT OF THE RESPIRATORY CARE INTERSTATE COMPACT COMMISSION. (1) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the respiratory care interstate compact commission. The commission is an instrumentality of the compact member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact, as set forth in section 11 of this act.

(2) Membership, voting, and meetings.

(a) Each member state shall have and be limited to one commissioner selected by that member state's respiratory therapy licensing authority.

(b) The commissioner shall be an administrator or their designated staff member of the member state's respiratory therapy licensing authority.

(c) The commission shall by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits.

(d) The commission may recommend to a member state the removal or suspension of any commissioner from office.

(e) A member state's respiratory therapy licensing authority shall fill any vacancy of its commissioner occurring on the commission within 60 days of the vacancy.

(f) Each commissioner shall be entitled to one vote on all matters before the commission requiring a vote by commissioners.

(g) A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners to meet by telecommunication, videoconference, or other means of communication.

(h) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws.

(3) The commission shall have the following powers:

(a) Establish and amend the fiscal year of the commission;

(b) Establish and amend bylaws and policies including, but not limited to, a code of conduct and conflict of interest;

(c) Establish and amend rules, which shall be binding in all member states;

(d) Maintain its financial records in accordance with the bylaws;

(e) Meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

(f) Initiate and conduct legal proceedings or actions in the name of the commission, provided that the standing of any respiratory therapy licensing authority to sue or be sued under applicable law shall not be affected;

(g) Maintain and certify records and information provided to a member state as the authenticated business records of the commission, and designate an agent to do so on the commission's behalf;

(h) Purchase and maintain insurance and bonds;

(i) Accept or contract for services of personnel including, but not limited to, employees of a member state;

(j) Conduct an annual financial review;

(k) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(l) Assess and collect fees;

(m) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times:

(i) The commission shall avoid any appearance of impropriety; and

(ii) The commission shall avoid any appearance of conflict of interest;

(n) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

(o) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(p) Establish a budget and make expenditures;

(q) Borrow money in a fiscally responsible manner;

(r) Appoint committees, including standing committees, composed of commissioners, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(s) Provide and receive information from, and cooperate with, law enforcement agencies;

(t) Establish and elect an executive committee, including a chair, vice chair, secretary, treasurer, and such other offices as the commission shall establish by rule or bylaw;

(u) Enter into contracts or arrangements for the management of the affairs of the commission;

(v) Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(w) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(4) The executive committee.

(a) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee shall include:

(i) Overseeing the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such duties as deemed necessary;

(ii) Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;

(iii) Ensuring compact administration services are appropriately provided, including by contract;

(iv) Preparing and recommending the budget;

(v) Maintaining financial records on behalf of the commission;

(vi) Monitoring compact compliance of member states and providing compliance reports to the commission;

(vii) Establishing additional committees as necessary;

(viii) Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(ix) Performing other duties as provided in the rules or bylaws of the commission.

(b) The executive committee shall be composed of up to nine members, as further set forth in the bylaws of the commission:

(i) Seven voting members who are elected by the commission from the current membership of the commission; and

(ii) Two ex officio, nonvoting members.

(c) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(d) The executive committee shall meet at least annually.

(i) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection (6)(d) of this section;

(ii) The executive committee shall give advance notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission; and

(iii) The executive committee may hold a special meeting in accordance with subsection (6)(b) of this section.

(5) The commission shall adopt and provide to the member states an annual report.

(6) Meetings of the commission.

(a) All meetings of the commission that are not closed pursuant to (d) of this subsection shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.

(b) Notwithstanding (a) of this subsection, the commission may convene an emergency public meeting by providing at least 24 hours prior notice on the commission's website, and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rule making under section 9(7) of this act. The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

(c) Notice of all commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, videoconference, or other electronic means, the notice shall include the mechanism for access to the meeting.

(d) The commission or the executive committee may convene in a closed, nonpublic meeting for the commission or executive committee to receive or solicit legal advice or to discuss:

(i) Noncompliance of a member state with its obligations under the compact;

(ii) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;

(iii) Current or threatened discipline of a licensee or compact privilege holder by the commission or by a member state's respiratory therapy licensing authority;

(iv) Current, threatened, or reasonably anticipated litigation;

(v) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(vi) Accusing any person of a crime or formally censuring any person;

(vii) Trade secrets or commercial or financial information that is privileged or confidential;

(viii) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(ix) Investigative records compiled for law enforcement purposes;

(x) Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(xi) Legal advice;

(xii) Matters specifically exempted from disclosure by federal or member state law; or

(xiii) Other matters as promulgated by the commission by rule.

(e) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(f) The commission shall keep minutes in accordance with commission rules and bylaws. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(7) Financing of the commission.

(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate revenue sources as provided herein.

(c) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the commission and its staff. The aggregate annual assessment amount for member states, if any, shall be allocated based upon a formula that the commission shall promulgate by rule.

(d) The commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(8) Qualified immunity, defense, and indemnification.

(a) Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(b) The member states, commissioners, officers, executive directors, employees, and agents of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(c) The commission shall defend any commissioner, officer, executive director, employee, and agent of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(d) The commission shall indemnify and hold harmless any commissioner, member, officer, executive director, employee, and agent of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(e) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman act, Clayton act, or any other state or federal antitrust or anticompetitive law or regulation.

(f) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the commission.

NEW SECTION. **Sec. 8.** DATA SYSTEMS. (1) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of significant investigative information.

(2) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system as required by the rules of the commission including, but not limited to:

(a) Identifying information;

(b) Licensure data;

(c) Adverse actions against a licensee, license applicant, or compact privilege holder and information related thereto;

(d) Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;

(e) Any denial of application for licensure, and the reason(s) for such denial;

(f) The presence of current significant investigative information; and

(g) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(3) No member state shall submit any information which constitutes criminal history record information, as defined by applicable federal law, to the data system established hereunder.

(4) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.

(5) Significant investigative information pertaining to a licensee in any member state will only be available to other member states.

(6) It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(7) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(8) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

NEW SECTION. **Sec. 9.** RULE MAKING. (1) The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rule-making authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

(2) For purposes of the compact, the rules of the commission shall have the force of law in each member state.

(3) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified in each rule.

(4) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(5) Rules shall be adopted at a regular or special meeting of the commission.

(6) Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

(7) Prior to adoption of a proposed rule by the commission, and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rule making:

(a) On the website of the commission or other publicly accessible platform;

(b) To persons who have requested notice of the commission's notices of proposed rule making; and

(c) In such other way(s) as the commission may by rule specify.

(8) The notice of proposed rule making shall include:

(a) The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;

(b) If the hearing is held via telecommunication, videoconference, or other electronic means, the mechanism for access to the hearing in the notice of proposed rule making;

(c) The text of the proposed rule and the reason therefor;

(d) A request for comments on the proposed rule from any interested person; and

(e) The manner in which interested persons may submit written comments.

(9) All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.

(10) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(11) The commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rule-making record and the full text of the rule.

(a) The commission may adopt changes to the proposed rule provided the changes are consistent with the original purpose of the proposed rule.

(b) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(c) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (12) of this section, the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice, and with opportunity to comment, provided that the usual rule-making procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(a) Meet an imminent threat to public health, safety, or welfare;

(b) Prevent a loss of commission or member state funds;

(c) Meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(d) Protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(14)(a) No member state's rule-making process or procedural requirements shall apply to the commission.

(b) The commission shall have no authority over any member state's rule-making process or procedural requirements that do not pertain to the compact.

(15) Nothing in this compact, nor any rule or regulation of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice

of respiratory therapy in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this compact.

NEW SECTION. **Sec. 10.** OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. (1) Oversight.

(a) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(2) Default, technical assistance, and termination.

(a) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

(b) The commission shall provide a copy of the notice of default to the other member states.

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(4) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's respiratory therapy licensing authority, and each of the member states' respiratory therapy licensing authorities.

(5) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination, if necessary.

(6) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees and compact privilege holders (of which the commission has a record) within that state of such termination. The terminated state shall continue to recognize all licenses granted

pursuant to this compact for a minimum of 180 days after the date of said notice of termination.

(7) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(8) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(9) Dispute resolution.

(a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(10) Enforcement.

(a) By majority vote, as may be further provided by rule, the commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. A member state by enactment of this compact consents to venue and jurisdiction in such court for the purposes set forth herein. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(b) A member state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(c) No person other than a member state shall enforce this compact against the commission.

NEW SECTION. **Sec. 11.** EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT. (1) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state ("effective date").

(a) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first seven member states ("charter member states") to determine if the statute enacted by each such charter member state is materially different than the model compact.

(i) A charter member state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in section 10 of this act.

(ii) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than seven.

(b) Member states enacting the compact subsequent to the seven initial charter member states shall be subject to the process set forth herein and commission rule to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(c) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission. The commission shall own and have all rights to any intellectual property developed on behalf or in furtherance of the commission by individuals or entities involved in organizing or establishing the commission, as may be further set forth in rules of the commission.

(d) Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the date the compact becomes law in that state.

(2) Any member state may withdraw from this compact by enacting a statute repealing the same.

(a) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(b) Withdrawal shall not affect the continuing requirement of the withdrawing state's respiratory therapy licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(c) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees and compact privilege holders (of which the commission has a record) within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(3) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(4) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

NEW SECTION. **Sec. 12.** CONSTRUCTION AND SEVERABILITY. (1) This compact and the commission's rule-making authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rule-making authority solely for those purposes.

(2) The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

(3) Notwithstanding subsection (2) of this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of section 10 of this act, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

NEW SECTION. **Sec. 13.** CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS. (1) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(2) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict, including any subsequently enacted state laws.

(3) All permissible agreements between the commission and the member states are binding in accordance with their terms.

(4) Other than as expressly set forth herein, nothing in this compact will impact initial licensure.

NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act constitute a new chapter in Title 18 RCW.

Passed by the House March 4, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 50

[House Bill 1006]

SERVICE CONTRACTS AND PROTECTION PRODUCT GUARANTEES—VARIOUS PROVISIONS

AN ACT Relating to regulating service contracts and protection product guarantees; and amending RCW 48.110.020, 48.110.050, 48.110.055, 48.110.060, 48.110.073, 48.110.075, 48.110.110, and 48.110.140.

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

Sec. 1. RCW 48.110.020 and 2014 c 82 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means the person who is responsible for the administration of the service contracts, the service contracts plan, or the protection product guarantees.

(2) "Commissioner" means the insurance commissioner of this state.

(3) "Consumer" means an individual who buys any tangible personal property that is primarily for personal, family, or household use.

(4) "Home heating fuel service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of a home heating fuel supply system including the fuel tank and all visible pipes, caps, lines, and associated parts or the indemnification for repair, replacement, or maintenance for operational or structural failure due to a defect in materials or workmanship, or normal wear and tear.

(5) "Incidental costs" means expenses specified in the guarantee incurred by the protection product guarantee holder related to damages to other property caused by the failure of the protection product to perform as provided in the guarantee. "Incidental costs" may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees. Incidental costs may be paid under the provisions of the protection product guarantee in either a fixed amount specified in the protection product guarantee or sales agreement, or by the use of a formula itemizing specific incidental costs incurred by the protection product guarantee holder to be paid.

(6) "Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only.

(7) "Motor vehicle" means any vehicle subject to registration under chapter 46.16A RCW.

(8) "Person" means an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal insurer, syndicate, or any similar entity or combination of entities acting in concert.

(9) "Premium" means the consideration paid to an insurer for a reimbursement insurance policy.

(10) "Protection product" means any protective chemical, substance, device, or system offered or sold with a guarantee to repair or replace another product or pay incidental costs upon the failure of the product to perform pursuant to the terms of the protection product guarantee. Protection product does not include fuel additives, oil additives, or other chemical products applied to the engine, transmission, or fuel system of a motor vehicle.

(11) "Protection product guarantee" means a written agreement by a protection product guarantee provider to repair or replace another product or pay incidental costs upon the failure of the protection product to perform pursuant to the terms of the protection product guarantee. The reimbursement of incidental costs promised under a protection product guarantee must be tied to the purchase of a physical product that is formulated or designed to make the specified loss or damage from a specific cause less likely to occur.

(12) "Protection product guarantee holder" means a person who is the purchaser or permitted transferee of a protection product guarantee.

(13) "Protection product guarantee provider" means a person who is contractually obligated to the protection product guarantee holder under the terms of the protection product guarantee. Protection product guarantee provider does not include an authorized insurer providing a reimbursement insurance policy.

(14) "Protection product seller" means the person who sells the protection product to the consumer.

(15) "Provider fee" means the consideration paid by a consumer for a service contract.

(16) "Reimbursement insurance policy" means a policy of insurance that is issued to a service contract provider or a protection product guarantee provider to provide reimbursement to the service contract provider or the protection product guarantee provider or to pay on behalf of the service contract provider or the protection product guarantee provider all contractual obligations incurred by the service contract provider or the protection product guarantee provider under the terms of the insured service contracts or protection product guarantees issued or sold by the service contract provider or the protection product guarantee provider, or to pay on behalf of the service contract provider or the protection product guarantee provider each contractual obligation incurred by the service contract provider or the protection product guarantee provider in the event of nonperformance by the provider or the provider is unable to fulfill its contractual obligations to the consumer. A service contract provider or protection product guarantee provider may have more than one reimbursement insurance policy concurrently in force.

(17) "Road hazard" means a hazard that is encountered while driving a motor vehicle. Road hazards may include but are not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps.

(18)(a) "Service contract" means a contract or agreement entered into at any time for consideration over and above the lease or purchase price of the property for any specific duration to perform the repair, replacement, or maintenance of property or the indemnification for repair, replacement, or maintenance for operational or structural failure due to a defect in materials or workmanship or normal wear and tear. Service contracts may provide for the repair, replacement, or maintenance of property for damage resulting from power surges and accidental damage from handling, with or without additional provision for incidental payment of indemnity under limited circumstances, including towing, rental, emergency road services, or other expenses relating to the failure of the product or of a component part thereof.

(b) "Service contract" also includes a contract or agreement sold for separately stated consideration for a specific duration to perform any one or more of the following services:

(i) The repair or replacement of tires and/or wheels damaged as a result of coming into contact with road hazards. However, a contract or agreement meeting the definition under this subsection (18)(b) in which the party obligated to perform is either a tire or wheel manufacturer or a motor vehicle manufacturer is exempt from the requirements of this chapter;

(ii) The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the

existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;

(iii) The repair of chips or cracks in, or the replacement of, motor vehicle windshields as a result of damage caused by road hazards;

(iv) The replacement of a motor vehicle key or key fob in the event that the key or key fob becomes inoperable or is lost or stolen;

(v) Services provided pursuant to a protection product guarantee; and

(vi) Other services approved by rule of the commissioner that are not inconsistent with the provisions of this chapter.

(c) "Service contract" does not include coverage for:

(i) Repair or replacement due to damage to the interior surfaces or to the exterior paint or finish of a vehicle. However, coverage for these types of damage may be offered in connection with the sale of a protection product as defined in this section; or

(ii) Fuel additives, oil additives, or other chemical products applied to the engine, transmission, or fuel system of a motor vehicle.

(19) "Service contract holder" or "contract holder" means a person who is the purchaser or holder of a service contract.

(20) "Service contract provider" means a person who is contractually obligated to the service contract holder under the terms of the service contract.

(21) "Service contract seller" means the person who sells the service contract to the consumer.

(22) "Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without consideration; that is not negotiated or separated from the sale of the product and is incidental to the sale of the product; and that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

Sec. 2. RCW 48.110.050 and 2016 c 224 s 3 are each amended to read as follows:

(1) Service contracts shall not be issued, sold, or offered for sale in this state or sold to consumers in this state unless the service contract provider has:

(a) Provided a receipt for, or other written evidence of, the purchase of the service contract to the contract holder; and

(b) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase.

(2) In order to either demonstrate its financial responsibility or assure the faithful performance of the service contract provider's or protection product guarantee provider's obligations to its service contract holders or protection product guarantee holders, every service contract provider or protection product guarantee provider shall comply with the requirements of one of the following:

(a) Insure ((~~all~~)) each service ((~~contracts~~)) contract or protection product guarantee under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and is properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least ((~~fifteen million dollars~~)) $15,000,000 and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than ((~~fifteen million dollars~~)) $15,000,000, but at least equal to ((~~ten million dollars~~)) $10,000,000, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one;

(b)(i) Maintain a funded reserve account for its obligations under its service contracts or protection product guarantees issued and outstanding in this state. The reserves shall not be less than ((~~forty~~)) 40 percent of the gross consideration received, less claims paid, on the sale of the service contract or protection product for all in-force contracts or protection product guarantees. The reserve account shall be subject to examination and review by the commissioner; and

(ii) Place in trust with the commissioner a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract or protection product for all service contracts or protection product guarantees issued and in force, but not less than ((~~twenty-five thousand dollars~~)) $25,000, consisting of one of the following:

(A) A surety bond issued by an insurer holding a certificate of authority from the commissioner;

(B) Securities of the type eligible for deposit by authorized insurers in this state;

(C) Cash;

(D) An irrevocable evergreen letter of credit issued by a qualified financial institution; or

(E) Another form of security prescribed by rule by the commissioner; or

(c)(i) Maintain, or its parent company maintain, a net worth or stockholder's equity of at least ((~~one hundred million dollars~~)) $100,000,000; and

(ii) Upon request, provide the commissioner with a copy of the service contract provider's or protection product guarantee provider's or, if using the net worth or stockholder's equity of its parent company to satisfy the ((~~one hundred million dollar~~)) $100,000,000 requirement, the service contract provider's or protection product guarantee provider's parent company's most recent form 10-K or form 20-F filed with the securities and exchange commission within the last calendar year, or if the company does not file with the securities and exchange commission, a copy of the service contract provider's or protection product guarantee provider's or, if using the net worth or stockholder's equity of its parent company to satisfy the ((~~one hundred million dollar~~)) $100,000,000 requirement, the service contract provider's or protection product guarantee provider's parent company's most recent audited financial statements, which shows a net worth of the service contract provider or protection product guarantee provider or its parent company of at least ((~~one hundred million dollars~~)) $100,000,000. If the service contract provider's parent company's form

10-K, form 20-F, or audited financial statements are filed with the commissioner to meet the service contract provider's or protection product guarantee provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the service contract provider or protection product guarantee provider relating to service contracts or protection products sold by the service contract provider or protection product guarantee provider in this state. A copy of the guarantee shall be filed with the commissioner. The guarantee shall be irrevocable as long as there is in force in this state any contract or any obligation arising from service contracts or protection product guarantees guaranteed, unless the parent company has made arrangements approved by the commissioner to satisfy its obligations under the guarantee.

(3) Service contracts shall require the service contract provider to permit the service contract holder to return the service contract within ((~~twenty~~)) 20 days of the date the service contract was mailed to the service contract holder or within ((~~ten~~)) 10 days of delivery if the service contract is delivered to the service contract holder at the time of sale, or within a longer time period permitted under the service contract. Upon return of the service contract to the service contract provider within the applicable period, if no claim has been made under the service contract prior to the return to the service contract provider, the service contract is void and the service contract provider shall refund to the service contract holder, or credit the account of the service contract holder with the full purchase price of the service contract. The right to void the service contract provided in this subsection is not transferable and shall apply only to the original service contract purchaser. A ((~~ten~~)) 10 percent penalty per month shall be added to a refund of the purchase price that is not paid or credited within ((~~thirty~~)) 30 days after return of the service contract to the service contract provider.

(((~~(4) This section does not apply to service contracts on motor vehicles or to protection product guarantees.~~)) This subsection (3) does not apply to service contracts on motor vehicles.

Sec. 3. RCW 48.110.055 and 2019 c 16 s 3 are each amended to read as follows:

(1) This section applies to protection product guarantee providers.

(2) A person must not act as, or offer to act as, or hold himself or herself out to be a protection product guarantee provider in this state, nor may a protection product be sold to a consumer in this state, unless the protection product guarantee provider has:

(a) A valid registration as a protection product guarantee provider issued by the commissioner; and

(b) Either demonstrated its financial responsibility or assured the faithful performance of the protection product guarantee provider's obligations to its protection product guarantee holders by ((~~insuring all protection product guarantees under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:~~

~~(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and~~

~~(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one~~)) satisfying one of the requirements of demonstrating financial responsibility or assuring faithful performance in accordance with RCW 48.110.050.

(3) Applicants to be a protection product guarantee provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) The names of the protection product guarantee provider's executive officer or officers directly responsible for the protection product guarantee provider's protection product guarantee business and their biographical affidavits on a form prescribed by the commissioner;

(b) The name, address, and telephone number of any administrators designated by the protection product guarantee provider to be responsible for the administration of protection product guarantees in this state;

(c) ((~~A~~)) If a protection product guarantee provider is using a reimbursement insurance policy in accordance with RCW 48.110.050(2)(a) to demonstrate financial responsibility or assure faithful performance of its obligations to protection product guarantee holders, a copy of the protection product guarantee reimbursement insurance policy or policies;

(d) A copy of each protection product guarantee the protection product guarantee provider proposes to use in this state;

(e) The most recent annual financial statements, if available, or the most recent financial statements certified as accurate by two or more officers of the applicant which prove that the applicant has and maintains a minimum net worth or stockholder's equity of ((~~two hundred thousand dollars~~)) $200,000 or more calculated in accordance with RCW 48.110.078 and the ability to pay its debts when debts become due; and

(f) A nonrefundable application fee of ((~~two hundred fifty dollars~~)) $250.

(4) Each registered protection product guarantee provider must appoint the commissioner as the protection product guarantee provider's attorney to receive service of legal process issued against the protection product guarantee provider in this state upon causes of action arising within this state. Service upon the commissioner as attorney constitutes effective legal service upon the protection product guarantee provider.

(a) With the appointment the protection product guarantee provider must designate the person to whom the commissioner must forward legal process so served upon him or her.

(b) The appointment is irrevocable, binds any successor in interest or to the assets or liabilities of the protection product guarantee provider, and remains in

effect for as long as there could be any cause of action against the protection product guarantee provider arising out of any of the protection product guarantee provider's contracts or obligations in this state.

(c) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

(5) The commissioner may refuse to issue a registration if the commissioner determines that the protection product guarantee provider, or any individual responsible for the conduct of the affairs of the protection product guarantee provider under subsection (3)(a) of this section, is not competent, trustworthy, cannot demonstrate a minimum net worth or stockholder's equity in accordance with the applicable requirements of subsection (3)(e) of this section and the ability to pay its debts when debts become due, or has had a license as a protection product guarantee provider or similar license denied or revoked for cause by any state.

(6) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the protection product guarantee provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the protection product guarantee provider and payment of a fee of ((~~two hundred fifty dollars~~)) $250. If not so renewed, the registration expires on the June 30th next preceding.

(7) A protection product guarantee provider must keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

Sec. 4. RCW 48.110.060 and 2006 c 274 s 7 are each amended to read as follows:

(1) Reimbursement insurance policies insuring service contracts or protection product guarantees issued, sold, or offered for sale in this state or issued or sold to consumers in this state shall state that the insurer that issued the reimbursement insurance policy shall either reimburse ((~~or~~)) the provider, or in the event of nonperformance by the provider or the provider is unable to fulfill its contractual obligations to the consumer, shall pay on behalf of the service contract provider or the protection product guarantee provider all sums the service contract provider or the protection product guarantee provider is legally obligated to pay, including but not limited to the refund of the full purchase price of the service contract to the service contract holder or shall provide the service which the service contract provider or the protection product guarantee provider is legally obligated to perform according to the service contract provider's or protection product guarantee provider's contractual obligations under the service contracts or protection product guarantees issued or sold by the service contract provider or the protection product guarantee provider.

(2) The reimbursement insurance policy or policies shall either fully insure the obligations of the service contract provider or protection product guarantee provider((~~, rather than partially insure,~~)) or insure only in the event of service contract provider or protection product guarantee provider default or failure to perform.

(3) The reimbursement insurance policy or policies shall state that the service contract holder or protection product guarantee holder is entitled to apply

directly to the reimbursement insurance company for payment or performance due.

(4) If a reimbursement insurance policy only pays or provides benefits in the event of nonperformance by the provider or when the provider is unable to fulfill its contractual obligations, then the policy must also state that in the event a covered service or product is not provided by the service contract provider or protection product guarantee provider within 30 days of proof of loss by the service contract holder or protection product guarantee holder the service contract holder or protection product guarantee holder is entitled to apply directly to the reimbursement insurance company for payment or performance due. If the service contract provider or protection product guarantee provider has ceased operation, the service contract holder or protection product guarantee holder may apply directly to the reimbursement insurance company for payment or performance due without waiting 30 days.

Sec. 5. RCW 48.110.073 and 2006 c 274 s 20 are each amended to read as follows:

(1) If the service contract provider or protection product guarantee provider is using ((~~[the]~~)) one or more reimbursement insurance policy or policies to satisfy the requirements of RCW 48.110.050(2)(a), ((~~48.110.055(2)(b), or 48.110.075(2)(a),~~)) then ((~~the~~)) each reimbursement insurance policy shall be filed with and approved by the commissioner in accordance with and pursuant to the requirements of chapter 48.18 RCW.

(2) All service contracts forms covering motor vehicles must be filed with and approved by the commissioner prior to the service contract forms being used, issued, delivered, sold, or marketed in this state or to residents of this state.

(3) All service contracts forms covering motor vehicles being used, issued, delivered, sold, or marketed in this state or to residents of this state by motor vehicle manufacturers or import distributors or wholly owned subsidiaries thereof must be filed with the commissioner for approval within sixty days after the motor vehicle manufacturer or import distributor or wholly owned subsidiary thereof begins using the service contracts forms.

(4) The commissioner shall disapprove any motor vehicle service contract form if:

(a) The form is in any respect in violation of, or does not comply with, this chapter or any applicable order or regulation of the commissioner issued under this chapter;

(b) The form contains or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions;

(c) The form has any title, heading, or other indication of its provisions that is misleading; or

(d) The purchase of the contract is being solicited by deceptive advertising.

Sec. 6. RCW 48.110.075 and 2006 c 274 s 18 are each amended to read as follows:

(1) This section applies to service contracts on motor vehicles.

(2) Service contracts shall not be issued, sold, or offered for sale in this state or sold to consumers in this state unless:

(a) The service contract provider has either demonstrated its financial responsibility or assured the faithful performance of the service contract

provider's obligations to its service contract holders by ((~~insuring all service contracts under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:~~

~~(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and~~

~~(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one~~)) satisfying one of the requirements of demonstrating financial responsibility or assuring faithful performance in accordance with RCW 48.110.050;

(b)(i) The service contract conspicuously states that the obligations of the provider to the service contract holder are guaranteed under the reimbursement insurance policy, the name and address of the issuer of the reimbursement insurance policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy;

(ii) A service contract not insured under a reimbursement insurance policy under RCW 48.110.050(2)(a) and 48.110.060 shall contain a statement in substantially the following form: "Obligations of the service contract provider under this contract are backed by the full faith and credit of the service contract provider";

(c) The service contract conspicuously and unambiguously states the name and address of the service contract provider and identifies any administrator if different from the service contract provider, the service contract seller, and the service contract holder. The identity of the service contract seller and the service contract holder are not required to be preprinted on the service contract and may be added to the service contract at the time of sale;

(d) The service contract states the purchase price of the service contract and the terms under which the service contract is sold. The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale;

(e) The contract contains a conspicuous statement that has been initialed by the service contract holder and discloses:

(i) Any material conditions that the service contract holder must meet to maintain coverage under the contract including, but not limited to, any maintenance schedule to which the service contract holder must adhere, any requirement placed on the service contract holder for documenting repair or maintenance work, any duty to protect against any further damage, and any procedure to which the service contract holder must adhere for filing claims;

(ii) The work and parts covered by the contract;

(iii) Any time or mileage limitations;

(iv) That the implied warranty of merchantability on the motor vehicle is not waived if the contract has been purchased within ((~~ninety~~)) 90 days of the purchase date of the motor vehicle from a provider or service contract seller who also sold the motor vehicle covered by the contract;

(v) Any exclusions of coverage; and

(vi) The contract holder's right to return the contract for a refund, which right can be no more restrictive than provided for in subsection (4) of this section;

(f) The service contract states the procedure to obtain service or to file a claim, including but not limited to the procedures for obtaining prior approval for repair work, the toll-free telephone number if prior approval is necessary for service, and the procedure for obtaining emergency repairs performed outside of normal business hours or for obtaining ((~~twenty-four-hour~~)) 24-hour telephone assistance;

(g) The service contract states the existence of any deductible amount, if applicable;

(h) The service contract states any restrictions governing the transferability of the service contract, if applicable; and

(i) The service contract states whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

(3) Service contracts shall not contain a provision which requires that any civil action brought in connection with the service contract must be brought in the courts of a jurisdiction other than this state. Service contracts that authorize binding arbitration to resolve claims or disputes must allow for arbitration proceedings to be held at a location in closest proximity to the service contract holder's permanent residence.

(4)(a) At a minimum, every provider shall permit the service contract holder to return the contract within ((~~thirty~~)) 30 days of its purchase if no claim has been made under the contract, and shall refund to the holder the full purchase price of the contract unless the service contract holder returns the contract ((~~ten~~)) 10 or more days after its purchase, in which case the provider may charge a cancellation fee not exceeding ((~~twenty-five dollars~~)) $25.

(b) If no claim has been made and a contract holder returns the contract after ((~~thirty~~)) 30 days, the provider shall refund the purchase price pro rata based upon either elapsed time or mileage computed from the date the contract was purchased and the mileage on that date, less a cancellation fee not exceeding ((~~twenty-five dollars~~)) $25.

(c) A ((~~ten~~)) 10 percent penalty shall be added to any refund that is not paid within ((~~thirty~~)) 30 days of return of the contract to the provider.

(d) If a contract holder returns the contract under this subsection, the contract is void from the beginning and the parties are in the same position as if no contract had been issued.

(e) If a service contract holder returns the contract in accordance with this section, the insurer issuing the reimbursement insurance policy covering the contract shall refund to the provider the full premium by the provider for the contract if canceled within ((~~thirty~~)) 30 days or a pro rata refund if canceled after ((~~thirty~~)) 30 days.

(5) A service contract provider shall not deny a claim for coverage based upon the service contract holder's failure to properly maintain the vehicle, unless the failure to maintain the vehicle involved the failed part or parts.

(6) A contract provider has only ((~~sixty~~)) 60 days from the date of the sale of the service contract to the holder to determine whether or not the vehicle qualifies under the provider's program for that vehicle. After ((~~sixty~~)) 60 days the vehicle qualifies for the service contract that was issued and the service contract provider may not cancel the contract and is fully obligated under the terms of the contract sold to the service contract holder.

Sec. 7. RCW 48.110.110 and 2006 c 274 s 12 are each amended to read as follows:

(1) Service contract providers or protection product guarantee providers are considered to be the agent of ((~~the~~)) each insurer which issued the reimbursement insurance policy or policies for purposes of obligating the insurer to service contract holders or protection product guarantee holders in accordance with the service contract holders or protection product guarantee holders and this chapter. Payment of the provider fee by the consumer to the service contract seller, service contract provider, or administrator or payment of consideration for the protection product to the protection product seller constitutes payment by the consumer to the service contract provider or protection product guarantee provider and to ((~~the~~)) each insurer which issued the reimbursement insurance policy or policies. In cases where a service contract provider or protection product guarantee provider is acting as an administrator and enlists other service contract providers or protection product guarantee providers, the service contract provider or protection product guarantee provider acting as the administrator shall notify ((~~the~~)) each insurer of the existence and identities of the other service contract providers or protection product guarantee providers.

(2) This chapter does not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or subrogation against a service contract provider or protection product guarantee provider if the issuer pays or is obligated to pay the service contract holder or protection product guarantee holder sums that the service contract provider or protection product guarantee provider was obligated to pay under the provisions of the service contract or protection product guarantee.

Sec. 8. RCW 48.110.140 and 2006 c 274 s 15 are each amended to read as follows:

The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act or practice in the conduct of trade or commerce and an unfair method of competition, as specifically contemplated by RCW 19.86.020, and is a violation of the consumer protection act, chapter 19.86 RCW. Any service contract holder or protection product guarantee holder injured as a result of a violation of a provision of this chapter shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the service contract provider or protection product guarantee provider and ((~~the~~)) each insurer issuing the applicable service contract or protection product guarantee

reimbursement insurance policy or policies and shall be entitled to all of the rights and remedies afforded by that chapter.

Passed by the House January 30, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 51

[Substitute House Bill 1205]

FORGED DIGITAL LIKENESS—CRIMINAL IMPERSONATION

AN ACT Relating to prohibiting the knowing distribution of a forged digital likeness; and reenacting and amending RCW 9A.60.010 and 9A.60.045.

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

Sec. 1. RCW 9A.60.010 and 2011 c 336 s 381 are each reenacted and amended to read as follows:

The following definitions and the definitions of RCW 9A.56.010 are applicable in this chapter unless the context otherwise requires:

(1) "Complete written instrument" means one which is fully drawn with respect to every essential feature thereof;

(2) "Incomplete written instrument" means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument;

(3) To "falsely alter" a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner;

(4) To "falsely complete" a written instrument means to transform an incomplete written instrument into a complete one by adding or inserting matter, without the authority of anyone entitled to grant it;

(5) To "falsely make" a written instrument means to make or draw a complete or incomplete written instrument which purports to be authentic, but which is not authentic either because the ostensible maker is fictitious or because, if real, he or she did not authorize the making or drawing thereof;

(6) "Forged digital likeness" means a visual representation of an actual and identifiable individual, or an audio recording of an actual and identifiable individual's voice, which:

(a) Has been digitally created, adapted, altered, or modified to be indistinguishable from a genuine visual representation or audio recording of the individual;

(b) Misrepresents the appearance, speech, or conduct of the individual; and

(c) Is likely to deceive a reasonable person into believing that the visual representation or audio recording is genuine;

(7) "Forged instrument" means a written instrument which has been falsely made, completed, or altered;

((~~(7)~~)) (8) "Visual representation" means any pictorial or motion picture representation, regardless of the media used;

(9) "Written instrument" means: (a) Any paper, document, or other instrument containing written or printed matter or its equivalent; or (b) any access device, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege, or identification.

Sec. 2. RCW 9A.60.045 and 2004 c 124 s 1 and 2004 c 11 s 2 are each reenacted and amended to read as follows:

(1) A person is guilty of criminal impersonation in the second degree if the person:

(a)(i) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and

(ii) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer; ((~~or~~))

(b) Falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity; or

(c)(i) Knowingly distributes a forged digital likeness of another person as a genuine visual representation or audio recording with intent to defraud, harass, threaten, or intimidate another or for any other unlawful purpose; and

(ii) Knows or reasonably should know that the forged digital likeness is not genuine.

(2) Criminal impersonation in the second degree is a gross misdemeanor.

(3) Nothing in subsection (1)(c) of this section shall be construed to prohibit the distribution of visual representations or audio recordings for matters of cultural, historical, political, religious, educational, newsworthy, or public interest including, but not limited to, use in works of art, commentary, satire, and parody protected by the Washington state Constitution or the United States Constitution.

(4) Nothing in subsection (1)(c) of this section shall be construed to impose liability upon the following entities solely as a result of content provided by another person:

(a) An interactive computer service, as defined in Title 47 U.S.C. Sec. 230(f)(2);

(b) A mobile telecommunications service provider, as defined in RCW 82.04.065; or

(c) A telecommunications network or broadband provider.

Passed by the House March 4, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 52

[House Bill 1156]

DEFERRED COMPENSATION PROGRAM—VOLUNTEER FIREFIGHTERS

AN ACT Relating to volunteer firefighter participation in the state deferred compensation program; and amending RCW 41.50.770.

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

Sec. 1. RCW 41.50.770 and 2022 c 72 s 1 are each amended to read as follows:

(1) "Employee" as used in this section and RCW 41.50.780 includes all full-time, part-time, and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of the government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and of the superior and district courts; volunteer firefighter participants under RCW 41.24.010(8)(a); and members of the state legislature or of the legislative authority of any county, city, or town.

(2) The state, through the department, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the amount allowable under 26 U.S.C. Sec. 401(a) or 457, and deposit or invest such deferred portion in a credit union, savings and loan association, bank, or mutual savings bank or purchase life insurance, shares of an investment company, individual securities, or fixed and/or variable annuity contracts from any insurance company or any investment company licensed to contract business in this state.

(3) Beginning no later than January 1, 2017, all persons newly employed by the state on a full-time basis who are eligible to participate in a deferred compensation plan under 26 U.S.C. Sec. 457 shall be enrolled in the state deferred compensation plan unless the employee affirmatively elects to waive participation in the plan. Persons who participate in the plan without having selected a deferral amount or investment option shall contribute three percent of taxable compensation to their plan account which shall be invested in a default option selected by the state investment board in consultation with the director. This subsection does not apply to higher education undergraduate and graduate student employees and shall be administered consistent with the requirements of the federal internal revenue code.

(4) Beginning no later than January 1, 2017, any county, municipality, or other political subdivision offering the state deferred compensation plan authorized under this section, may choose to administer the plan with an opt-out feature for new employees as described in subsection (3) of this section.

(5) Beginning no later than December 1, 2023, the department must offer employees a Roth option in the deferred compensation plan under 26 U.S.C. Sec. 457.

(6) Employees participating in the state deferred compensation plan under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26 U.S.C. Sec. 401(a) administered by the department shall self-direct the investment of the deferred portion of their income through the selection of investment options as set forth in subsection (7) of this section.

(7) The department can provide such plans as it deems are in the interests of state employees. In addition to the types of investments described in this section, the state investment board, with respect to the state deferred compensation plan under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26

U.S.C. Sec. 401(a), shall invest the deferred portion of an employee's income, without limitation as to amount, in accordance with RCW 43.84.150, 43.33A.140, and 41.50.780, and pursuant to investment policy established by the state investment board for the state deferred compensation plan under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26 U.S.C. Sec. 401(a). The state investment board, after consultation with the director regarding any recommendations made pursuant to RCW 41.50.088(2), shall provide a set of options for participants to choose from for investment of the deferred portion of their income. Any income deferred under these plans shall continue to be included as regular compensation, for the purpose of computing the state or local retirement and pension benefits earned by any employee.

(8) Any retirement strategy fund asset mix may include investment in a state investment board commingled fund. Retirement strategy fund means one of several diversified asset allocation portfolios managed by investment advisors under contract to the state investment board. The state investment board shall declare unit values for its commingled funds no less than monthly for the funds or portions thereof requiring valuation. The declared values shall be an approximation of portfolio or fund values, and both the values and the frequency of the valuation shall be based on internal procedures of the state investment board. Such declared unit values, the frequency of their valuation, and internal procedures shall be in the sole discretion of the state investment board. The state investment board may delegate any of the powers and duties under this subsection, including discretion, pursuant to RCW 43.33A.030.

(9) Coverage of an employee or volunteer firefighter under optional salary deferral programs under this section shall not render such employee ineligible for simultaneous membership and participation in any pension system for public employees.

Passed by the House February 20, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 53

[House Bill 1842]

PUBLIC UTILITY DISTRICTS—CAPTIVE INSURERS

AN ACT Relating to allowing public utility districts to form, own, or use captive insurers; amending RCW 48.62.011, 48.62.031, and 48.201.020; and adding a new section to chapter 54.04 RCW.

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

Sec. 1. RCW 48.62.011 and 2019 c 26 s 1 are each amended to read as follows:

(1) This chapter is intended to provide the exclusive source of local government entity authority to individually or jointly self-insure risks, jointly purchase insurance or reinsurance, become a captive owner as defined in RCW 48.201.020, and to contract for risk management, claims, and administrative services. This chapter shall be liberally construed to grant local government entities maximum flexibility in self-insuring to the extent the self-insurance

programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every individual local government self-insured employee health and welfare benefit program and every joint local government self-insurance program. In addition, this chapter is intended to require every local government entity that establishes a self-insurance program not subject to prior approval to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW, or industrial insurance under chapter 51.14 RCW.

(2) This chapter is further intended to enable the board of pilotage commissioners to participate in a local government joint self-insurance program covering liability risks.

Sec. 2. RCW 48.62.031 and 2019 c 26 s 3 are each amended to read as follows:

(1) The governing body of a local government entity may individually self-insure, may join or form a self-insurance program together with other entities, including the board of pilotage commissioners, and may jointly purchase insurance or reinsurance with those other entities for property and liability risks, and health and welfare benefits only as permitted under this chapter. In addition, the entity or entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The agreement to form a joint self-insurance program shall be made under chapter 39.34 RCW and may create a separate legal or administrative entity with powers delegated thereto.

(3) Every individual and joint self-insurance program is subject to audit by the state auditor.

(4) If provided for in the agreement or contract established under chapter 39.34 RCW, a joint self-insurance program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in such form and amount as the program's participants agree by contract;

(e) Obligate the program's participants to pledge revenues or contribute money to secure the obligations or pay the expenses of the program, including the establishment of a reserve or fund for coverage; and

(f) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

(5) A self-insurance program formed and governed under this chapter that has decided to assume a risk of loss must have available for inspection by the state auditor a written report indicating the class of risk or risks the governing body of the entity has decided to assume.

(6) Every joint self-insurance program governed by this chapter shall appoint the risk manager as its attorney to receive service of, and upon whom shall be served, all legal process issued against it in this state upon causes of action arising in this state.

(a) Service upon the risk manager as attorney shall constitute service upon the program. Service upon joint insurance programs subject to chapter 30, Laws of 1991 sp. sess. can be had only by service upon the risk manager. At the time of service, the plaintiff shall pay to the risk manager a fee to be set by the risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the risk manager, each joint self-insurance program shall designate by name and address the person to whom the risk manager shall forward legal process so served upon him or her. The joint self-insurance program may change such person by filing a new designation.

(c) The appointment of the risk manager as attorney shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the joint self-insurance program, and shall remain in effect as long as there is in force in this state any contract made by the joint self-insurance program or liabilities or duties arising therefrom.

(d) The risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, shall be sent by the risk manager, to the person designated for the purpose by the joint self-insurance program in its most recent such designation filed with the risk manager. No proceedings shall be had against the joint self-insurance program, and the program shall not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the risk manager.

(7) Public utility districts established under Title 54 RCW may form, own, or use captive insurers in accordance with chapter 48.201 RCW.

Sec. 3. RCW 48.201.020 and 2021 c 281 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means an entity directly or indirectly controlling, controlled by, or under common control with another entity, such as a parent or a subsidiary corporation. "Affiliate" also means any person that holds an insured interest because that person has or had an employment or sales contract with an insured person.

(2) "Captive owner" means one of the following:

(a) An entity that is organized under Title 23B, 24, or 25 RCW, or analogous provisions of the law of another state or territory; ((~~or~~))

(b) A public institution of higher education; or

(c) A municipal corporation organized under Title 54 RCW.

(3) "Casualty insurance" has the same meaning as "general casualty insurance" as defined in RCW 48.11.070.

(4) "Control" means possession of the power to direct the management and policies of an entity through ownership of voting securities, by contract, or otherwise.

(5) "Eligible captive insurer" means an insurance company with the following characteristics:

(a) It is wholly or partially owned by a captive owner or, by contract, the captive owner is a participant or member of the insurance company;

(b) It insures risks of the captive owner, the captive owner's other affiliates, or both;

(c) One or more of its insureds have their principal place of business in Washington;

(d) It has assets that exceed its liabilities by at least $1,000,000 and has the ability to pay its debts as they come due, both as verified by audited financial statements prepared by an independent certified accountant; and

(e) It is licensed as a captive insurer by the jurisdiction in which it is domiciled.

(6) "Property insurance" has the same meaning as in RCW 48.11.040.

(7) "Public institution of higher education" means an institution of higher education as defined in RCW 28B.10.016.

NEW SECTION. **Sec. 4.** A new section is added to chapter 54.04 RCW to read as follows:

A public utility district may be a captive owner as defined in RCW 48.201.020.

Passed by the House March 11, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 54

[House Bill 1064]

INTERAGENCY, MULTIJURISDICTIONAL SYSTEM IMPROVEMENT TEAM—EXPIRATION DATE

AN ACT Relating to eliminating the expiration of the interagency, multijurisdictional system improvement team; reenacting and amending RCW 43.155.150; creating a new section; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** The legislature recognizes that in the 2017 legislative session the public works board and the departments of commerce, ecology, and health were directed to facilitate meetings among state infrastructure programs to identify, implement, and report on system improvements to maximize state investments to benefit communities, minimize overall costs and disturbance to the community, and ensure long-term durability and resilience. The legislature finds that this directive led to an interagency team representing the public works board, the transportation improvement board, and the departments of commerce, ecology, health, and transportation, informally called SYNC, which meets monthly using existing resources to coordinate infrastructure projects and financing to increase efficiencies and reduce costs, helping local governments meet their infrastructure needs.

The legislature also recognizes that in the 2021 legislative session, the interagency team's work was extended through June 30, 2025. The legislature finds that SYNC's partner agencies are planning the next generation of infrastructure coordination, specifically reaching out to distressed and rural

communities across the state that have not yet secured the full benefits of infrastructure assistance and working together on emerging environmental issues facing Washington's communities. The legislature further finds that to maximize the value of state investments across infrastructure programs, it is critical to maintain SYNC's coordination of infrastructure financing, policy, and projects. Therefore, the legislature intends to remove the sunset date of the interagency team and to request a progress report on the work of the team prior to the beginning of each fiscal biennium.

Sec. 2. RCW 43.155.150 and 2021 c 332 s 7033 and 2021 c 190 s 1 are each reenacted and amended to read as follows:

(1) An interagency, multijurisdictional system improvement team must identify, implement, and report on system improvements that achieve the designated outcomes, including:

(a) Projects that maximize value, minimize overall costs and disturbance to the community, and ensure long-term durability and resilience;

(b) Projects that are designed to meet the unique needs of each community, rather than the needs of particular funding programs;

(c) Project designs that maximize long-term value by fully considering and responding to anticipated long-term environmental, technological, economic and population changes;

(d) The flexibility to innovate, including utilizing natural systems, addressing multiple regulatory drivers, and forming regional partnerships;

(e) The ability to plan and collaborate across programs and jurisdictions so that different investments are packaged to be complementary, timely, and responsive to economic and community opportunities;

(f) The needed capacity for communities, appropriate to their unique financial, planning, and management capacities, so they can design, finance, and build projects that best meet their long-term needs and minimize costs;

(g) Optimal use and leveraging of federal and private infrastructure dollars; and

(h) Mechanisms to ensure periodic, systemwide review and ongoing achievement of the designated outcomes.

(2) The system improvement team must consist of representatives of state infrastructure programs that provide funding for drinking water, wastewater, stormwater, and broadband programs, including but not limited to representatives from the public works board, department of ecology, department of health, and the department of commerce. The system improvement team may invite representatives of other infrastructure programs, such as transportation, energy, and broadband, as needed in order to achieve efficiency, minimize costs, and maximize value across infrastructure programs. The system improvement team shall also consist of representatives of users of those programs, representatives of infrastructure project builders, and other parties the system improvement team determines would contribute to achieving the desired outcomes, including but not limited to representatives from a state association of cities, a state association of counties, a state association of public utility districts, a state association of water and sewer districts, a state association of general contractors, and a state organization representing building trades. The public works board, a representative from the department of ecology, department of

health, and department of commerce shall facilitate the work of the system improvement team.

(3) The system improvement team must focus on achieving the designated outcomes within existing program structures and authorities. The system improvement team shall use lean practices to achieve the designated outcomes.

(4) The system improvement team shall provide briefings as requested to the public works board on the current state of infrastructure programs to build an understanding of the infrastructure investment program landscape and the interplay of its component parts.

(5) If the system improvement team encounters statutory or regulatory barriers to system improvements, the system improvement team must inform the public works board and consult on possible solutions. When achieving the designated outcomes would be best served through changes in program structures or authorities, the system improvement team must report those findings to the public works board.

(6) ((~~By September 1, 2022~~)) Beginning November 1, 2026, in compliance with RCW 43.01.036, the system improvement team must submit a biennial report to the appropriate committees of the legislature that includes the following:

(a) A list of all projects funded by members of the system improvement team;

(b) A description of the coordination the system improvement team has completed with other grant programs and funds leveraged; and

(c) A description of regional planning that has occurred.

((~~(7) This section expires June 30, 2025.~~))

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2025.

Passed by the House March 5, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 55

[Engrossed Second Substitute House Bill 1174]

COURT INTERPRETERS—VARIOUS PROVISIONS

AN ACT Relating to court interpreters; amending RCW 2.43.010, 2.43.030, 2.43.050, 2.43.060, 2.43.080, 2.43.070, 2.43.040, 2.43.090, 2.56.030, 7.105.245, 13.04.043, and 2.42.120; reenacting and amending RCW 2.43.020; adding new sections to chapter 2.43 RCW; and recodifying RCW 2.43.040 and 2.43.080.

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

Sec. 1. RCW 2.43.010 and 1989 c 358 s 1 are each amended to read as follows:

It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the

English language, and who consequently cannot be fully protected in legal proceedings unless ((~~qualified~~)) interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the use and procedure for the appointment of such interpreters. ((~~Nothing in chapter 358, Laws of 1989 abridges the parties' rights or obligations under other statutes or court rules or other law.~~))

Sec. 2. RCW 2.43.020 and 2010 c 190 s 2 are each reenacted and amended to read as follows:

As used in this chapter:

(1) ((~~"Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof.~~

~~(2) "Certified interpreter" means an interpreter who is certified by the administrative office of the courts.~~

~~(3)~~)) "Credentialed interpreter" means an interpreter who is credentialed by the administrative office of the courts in a spoken language.

(2) "Judicial officer" means a judge, commissioner, or magistrate of any court.

(3) "Language access plan" means a plan that is publicly available which contains the elements required by RCW 2.43.090.

(4) "Legal proceeding" means ((~~a~~)) any proceeding in any court ((~~in this state, grand jury hearing, or hearing~~)), and in any type of hearing before ((~~an inquiry judge,~~)) a judicial officer, an administrative law judge, or before an administrative board, commission, agency, or licensing body of the state or any political subdivision ((~~thereof~~)).

(((~~(4) "Non-English-speaking person"~~)) (5) "Person with limited English proficiency" means ((~~any~~)) a person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include ((~~hearing-impaired persons~~)) deaf, deaf-blind, and hard of hearing individuals who are covered under chapter 2.42 RCW.

(((~~(5) "Qualified interpreter" means a person who is able readily to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking persons into spoken English.~~))

(6) ((~~"Registered interpreter" means an interpreter who is registered by the administrative office of the courts.~~)) "Presiding officer" means the judicial officer or similar official of any court, department, board, commission, agency, or licensing authority of the state or of any political subdivision thereof.

Sec. 3. RCW 2.43.030 and 2005 c 282 s 3 are each amended to read as follows:

(1) ((~~Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.~~

~~(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.~~

~~(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing~~

~~authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the administrative office of the courts, unless good cause is found and noted on the record by the appointing authority. For purposes of chapter 358, Laws of 1989, "good cause" includes but is not limited to a determination that:~~

~~(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a certified interpreter are not reasonably available to the appointing authority; or~~

~~(ii) The current list of certified interpreters maintained by the administrative office of the courts does not include an interpreter certified in the language spoken by the non-English-speaking person.~~

~~(c) Except as otherwise provided in this section, when a non-English-speaking person is involved in a legal proceeding, the appointing authority shall appoint a qualified interpreter.~~)) (a) Credentialed interpreters shall be appointed in legal proceedings involving participation of persons with limited English proficiency, unless good cause is found on the record for appointing a noncredentialed interpreter.

(b) For purposes of this chapter, "good cause" includes, but is not limited to, a determination that:

(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a credentialed interpreter are not reasonably available; or

(ii) The current list of interpreters maintained by the administrative office of the courts does not include an interpreter credentialed in the language spoken by the person with limited English proficiency.

(2) If good cause is found for using an interpreter who is not ((~~certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:~~

~~(a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and~~

~~(b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules~~)) credentialed, the judicial or presiding officer shall make a preliminary determination on the record that the proposed interpreter is able to interpret accurately all communications to and from the person with limited English proficiency in that particular proceeding. The judicial or presiding officer shall consider testimony and the needs of the person with limited English proficiency in making this determination.

(3) After an appropriate colloquy or other process permitted by statute or regulation, the judicial or presiding officer shall satisfy itself and state on the record that:

(a) The proposed interpreter is capable of communicating effectively in English and in the non-English language. If the interpreter is assigned to interpret between two non-English languages (relay interpreter), the interpreter shall not be required to communicate in English;

(b) The proposed interpreter has read, understands, and will abide by the code of professional responsibility for judiciary interpreters established by court rule. If the interpreter does not meet this requirement, the interpreter may be given time to review the code of professional responsibility for judiciary interpreters; and

(c) The person with limited English proficiency can understand the interpreter.

(4) The court shall inquire whether the interpreter can accurately interpret:

(a) In the consecutive mode, if that mode of interpretation is expected to be used; and

(b) In the simultaneous mode, if that mode of interpretation is expected to be used.

(5) If the proposed interpreter does not meet the criteria in subsection (3) of this section, another interpreter must be used.

Sec. 4. RCW 2.43.050 and 2017 c 83 s 2 are each amended to read as follows:

(1)(a) Upon ((~~certification or registration with the administrative office of the courts, certified or registered~~)) obtaining an interpreter credential with the administrative office of the courts, credentialed interpreters shall take ((~~an~~)) a permanent oath, affirming that the interpreter will make a true interpretation ((~~to the person being examined~~)) of all the proceedings ((~~in a language which the person understands,~~)) and that the interpreter will repeat the statements of the person ((~~being examined~~)) with limited English proficiency to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

(b) The administrative office of the courts shall maintain the list of credentialed interpreters and a record of the oath in the same manner ((~~that the list of certified and registered interpreters is maintained~~)).

(2) ((~~Before~~)) Subject to other processes permitted by statute or regulation, before any person serving as an interpreter for the court or agency begins to interpret, the ((~~appointing authority~~)) judicial or presiding officer shall require the interpreter to state the interpreter's name on the record and whether the interpreter is a ((~~certified or registered~~)) credentialed interpreter. If the interpreter is not a ((~~certified or registered~~)) credentialed interpreter, the interpreter must ((~~submit the interpreter's qualifications~~)) be qualified on the record.

(3) Before beginning to interpret, every interpreter appointed under this chapter shall take an oath unless the interpreter is a ((~~certified or registered~~)) credentialed interpreter who has taken the oath as required in subsection (1) of this section. The oath must affirm that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

Sec. 5. RCW 2.43.060 and 1989 c 358 s 6 are each amended to read as follows:

(1) The right to ((~~a qualified~~)) an interpreter may not be waived except when:

(a) A ((~~non-English-speaking~~)) person with limited English proficiency requests a waiver on the record; and

(b) The ((~~appointing authority~~)) judicial or presiding officer determines on the record that the waiver has been made knowingly, voluntarily, and intelligently.

(2) ((~~Waiver of a qualified interpreter~~)) The waiver of the right to an interpreter may be set aside and an interpreter appointed((~~, in~~)) at the discretion of the ((~~appointing authority,~~)) judicial or presiding officer at any time during the proceedings.

(3) The waiver of the right to an interpreter does not preclude a person with limited English proficiency from exercising the right to an interpreter at a later time.

Sec. 6. RCW 2.43.080 and 1989 c 358 s 8 are each amended to read as follows:

All language interpreters serving in a legal proceeding, whether or not ((~~certified or qualified~~)) credentialed, shall abide by a code of ((~~ethics~~)) professional responsibility for judiciary interpreters established by supreme court rule.

NEW SECTION. **Sec. 7.** A new section is added to chapter 2.43 RCW to read as follows:

The court shall appoint a team of interpreters as required by supreme court rule.

Sec. 8. RCW 2.43.070 and 2005 c 282 s 4 are each amended to read as follows:

(1) Subject to the availability of funds, the administrative office of the courts shall establish and maintain a credentialing program for spoken language interpreters and administer ((~~a~~)) comprehensive testing ((~~and certification program for language interpreters~~)).

(2) The administrative office of the courts shall work cooperatively with ((~~community colleges and other~~)) public or private ((~~or public~~)) educational institutions, and with other public or private organizations to establish ((~~a certification preparation curriculum and~~)) suitable training programs and engage in recruitment efforts to ensure the availability of ((~~certified~~)) credentialed interpreters. Training programs shall be made readily available in both eastern and western Washington locations.

(3) The administrative office of the courts shall establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(4) The administrative office of the courts shall conduct periodic examinations to ensure the availability of ((~~certified~~)) credentialed interpreters. Periodic examinations shall be made readily available in both eastern and western Washington locations.

(5) The administrative office of the courts shall compile, maintain, and disseminate a current list of interpreters ((~~certified~~)) credentialed by the office.

(6) The administrative office of the courts may charge reasonable fees for testing, training, and ((~~certification~~)) credentialing.

(7) The administrative office of the courts may create different credentials and provide guidance for the selection and use of credentialed and

noncredentialed interpreters to ensure the highest standards of accuracy are maintained in all judicial proceedings.

Sec. 9. RCW 2.43.040 and 2023 c 102 s 1 are each amended to read as follows:

(1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2)(a) In all legal proceedings ((~~in which the non-English-speaking person is a party, or is subpoenaed or summoned by the appointing authority or is otherwise compelled by the appointing authority to appear, including criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other legal proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings.~~

~~(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.~~

~~(4)~~)), a person with limited English proficiency is not responsible for the cost of the interpreter if that person is:

(i) A party;

(ii) Subpoenaed or summoned;

(iii) A parent, guardian, or custodian of a juvenile; or

(iv) Compelled to appear.

(b) In legal proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings.

(3) Subject to the availability of funds specifically appropriated ((~~therefor~~)) for this purpose, the administrative office of the courts shall reimburse the ((~~appointing authority for up to one-half of the payment to the interpreter where an interpreter is appointed by a judicial officer in a proceeding before a court at public expense and:~~

~~(a) The interpreter appointed is an interpreter certified by the administrative office of the courts or is a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter has been qualified by the judicial officer pursuant to this chapter;~~

~~(b) The court conducting the legal proceeding has an approved language assistance plan that complies with RCW 2.43.090; and~~

~~(c) The fee paid to the interpreter for services is in accordance with standards established by the administrative office of the courts~~)) participating state court for language access services costs and one-half of the payment of interpreter costs for legal proceedings unless a higher reimbursement rate is established in the omnibus budget.

Sec. 10. RCW 2.43.090 and 2008 c 291 s 1 are each amended to read as follows:

(1) ((~~Each trial court~~)) Trial courts organized under this title and Titles 3 and 35 RCW must develop and maintain a written language ((~~assistance~~)) access plan to provide a framework for the provision of ((~~interpreter~~)) language access services for ((~~non-English-speaking~~)) persons with limited English proficiency accessing the court system and its programs in both civil and criminal legal matters. Courts may use a template developed by the administrative office of the courts in developing their language access plan.

(2) The language ((~~assistance~~)) access plan must at a minimum include((~~, at a minimum, provisions addressing~~)) provisions designed to provide procedures for court staff and the public, as may be necessary, that address the following:

(a) Procedures to identify and ((~~assess~~)) provide the language needs of ((~~non-English-speaking~~)) persons with limited English proficiency using the court system;

(b) Procedures for ((~~the appointment of~~)) requesting and appointing interpreters as required under RCW 2.43.030((~~. Such procedures shall not require the non-English-speaking person to make the arrangements for the interpreter to appear in court~~));

(c) Procedures for notifying court users of the right to an interpreter and the availability of interpreter services. Such information shall be prominently displayed in the courthouse in the five ((~~foreign~~)) or more languages other than English that ((~~census~~)) reputable data indicates are predominate in the jurisdiction;

(d) A process for providing timely communication ((~~with non-English speakers by~~)) between individuals with limited English proficiency and all court employees who have regular contact with the public and ((~~meaningful~~)) effective access to court ((~~services, including access to~~)) services provided by the clerk's office and other court-managed programs;

(e) Procedures for evaluating the need for translation of written materials, and prioritizing and providing those ((~~translation needs, and translating the highest priority materials. These procedures~~)) translated materials. Courts should take into account the frequency of use of forms by the language group, and the cost of ((~~orally interpreting~~)) providing the forms by other means;

(f) A process for ((~~requiring and providing~~)) training ((~~to~~)) judges, court clerks, and ((~~other~~)) court staff on ((~~the requirements of the language assistance plan~~)) best practices in serving individuals with limited English proficiency in legal proceedings and how to effectively ((~~access~~)) assign and work with interpreters and provide interpretation; and

(g) A process for an ongoing evaluation of the language ((~~assistance~~)) access plan and a process for monitoring ((~~of~~)) the implementation of the language ((~~assistance~~)) access plan.

((~~(2)~~)) (3) Each court, when developing its language ((~~assistance~~)) access plan, must consult with judges, court administrators ((~~and~~)), court staff, court clerks, interpreters, and members of the community, such as domestic violence organizations, pro bono programs, courthouse facilitators, legal services programs, and/or other community groups whose members speak a language other than English.

((~~(3) Each court must provide a copy of its language assistance plan to the interpreter commission established by supreme court rule for approval prior to receiving state reimbursement for interpreter costs under this chapter.~~

~~(4) Each court receiving reimbursement for interpreter costs under RCW 2.42.120 or 2.43.040 must provide to the administrative office of the courts by November 15, 2009, a report detailing an assessment of the need for interpreter services for non-English speakers in court-mandated classes or programs, the extent to which interpreter services are currently available for court-mandated classes or programs, and the resources that would be required to ensure that interpreters are provided to non-English speakers in court-mandated classes or programs. The report shall also include the amounts spent annually on interpreter services for fiscal years 2005, 2006, 2007, 2008, and 2009. The administrative office of the courts shall compile these reports and provide them along with the specific reimbursements provided, by court and fiscal year, to the appropriate committees of the legislature by December 15, 2009.~~))

(4) Beginning January 1, 2026, and every two years thereafter, all courts must submit their most recent language access plan to the administrative office of the courts.

(5) The administrative office of the courts shall provide technical assistance to trial courts in developing their language access plans.

(6) Each court must provide a copy of its language access plan to the administrative office of the courts in accordance with criteria for approval recommended by the interpreter and language access commission for approval prior to receiving state reimbursement for interpreter costs under this chapter.

(7) Each court shall make available on its website translated information that informs the public of procedures necessary to access a court's language access services and programs. The information shall be provided in five or more languages other than English that reputable data indicates are predominant in the jurisdiction.

Sec. 11. RCW 2.56.030 and 2019 c 271 s 5 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of hate crime offenses, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of hate crime offense victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and

cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21) Administer the family and juvenile court improvement grant program;

(22)(a) Administer and distribute amounts appropriated under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met;

(23) Subject to the availability of funds specifically appropriated therefor, assist courts in the development and implementation of language ((~~assistance~~)) access plans required under RCW 2.43.090.

Sec. 12. RCW 7.105.245 and 2021 c 215 s 33 are each amended to read as follows:

(1) Pursuant to chapter 2.42 RCW, in order to ensure that parties have meaningful access to the court, an interpreter shall be appointed for any party who is deaf, hard of hearing, deaf-blind, or has a speech impairment and cannot readily understand or communicate in spoken language. Notwithstanding the provisions of chapter 2.42 RCW, the court shall not:

(a) Appoint an interpreter who is not credentialed or duly qualified by the court to provide interpretation services; or

(b) Appoint a person to provide interpretation services if that person is serving as an advocate for the party.

(2) Pursuant to chapter 2.43 RCW, in order to ensure that parties have meaningful access to the court, an interpreter shall be appointed for any party who ((~~cannot readily speak or understand the English language~~)) has limited English proficiency. Notwithstanding the provisions of chapter 2.43 RCW, the court shall not:

(a) Appoint an interpreter who is not credentialed or duly qualified by the court to provide interpretation services; or

(b) Appoint a person to provide interpretation services if that person is serving as an advocate for the party.

(3) Once an interpreter has been appointed for a party, the party shall no longer be required to make further requests for the appointment of an interpreter for subsequent hearings or proceedings. The clerk shall identify the party as a person who needs interpreter services and the clerk or the court administrator shall be responsible for ensuring that an interpreter is available for every subsequent hearing.

(4) The interpreter shall interpret for the party meeting with either counsel or court staff, or both, for the purpose of preparing forms and participating in the hearing and court-ordered assessments, and the interpreter shall sight translate any orders.

(5) The same interpreter shall not serve parties on both sides of the proceeding when not on the record, nor shall the interpreter appointed by the court for the proceeding be the same interpreter appointed for any court-ordered assessments, unless the court finds good cause on the record to do so because it is not possible to obtain more than one interpreter for the proceeding, or the safety of the litigants is not compromised, or any other reasons identified by the court.

(6) Courts shall make a private space available for parties, counsel, and/or court staff and interpreters to sight translate any written documents or to meet and confer.

(7) When a hearing is conducted through telephone, video, or other electronic means, the court must make appropriate arrangements to permit interpreters to serve the parties and the court as needed.

Sec. 13. RCW 13.04.043 and 1993 c 415 s 6 are each amended to read as follows:

The administrator of juvenile court shall obtain interpreters as needed consistent with the intent and practice of chapter 2.43 RCW, to enable ((~~non-English speaking~~)) youth with limited English proficiency and their families to participate in detention, probation, or court proceedings and programs.

NEW SECTION. **Sec. 14.** RCW 2.43.040 and 2.43.080 are each recodified as sections in chapter 2.43 RCW.

Sec. 15. RCW 2.42.120 and 2008 c 291 s 2 are each amended to read as follows:

(1) If a hearing impaired person is a party or witness at any stage of a judicial or quasi-judicial proceeding in the state or in a political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings, and any proceeding in which a hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(2) If the parent, guardian, or custodian of a juvenile brought before a court is hearing impaired, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(3) ((~~If a hearing impaired person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, or required as a condition of probation or parole, the appointing authority shall appoint and pay~~

~~for a qualified interpreter to interpret exchange of information during the program or activity.~~

~~(4) If a law enforcement agency conducts a criminal investigation involving the interviewing of a hearing impaired person, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. Whenever a law enforcement agency conducts a criminal investigation involving the interviewing of a minor child whose parent, guardian, or custodian is hearing impaired, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.~~

~~(5) If a hearing impaired person is arrested for an alleged violation of a criminal law the arresting officer or the officer's supervisor shall, at the earliest possible time, procure and arrange payment for a qualified interpreter for any notification of rights, warning, interrogation, or taking of a statement. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.~~

~~(6)~~)) Where it is the policy and practice of a court of this state or of a political subdivision to appoint and pay counsel for persons who are indigent, the appointing authority shall appoint and pay for a qualified interpreter for hearing impaired persons to facilitate communication with counsel in all phases of the preparation and presentation of the case.

(((~~(7)~~))) (4) Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter where a qualified interpreter is appointed for a hearing impaired person by a judicial officer in a proceeding before a court under subsection (1)((~~,~~)) or (2)((~~, or (3)~~)) of this section in compliance with the provisions of RCW 2.42.130 and 2.42.170.

Passed by the House March 5, 2025.
Passed by the Senate April 7, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 56

[House Bill 1215]

NATURAL DEATH ACT—MODEL DIRECTIVE FORM—REFERENCES TO PREGNANCY

AN ACT Relating to removing references to pregnancy from the model directive form under the natural death act; and amending RCW 70.122.030.

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

Sec. 1. RCW 70.122.030 and 2019 c 209 s 2 are each amended to read as follows:

(1) Any adult person may execute a directive directing the withholding or withdrawal of life-sustaining treatment in a terminal condition or permanent unconscious condition. The directive shall be signed by the declarer and acknowledged before a notary public or other individual authorized by law to take acknowledgments or signed by the declarer in the presence of two witnesses

not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded by the custodian of the records to the health facility when the withholding or withdrawal of life-support treatment is contemplated. The directive may be in the following form and may include a notarial certificate for an acknowledgment in an individual capacity in short form as permitted by state law, but in addition may include other specific directions:

Health Care Directive

Directive made this . . . . day of . . . . . (month, year).

I . . . . ., having the capacity to make health care decisions, willfully, and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should be diagnosed in writing to be in a terminal condition by the attending physician, or in a permanent unconscious condition by two physicians, and where the application of life-sustaining treatment would serve only to artificially prolong the process of my dying, I direct that such treatment be withheld or withdrawn, and that I be permitted to die naturally. I understand by using this form that a terminal condition means an incurable and irreversible condition caused by injury, disease, or illness, that would within reasonable medical judgment cause death within a reasonable period of time in accordance with accepted medical standards, and where the application of life-sustaining treatment would serve only to prolong the process of dying. I further understand in using this form that a permanent unconscious condition means an incurable and irreversible condition in which I am medically assessed within reasonable medical judgment as having no reasonable probability of recovery from an irreversible coma or a persistent vegetative state.

(b) In the absence of my ability to give directions regarding the use of such life-sustaining treatment, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and I accept the consequences of such refusal. If another person is appointed to make these decisions for me, whether through a durable power of attorney or otherwise, I request that the person be guided by this directive and any other clear expressions of my desires.

(c) If I am diagnosed to be in a terminal condition or in a permanent unconscious condition (check one):

I DO want to have artificially provided nutrition and hydration.

I DO NOT want to have artificially provided nutrition and hydration.

(d) ((~~If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.~~

~~(e)~~))) I understand the full import of this directive and I am emotionally and mentally capable to make the health care decisions contained in this directive.

(((~~(f)~~))) (e) I understand that before I sign this directive, I can add to or delete from or otherwise change the wording of this directive and that I may add to or delete from this directive at any time and that any changes shall be consistent with Washington state law or federal constitutional law to be legally valid.

(((~~(g)~~))) (f) It is my wish that every part of this directive be fully implemented. If for any reason any part is held invalid it is my wish that the remainder of my directive be implemented.

Signed . . . . . .

City, County, and State of Residence

The declarer has been personally known to me or has provided proof of identity and I believe him or her to be capable of making health care decisions.

Witness . . . . . .

Witness . . . . . .

(2) Prior to withholding or withdrawing life-sustaining treatment, the diagnosis of a terminal condition by the attending physician or the diagnosis of a permanent unconscious state by two physicians shall be entered in writing and made a permanent part of the patient's medical records.

(3) A directive executed in another political jurisdiction is valid to the extent permitted by Washington state law and federal constitutional law.

Passed by the House February 13, 2025.
Passed by the Senate April 7, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 57

[House Bill 1275]

INDUSTRIAL INSURANCE—SELF-INSURED STATUS TERMINATION—EMPLOYER OBLIGATIONS

AN ACT Relating to establishing department authority to ensure payment is received from the self-insured employer after a self-insured group or municipal employer has their self-insurer certification withdrawn; and adding a new section to chapter 51.14 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 51.14 RCW to read as follows:

(1) For self-insurers authorized under RCW 51.14.150 and self-insurers who are counties, cities, or municipal employers who have their self-insurer status terminated by the director pursuant to RCW 51.14.080, the department shall fulfill the decertified self-insured employer's obligations including paying compensation. The decertified self-insured employer is liable to and shall reimburse the department all payments made through periodic charges not less than quarterly in a manner to be determined by the director.

(2) The director shall adopt rules to carry out the purposes of this section including, but not limited to, rules regarding continuing obligations of decertified self-insured employers and methods of how the self-insured employer shall meet financial obligations.

Passed by the House March 4, 2025.
Passed by the Senate April 3, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 58

[Substitute House Bill 1281]

TECHNICAL CORRECTIONS

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 1.16.050, 9.94A.507, 18.225.090, 23B.13.200, 23B.13.210, 23B.13.220, 66.04.021, 6.15.060, 9.94A.840, 9.94B.020, 9.95.040, 9A.56.120, 12.36.020, 18.73.270, 18.330.040, 19.116.040, 19.182.040, 28A.600.385, 28B.20.810, 28B.76.730, 35.82.080, 35.82.285, 36.32.440, 38.52.020, 38.52.390, 41.32.345, 41.56.465, 41.56.492, 43.20B.670, 43.21A.662, 43.70.670, 43.216.152, 43.330.430, 43.330.435, 46.18.205, 46.61.100, 48.20.555, 48.21.375, 51.14.150, 59.22.020, 64.34.216, 64.34.316, 64.34.324, 64.34.400, 69.25.030, 70.14.050, 70.122.020, 71.09.098, 71A.12.210, 71A.12.220, 74.04.00511, 74.04.300, 74.04.670, 79A.05.065, 80.70.020, 88.02.610, 18.20.230, 18.50.032, 18.79.010, 18.79.040, 18.79.050, 18.79.070, 18.79.080, 18.79.090, 18.79.100, 18.79.110, 18.79.150, 18.79.160, 18.79.170, 18.79.180, 18.79.190, 18.79.230, 18.79.240, 18.79.250, 18.79.260, 18.79.290, 18.79.310, 18.79.340, 18.79.390, 18.79.400, 18.79.410, 18.79.430, 18.79.435, 18.79.440, 18.79.800, 18.79.810, 18.88A.020, 18.88A.030, 18.88A.060, 18.88A.080, 18.88A.082, 18.88A.085, 18.88A.087, 18.88A.088, 18.88A.090, 18.88A.100, 18.88A.210, 18.88B.070, 28A.210.275, 28A.210.280, 28A.210.290, 28B.115.020, 41.05.180, 48.20.393, 48.21.225, 48.43.087, 48.44.325, 48.46.275, 69.45.010, 69.51A.300, 70.128.210, 74.42.230, 7.68.030, 7.68.063, 7.68.080, 9.02.110, 9.02.130, 10.77.175, 11.130.290, 11.130.390, 11.130.615, 18.16.260, 18.50.005, 18.50.115, 18.57.040, 18.59.100, 18.64.253, 18.64.560, 18.71.030, 18.74.200, 18.89.020, 18.130.410, 18.134.010, 18.225.010, 18.250.010, 19.410.010, 28A.210.090, 28A.210.275, 28A.210.280, 28A.210.290, 28A.210.305, 41.05.177, 41.05.180, 41.24.155, 43.70.470, 46.19.010, 46.61.506, 46.61.508, 48.20.392, 48.20.393, 48.21.225, 48.21.227, 48.42.100, 48.43.094, 48.43.115, 48.44.325, 48.44.327, 48.46.275, 48.46.277, 48.125.200, 50A.05.010, 51.04.030, 51.28.010, 51.28.020, 51.28.025, 51.28.055, 51.36.010, 51.48.060, 51.52.010, 68.50.105, 69.41.010, 69.41.030, 69.43.135, 69.45.010, 69.50.101, 70.02.010, 70.02.230, 70.24.115, 70.30.061, 70.41.410, 70.47.210, 70.48.135, 70.48.490, 70.54.400, 70.58A.010, 70.122.051, 70.122.130, 70.128.120, 70.180.020, 70.180.040, 70.245.010, 71.05.148, 71.05.154, 71.05.210, 71.05.215, 71.05.230, 71.05.290, 71.05.300, 71.05.585, 71.12.540, 71.32.110, 71.32.140, 71.32.250, 71.34.720, 71.34.750, 71.34.755, 71.34.770, 71.34.815, 72.09.588, 74.09.010, 74.09.725, 74.42.010, and 74.42.380; amending 2021 c 167 s 1, 2015 c 207 s 1, 2015 c 70 s 2, 2013 c 3 s 1, 2017 c 317 s 12, 2015 2nd sp.s. c 4 s 101, 2020 c 236 s 1, 2020 c 133 s 1, 2019 c 393 s 1, and 2007 c 371 s 1 (uncodified); reenacting and amending RCW 19.158.020, 43.21B.110, 90.58.090, 18.130.175, 43.21B.300, 43.43.842, 70.41.230, 9.02.170, 9.41.010, 10.77.010, 18.360.010, 43.70.442, 51.36.110, 69.51A.010, 70.41.230, 71.05.217, 71.32.020, 71.32.260, and 71.34.730; reenacting RCW 19.09.085, 28B.76.526, 43.03.230, 43.03.240, 43.03.250, 43.03.265, 43.79.195, and 70A.65.030; creating a new section; decodifying RCW 15.92.105, 28A.300.2851, 28A.300.807, 43.10.300, and 43.280.091; repealing 2023 c 470 s 3013; providing effective dates; and providing expiration dates.

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

NEW SECTION. **Sec. 1.** RCW 1.08.025 directs the code reviser, with the approval of the statute law committee, to prepare legislation for submission to the legislature "concerning deficiencies, conflicts, or obsolete provisions" in statutes. This act makes technical, nonsubstantive amendments as follows:

(1) Section 1001 of this act places legislatively recognized days in calendar order.

(2) Section 1002 of this act corrects a cross reference concerning the sentencing of sex offenders.

(3) Section 1003 of this act corrects a drafting error concerning the number of hours of supervised experience for licensed advanced social workers.

(4) Section 1004 of this act renumbers a definition section in order to combine two subsections defining the term "commercial telephone solicitor."

(5) Sections 1005 through 1007 of this act correct errors in internal references of the Washington business corporation act.

(6) Section 1008 of this act removes a duplicative cross reference created by merging multiple amendments.

(7) Section 1009 of this act corrects a cross reference concerning the definition of liquor retailers.

(8) Section 1010 of this act decodifies sections relating to various groups whose work has concluded.

(9) Section 1011 of this act repeals a session law section omitted in error from the repeal of RCW 10.31.115 by chapter 1, Laws of 2023 sp. sess.

(10) Sections 2001 through 2051 of this act adjust cross references to reflect recodification of sections and changes in subsection numbering.

(11) Sections 3001 through 3011 of this act merge multiple amendments created when sections were amended without reference to other amendments made in the same session.

(12) Sections 4001 through 4010 of this act change the term "marijuana" to "cannabis" in uncodified notes published in the Revised Code of Washington.

(13) Sections 5001 through 5172 of this act change the term "nursing care quality assurance commission" to "state board of nursing," in accordance with chapter 123, Laws of 2023, and "advanced registered nurse practitioner" to "advanced practice registered nurse," in accordance with chapter 239, Laws of 2024.

PART I
GENERAL CORRECTIONS

Sec. 1001. RCW 1.16.050 and 2024 c 76 s 3 are each amended to read as follows:

(1) The following are state legal holidays:

(a) Sunday;

(b) The first day of January, commonly called New Year's Day;

(c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;

(d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;

(e) The last Monday of May, commonly known as Memorial Day;

(f) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the African slaves learned of their freedom;

(g) The fourth day of July, the anniversary of the Declaration of Independence;

(h) The first Monday in September, to be known as Labor Day;

(i) The eleventh day of November, to be known as Veterans Day;

(j) The fourth Thursday in November, to be known as Thanksgiving Day;

(k) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

(l) The twenty-fifth day of December, commonly called Christmas Day.

(2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

(3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) ((~~The thirteenth day of January, recognized as Korean-American day;~~

~~(b) The twelfth day of October, recognized as Columbus day;~~

~~(c) The ninth day of April, recognized as former prisoner of war recognition day;~~

~~(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;~~

~~(e) The seventh day of August, recognized as purple heart recipient recognition day;~~

~~(f) The second Sunday in October, recognized as Washington state children's day;~~

~~(g) The sixteenth day of April, recognized as Mother Joseph day;~~

~~(h) The fourth day of September, recognized as Marcus Whitman day;~~

~~(i) The seventh day of December, recognized as Pearl Harbor remembrance day;~~

~~(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;~~

~~(k) The nineteenth day of February, recognized as civil liberties day of remembrance;~~

~~(l) The thirtieth day of March, recognized as welcome home Vietnam veterans day;~~

~~(m) The eleventh day of January, recognized as human trafficking awareness day;~~

~~(n) The thirty-first day of March, recognized as Cesar Chavez day;~~

~~(o) The tenth day of April, recognized as Dolores Huerta day;~~

~~(p) The fourth Saturday of September, recognized as public lands day;~~

~~(q) The eighteenth day of December, recognized as blood donor day;~~

~~(r) The fifteenth day of May, recognized as water safety day;~~

~~(s) The ninth day of March, recognized as Billy Frank Jr. day; and~~

~~(t) The date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, recognized as the lunar new year~~)) The eleventh day of January, recognized as human trafficking awareness day;

(b) The thirteenth day of January, recognized as Korean American day;

(c) The date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene, recognized as the lunar new year;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The nineteenth day of February, recognized as civil liberties day of remembrance;

(f) The ninth day of March, recognized as Billy Frank Jr. day;

(g) The thirtieth day of March, recognized as welcome home Vietnam veterans day;

(h) The thirty-first day of March, recognized as Cesar Chavez day;

(i) The ninth day of April, recognized as former prisoner of war recognition day;

(j) The tenth day of April, recognized as Dolores Huerta day;

(k) The sixteenth day of April, recognized as Mother Joseph day;

(l) The fifteenth day of May, recognized as water safety day;

(m) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(n) The seventh day of August, recognized as purple heart recipient recognition day;

(o) The fourth day of September, recognized as Marcus Whitman day;

(p) The fourth Saturday of September, recognized as public lands day;

(q) The second Sunday in October, recognized as Washington state children's day;

(r) The twelfth day of October, recognized as Columbus day;

(s) The seventh day of December, recognized as Pearl Harbor remembrance day; and

(t) The eighteenth day of December, recognized as blood donor day.

Sec. 1002. RCW 9.94A.507 and 2008 c 231 s 33 are each amended to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030((~~(31)(b)~~)) (37)(b), and is convicted of any sex offense other than failure to register.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3)(a) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term and a minimum term.

(b) The maximum term shall consist of the statutory maximum sentence for the offense.

(c)(i) Except as provided in (c)(ii) of this subsection, the minimum term shall be either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(ii) If the offense that caused the offender to be sentenced under this section was rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, and there has been a finding that the offense was predatory under RCW 9.94A.836, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years,

whichever is greater. If the offense that caused the offender to be sentenced under this section was rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding that the victim was under the age of fifteen at the time of the offense under RCW 9.94A.837, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding under RCW 9.94A.838 that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, the minimum sentence shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater.

(d) The minimum terms in (c)(ii) of this subsection do not apply to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e) (i) or (v). The minimum term for such a juvenile shall be imposed under (c)(i) of this subsection.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.95.420 through 9.95.435.

(b) An offender released by the board under RCW 9.95.420 is subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board are subject to the provisions of RCW 9.95.425 through 9.95.440.

Sec. 1003. RCW 18.225.090 and 2024 c 371 s 14 are each amended to read as follows:

(1) The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following education and experience requirements for the applicant's practice area.

(a) Licensed social work classifications:

(i) Licensed advanced social worker:

(A) Graduation from a master's social work educational program accredited by the council on social work education or a social work doctorate program at a university accredited by a recognized accrediting organization, and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of ((~~3,200 [3,000]~~)) 3,000 hours with supervision by an approved supervisor who has been licensed for at least two years. Of those supervised hours:

(I) At least 90 hours must include direct supervision as specified in this subsection by a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of directly supervised experience at least 40 hours must be in one-to-one supervision and 50 hours may be in one-to-one supervision or group supervision; and

(II) 800 hours must be in direct client contact; and

(D) Successful completion of continuing education requirements established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(ii) Licensed independent clinical social worker:

(A) Graduation from a master's level social work educational program accredited by the council on social work education or a social work doctorate program at a university accredited by a recognized accrediting organization, and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of 3,000 hours of experience, over a period of not less than two years, with supervision by an approved supervisor who has been licensed for at least two years and, as specified in this subsection, may be either a licensed independent clinical social worker who has had at least one year of experience in supervising the clinical social work of others or an equally qualified licensed mental health practitioner. Of those supervised hours:

(I) At least 1,000 hours must be direct client contact; and

(II) Hours of direct supervision must include:

(1) At least 100 hours by a licensed mental health practitioner;

(2) At least 70 hours of supervision with a licensed independent clinical social worker meeting the qualifications under this subsection (1)(a)(ii)(C); the remaining hours may be supervised by an equally qualified licensed mental health practitioner; and

(3) At least 60 hours must be in one-to-one supervision and the remaining hours may be in one-to-one supervision or group supervision; and

(D) Successful completion of continuing education requirements established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(b) Licensed mental health counselor:

(i)(A) Graduation from a master's or doctoral level educational program in counseling that consists of at least 60 semester hours or 90 quarter hours, or includes at least 60 semester hours or 90 quarter hours of graduate coursework that includes the following topic areas:

(I) Mental health counseling orientation and ethical practice;

(II) Social and cultural diversity;

(III) Human growth and development;

(IV) Career development;

(V) Counseling and helping relationships;

(VI) Group counseling and group work;

(VII) Diagnosis and treatment;

(VIII) Assessment and testing; and

(IX) Research and program evaluation; or

(B) Graduation from a master's or doctoral level educational program in a related discipline from a college or university approved by the secretary based upon nationally recognized standards. An applicant who satisfies the educational requirements for licensure under this subsection (1)(b)(i)(B) is not qualified to exercise the privilege to practice under the counseling compact established in chapter 18.17 RCW unless the master's or doctoral level educational program in a related discipline consists of at least 60 semester hours or 90 quarter hours, or includes at least 60 semester hours or 90 quarter hours of graduate coursework that includes the topic areas specified in (b)(i)(A)(I) through (IX) of this subsection;

(ii) Successful completion of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of 36 months full-time counseling or 3,000 hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner, in an approved setting. The 3,000 hours of required experience includes a minimum of 100 hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of 1,200 hours of direct counseling with individuals, couples, families, or groups; and

(iv) Successful completion of continuing education requirements established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(c) Licensed marriage and family therapist:

(i) Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards;

(ii) Successful passage of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of 3,000 hours of marriage and family therapy. Of the total supervision, 100 hours must be with a licensed marriage and family therapist with at least two years' clinical experience; the other 100 hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(A) 1,000 hours of direct client contact; at least 500 hours must be gained in diagnosing and treating couples and families; plus

(B) At least 200 hours of qualified supervision with a supervisor. At least 100 of the 200 hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy may be credited with 500

hours of direct client contact and 100 hours of formal meetings with an approved supervisor; and

(iv) Successful completion of continuing education requirements established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(2) The department shall establish by rule what constitutes adequate proof of meeting the criteria. Only rules in effect on the date of submission of a completed application of an associate for her or his license shall apply. If the rules change after a completed application is submitted but before a license is issued, the new rules shall not be reason to deny the application.

(3) In addition, applicants shall be subject to the grounds for denial of a license or issuance of a conditional license under chapter 18.130 RCW.

Sec. 1004. RCW 19.158.020 and 2023 c 103 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial telephone solicitation" means:

(a) An unsolicited telephone call, initiated by one other than a person described under subsection ((~~(3)(a)~~)) (2)(b)(i) through ((~~(k)~~)) (xi) of this section, for the purpose of encouraging a person to purchase or invest in property, goods, or services, or wrongfully obtaining anything of value;

(b) Other communication with a person where:

(i) A free gift, award, or prize is offered to a purchaser who has not previously purchased from the person initiating the communication; and

(ii) A telephone call response is invited; and

(iii) The caller intends to complete a sale or enter into an agreement to purchase during the course of the telephone call;

(c) Other communication with a person which misrepresents the price, quality, or availability of property, goods, or services and which invites a response by telephone or which is followed by a call to the person;

(d) For purposes of this section, "other communication" means a written or oral notification or advertisement transmitted through any means.

(2)(a) A "commercial telephone solicitor" is any person who engages in commercial telephone solicitation, including service bureaus.

((~~(3)~~)) (b) A "commercial telephone solicitor" does not include any of the following:

((~~(a)~~)) (i) A person engaging in commercial telephone solicitation where the solicitation is an isolated transaction and not done in the course of a pattern of repeated transactions of like nature;

((~~(b)~~)) (ii) A person making calls for religious, charitable, political, or other noncommercial purposes;

((~~(c)~~)) (iii) A person soliciting business solely from purchasers who have previously purchased from the business enterprise for which the person is calling;

((~~(d)~~)) (iv) A person soliciting:

((~~(i)~~)) (A) Without the intent to complete or obtain provisional acceptance of a sale during the telephone solicitation; and

((~~(ii)~~)) (B) Who does not make the major sales presentation during the telephone solicitation; and

(((~~(iii)~~))) (C) Who only makes the major sales presentation or arranges for the major sales presentation to be made at a later face-to-face meeting between the salesperson and the purchaser;

(((~~(e)~~))) (v) A person selling a security which is exempt from registration under RCW 21.20.310;

(((~~(f)~~))) (vi) A person licensed under RCW 18.85.101 when the solicited transaction is governed by that law;

(((~~(g)~~))) (vii) A person registered under RCW 18.27.060 when the solicited transaction is governed by that law;

(((~~(h)~~))) (viii) A person licensed under chapter 48.17 RCW when the solicited transaction is governed by that law;

(((~~(i)~~))) (ix) Any person soliciting the sale of a franchise who is registered under RCW 19.100.140;

(((~~(j)~~))) (x) A person primarily soliciting the sale of a newspaper of general circulation, a magazine or periodical, or contractual plans, including book or record clubs: (((~~(i)~~))) (A) Under which the seller provides the consumer with a form which the consumer may use to instruct the seller not to ship the offered merchandise; and (((~~(ii)~~))) (B) which is regulated by the federal trade commission trade regulation concerning "use of negative option plans by sellers in commerce";

(((~~(k)~~))) (xi) Any supervised financial institution or parent, subsidiary, or affiliate thereof. As used in this section, "supervised financial institution" means any commercial bank, trust company, savings and loan association, mutual savings banks, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer, provided that the institution is subject to supervision by an official or agency of this state or the United States;

(((~~(l)~~))) (xii) A person soliciting the sale of a prearrangement funeral service contract registered under RCW 18.39.240 and 18.39.260;

(((~~(m)~~))) (xiii) A person licensed to enter into prearrangement contracts under RCW 68.05.155 when acting subject to that license;

(((~~(n)~~))) (xiv) A person soliciting the sale of services provided by a cable television system operating under authority of a franchise or permit;

(((~~(o)~~))) (xv) A person or affiliate of a person whose business is regulated by the utilities and transportation commission or the federal communications commission;

(((~~(p)~~))) (xvi) A person soliciting the sale of agricultural products, as defined in RCW 20.01.010 where the purchaser is a business;

(((~~(q)~~))) (xvii) An issuer or subsidiary of an issuer that has a class of securities that is subject to section 12 of the securities exchange act of 1934 (15 U.S.C. Sec. 78l) and that is either registered or exempt from registration under paragraph (A), (B), (C), (E), (F), (G), or (H) of subsection (g) of that section;

(((~~(r)~~))) (xviii) A commodity broker-dealer as defined in RCW 21.30.010 and registered with the commodity futures trading commission;

(((~~(s)~~))) (xix) A business-to-business sale where:

(((~~(i)~~))) (A) The purchaser business intends to resell the property or goods purchased, or

(((~~(ii)~~))) (B) The purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing or manufacturing process;

((~~(t)~~)) (xx) A person licensed under RCW 19.16.110 when the solicited transaction is governed by that law;

((~~(u)~~)) (xxi) A person soliciting the sale of food intended for immediate delivery to and immediate consumption by the purchaser;

((~~(v)~~)) (xxii) A person soliciting the sale of food fish or shellfish when that person is licensed pursuant to the provisions of Title 77 RCW.

((~~(4)~~)) (3) "Free gift, award, or prize" means a gratuity which the purchaser believes of a value equal to or greater than the value of the specific product, good, or service sought to be sold to the purchaser by the seller.

((~~(5)~~)) (4) "Person" includes any individual, firm, association, corporation, partnership, joint venture, sole proprietorship, or any other business entity.

((~~(6)~~)) (5) "Purchaser" means a person who is solicited to become or does become obligated to a commercial telephone solicitor.

((~~(7)~~)) (6) "Salesperson" means any individual employed, appointed, or authorized by a commercial telephone solicitor, whether referred to by the commercial telephone solicitor as an agent, representative, or independent contractor, who attempts to solicit or solicits a sale on behalf of the commercial telephone solicitor.

((~~(8)~~)) (7) "Seller" means any person who contracts with any service bureau to purchase commercial telephone solicitation services.

((~~(9)~~)) (8) "Service bureau" means a commercial telephone solicitor who contracts with any person to provide commercial telephone solicitation services.

((~~(10)~~)) (9) "Telephone call" includes any communication made through a telephone that uses a live person, artificial voice, or recorded message.

((~~(11)~~)) (10) "Unsolicited" means to initiate contact for the purpose of attempting to sell a person property, goods, or services, where such person provided no previous express interest in purchasing, investing in, or obtaining information regarding the property, goods, or services attempted to be sold.

Sec. 1005. RCW 23B.13.200 and 2024 c 22 s 23 are each amended to read as follows:

(1) If proposed corporate action creating dissenters' rights under RCW 23B.13.020 is submitted for approval by a vote at a shareholders' meeting, the meeting notice must state that shareholders are or may be entitled to assert dissenters' rights under this chapter and be accompanied by a copy of this chapter.

(2) If proposed corporate action creating dissenters' rights under RCW 23B.13.020 would be submitted for approval by a vote at a shareholders' meeting but for the provisions of RCW ((~~23B.11A.040~~)) 23B.11A.045, the offer made pursuant to RCW ((~~23B.11A.040~~)) 23B.11A.045 must state that shareholders are or may be entitled to assert dissenters' rights under this chapter and be accompanied by a copy of this chapter.

(3) If corporate action creating dissenters' rights under RCW 23B.13.020 is submitted for approval without a vote of shareholders in accordance with RCW 23B.07.040, the shareholder consent described in RCW 23B.07.040(1)(b) and the notice described in RCW 23B.07.040(3)(a) must include a statement that shareholders are or may be entitled to assert dissenters' rights under this chapter and be accompanied by a copy of this chapter.

Sec. 1006. RCW 23B.13.210 and 2024 c 22 s 24 are each amended to read as follows:

(1) If proposed corporate action creating dissenters' rights under RCW 23B.13.020 is submitted to a vote at a shareholders' meeting, a shareholder who wishes to assert dissenters' rights must (a) deliver to the corporation before the vote is taken written notice of the shareholder's intent to demand payment for the shareholder's shares if the proposed corporate action is effected, and (b) not vote such shares in favor of the proposed corporate action.

(2) If proposed corporate action creating dissenters' rights under RCW 23B.13.020 does not require shareholder approval pursuant to RCW ((~~23B.11A.040~~)) 23B.11A.045, a shareholder who wishes to assert dissenters' rights with respect to any class or series of shares:

(a) Shall deliver to the corporation before the shares are purchased pursuant to the offer under RCW ((~~23B.11A.040~~)) 23B.11A.045 written notice of the shareholder's intent to demand payment for the shareholder's shares if the proposed corporate action is effected; and

(b) Shall not tender, or cause to be tendered, any shares of such class or series in response to such offer.

(3) If proposed corporate action creating dissenters' rights under RCW 23B.13.020 is submitted for approval without a vote of shareholders in accordance with RCW 23B.07.040, a shareholder who wishes to assert dissenters' rights must not execute the consent or otherwise vote such shares in favor of the proposed corporate action.

(4) A shareholder who does not satisfy the requirements of subsection (1), (2), or (3) of this section is not entitled to payment for the shareholder's shares under this chapter.

Sec. 1007. RCW 23B.13.220 and 2024 c 22 s 25 are each amended to read as follows:

(1) If proposed corporate action creating dissenters' rights under RCW 23B.13.020 is approved at a shareholders' meeting, the corporation shall within ten days after the effective date of the corporate action deliver to all shareholders who satisfied the requirements of RCW 23B.13.210(1) a notice in compliance with subsection (6) of this section.

(2) If proposed corporate action creating dissenters' rights under RCW 23B.13.020 is approved without a vote of shareholders in accordance with RCW ((~~23B.11A.040~~)) 23B.11A.045, the corporation shall within 10 days after the effective date of the corporate action deliver to all shareholders who satisfied the requirements of RCW 23B.13.210(2) a notice in compliance with subsection (6) of this section.

(3) If proposed corporate action creating dissenters' rights under RCW 23B.13.020 is approved without a vote of shareholders in accordance with RCW 23B.07.040, the notice delivered pursuant to RCW 23B.07.040(3)(b) to shareholders who satisfied the requirements of RCW 23B.13.210(3) shall comply with subsection (6) of this section.

(4) In the case of proposed corporate action creating dissenters' rights under RCW 23B.13.020(1)(a)(ii), the corporation shall within ten days after the effective date of the corporate action deliver to all shareholders of the subsidiary other than the parent a notice in compliance with subsection (6) of this section.

(5) In the case of proposed corporate action creating dissenters' rights under RCW 23B.13.020(1)(d) that, pursuant to RCW 23B.10.020(4)(b), is not required to be approved by the shareholders of the corporation, the corporation shall within ten days after the effective date of the corporate action deliver to all shareholders entitled to dissent under RCW 23B.13.020(1)(d) a notice in compliance with subsection (6) of this section.

(6) Any notice under subsection (1), (2), (3), (4), or (5) of this section must:

(a) State where the payment demand must be sent and where and when certificates for certificated shares must be deposited;

(b) Inform holders of uncertificated shares to what extent transfer of the shares will be restricted after the payment demand is received;

(c) Supply a form for demanding payment that includes the date of the first announcement to news media or to shareholders of the terms of the proposed corporate action and requires that the person asserting dissenters' rights certify whether or not the person acquired beneficial ownership of the shares before that date;

(d) Set a date by which the corporation must receive the payment demand, which date may not be fewer than thirty nor more than sixty days after the date the notice in subsection (1), (2), (3), (4), or (5) of this section is delivered; and

(e) Be accompanied by a copy of this chapter.

Sec. 1008. RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and 2024 c 339 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to chapter 70A.230 RCW and RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, ((~~70A.230.020,~~)) 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020, 70A.565.030, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530, 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020, 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, a decision to approve or deny a solid waste management plan under

RCW 70A.205.055, approval or denial of an application for a beneficial use determination under RCW 70A.205.260, an application for a change under RCW 90.03.383, or a permit to distribute reclaimed water under RCW 90.46.220.

(d) Decisions of local health departments regarding the granting or denial of solid waste permits pursuant to chapter 70A.205 RCW, including appeals by the department as provided in RCW 70A.205.130.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026 as provided in RCW 90.64.028.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW, except where appeals to the pollution control hearings board and appeals to the shorelines hearings board have been consolidated pursuant to RCW 43.21B.340.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 1009. RCW 66.04.021 and 2012 c 2 s 125 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Retailer" except as expressly defined by RCW 66.28.285(5) with respect to its use in RCW ((~~6.28.280 [66.28.280]~~)) 66.28.280 through 66.28.315, means the holder of a license or permit issued by the board authorizing sale of liquor to consumers for consumption on and/or off the premises. With respect to retailer licenses, "on-sale" refers to the license privilege of selling for consumption upon the licensed premises.

(2) "Spirits distributor" means a person, other than a person who holds only a retail license, who buys spirits from a domestic distiller, manufacturer, supplier, spirits distributor, or spirits importer, or who acquires foreign-produced spirits from a source outside of the United States, for the purpose of reselling the same not in violation of this title, or who represents such distiller as agent.

(3) "Spirits importer" means a person who buys distilled spirits from a distiller outside the state of Washington and imports such spirits into the state for sale or export.

NEW SECTION. **Sec. 1010.** The following sections are decodified:

(1) RCW 15.92.105 (Commission on integrated pest management—Report on activities—Review by legislature);

(2) RCW 28A.300.2851 (School bullying and harassment—Work group);

(3) RCW 28A.300.807 (Task force—Review of federal 2007 race and ethnicity reporting guidelines—Development of state guidelines);

(4) RCW 43.10.300 (Hate crime advisory working group); and

(5) RCW 43.280.091 (Statewide coordinating committee on sex trafficking).

NEW SECTION. **Sec. 1011.** 2023 c 470 s 3013 is repealed.

NEW SECTION. **Sec. 1012.** Section 1003 of this act takes effect October 1, 2025.

PART II
CROSS REFERENCE UPDATES

Sec. 2001. RCW 6.15.060 and 1993 c 200 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, property claimed exempt under RCW 6.15.010 shall be selected by the individual entitled to the exemption, or by the husband or wife entitled to a community exemption, in the manner described in subsection (3) of this section.

(2) If, at the time of seizure under execution or attachment of property exemptible under RCW 6.15.010((~~(3) (a), (b), or (c)~~)) (1)(d)(i) and (iii), the individual or the husband or wife entitled to claim the exemption is not present, then the sheriff or deputy shall make a selection equal in value to the applicable

exemptions and, if no appraisement is required and no objection is made by the creditor as permitted under subsection (4) of this section, the officer shall return the same as exempt by inventory. Any selection made as provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions.

(3)(a) A debtor who claims personal property as exempt against execution or attachment shall, at any time before sale, deliver to the officer making the levy a list by separate items of the property claimed as exempt, together with an itemized list of all the personal property owned or claimed by the debtor, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes, claims and demands, and shall verify such list by affidavit. The officer shall immediately advise the creditor, attorney, or agent of the exemption claim and, if no appraisement is required and no objection is made by the creditor as permitted under subsection (4) of this section, the officer shall return with the process the list of property claimed as exempt.

(b) A debtor who claims personal property exempt against garnishment shall proceed as provided in RCW 6.27.160.

(c) A debtor who claims as a homestead, under chapter 6.13 RCW, a mobile home that is not yet occupied as a homestead and that is located on land not owned by the debtor shall claim the homestead as against a specific levy by delivering to the sheriff who levied on the mobile home, before sale under the levy, a declaration of homestead that contains (i) a declaration that the debtor owns the mobile home, intends to reside therein, and claims it as a homestead, and (ii) a description of the mobile home, a statement where it is located or was located before the levy, and an estimate of its actual cash value.

(d) A debtor who claims as a homestead, under RCW 6.13.040, any other personal property, shall at any time before sale, deliver to the officer making the levy a notice of claim of homestead in a statement that sets forth the following: (i) The debtor owns the personal property; (ii) the debtor resides thereon as a homestead; (iii) the debtor's estimate of the fair market value of the property; and (iv) the debtor's description of the property in sufficient detail for the officer making the levy to identify the same.

(4)(a) Except as provided in (b) of this subsection, a creditor, or the agent or attorney of a creditor, who wishes to object to a claim of exemption shall proceed as provided in RCW 6.27.160 and shall give notice of the objection to the officer not later than seven days after the officer's giving notice of the exemption claim.

(b) A creditor, or the agent or attorney of the creditor, who wishes to object to a claim of exemption made to a levying officer, on the ground that the property claimed exceeds exemptible value, may demand appraisement. If the creditor, or the agent or attorney of the creditor, demands an appraisement, two disinterested persons shall be chosen to appraise the property, one by the debtor and the other by the creditor, agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fails to choose an appraiser, or the two fail to select a third, or if one or more of the appraisers fail to act, the court shall appoint one or more as the circumstances require. The appraisers shall forthwith proceed to make a list by separate items, of the personal property

selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described," which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or attachment and be annexed to and made part of the return, and the property therein specified shall be exempt from levy and sale, but the other personal estate of the debtor shall remain subject to execution, attachment, or garnishment. Each appraiser shall be entitled to fifteen dollars or such larger fee as shall be fixed by the court, to be paid by the creditor if all the property claimed by the debtor shall be exempt; otherwise to be paid by the debtor.

(c) If, within seven days following the giving of notice to a creditor of an exemption claim, the officer has received no notice from the creditor of an objection to the claim or a demand for appraisement, the officer shall release the claimed property to the debtor.

Sec. 2002. RCW 9.94A.840 and 1992 c 45 s 1 are each amended to read as follows:

(1)(a) When it appears that a person who has been convicted of a sexually violent offense may meet the criteria of a sexually violent predator as defined in RCW 71.09.020((~~(1)~~)), the agency with jurisdiction over the person shall refer the person in writing to the prosecuting attorney of the county where that person was convicted, three months prior to the anticipated release from total confinement.

(b) The agency shall inform the prosecutor of the following:

(i) The person's name, identifying factors, anticipated future residence, and offense history; and

(ii) Documentation of institutional adjustment and any treatment received.

(2) This section applies to acts committed before, on, or after March 26, 1992.

(3) The agency with jurisdiction, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(4) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

Sec. 2003. RCW 9.94B.020 and 2008 c 231 s 52 are each amended to read as follows:

In addition to the definitions set out in RCW 9.94A.030, the following definitions apply for purposes of this chapter:

(1) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(2) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(((~~(6)~~))) (9) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(3) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

Sec. 2004. RCW 9.95.040 and 1999 c 324 s 4 are each amended to read as follows:

The board shall fix the duration of confinement for persons committed by the court before July 1, 1986, for crimes committed before July 1, 1984. Within six months after the admission of the convicted person to a state correctional facility, the board shall fix the duration of confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which the person was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

Subject to RCW 9.95.047, the following limitations are placed on the board or the court for persons committed to a state correctional facility on or after July 1, 1986, for crimes committed before July 1, 1984, with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence:

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of the offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of the offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years.

(4) Any person convicted of embezzling funds from any institution of public deposit of which the person was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of a state correctional facility has been convicted of murder in the first or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has

demonstrated a meritorious effort in rehabilitation and at least two-thirds of the board members concur in such action: PROVIDED, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired.

An inmate serving a sentence fixed under this chapter, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the secretary of corrections when authorized under RCW 9.94A.728((~~(4)~~)) (1)(c).

Sec. 2005. RCW 9A.56.120 and 2011 c 336 s 377 are each amended to read as follows:

(1) A person is guilty of extortion in the first degree if he or she commits extortion by means of a threat as defined in RCW 9A.04.110((~~(27)~~)) (28) (a), (b), or (c).

(2) Extortion in the first degree is a class B felony.

Sec. 2006. RCW 12.36.020 and 1998 c 52 s 1 are each amended to read as follows:

(1) To appeal a judgment or decision in a small claims action, an appellant shall file a notice of appeal in the district court, pay the statutory superior court filing fee, post the required bond or undertaking, and serve a copy of the notice of appeal on all parties of record within thirty days after the judgment is rendered or decision made.

(2) No appeal may be allowed, nor proceedings on the judgment or decision stayed, unless a bond or undertaking shall be executed on the part of the appellant and filed with and approved by the district court. The bond or undertaking shall be executed with two or more personal sureties, or a surety company as surety, to be approved by the district court, in a sum equal to twice the amount of the judgment and costs, or twice the amount in controversy, whichever is greater, conditioned that the appellant will pay any judgment, including costs, as may be rendered on appeal. No bond is required if the appellant is a county, city, town, or school district.

(3) When an appellant has filed a notice of appeal, paid the statutory superior court filing fee and the costs of preparation of the complete record as set forth in RCW 3.62.060((~~(7)~~)) (1)(h), and posted the bond or undertaking as required, the clerk of the district court shall immediately file a copy of the notice of appeal, the filing fee, and the bond or undertaking with the superior court.

Sec. 2007. RCW 18.73.270 and 2009 c 359 s 1 are each amended to read as follows:

(1) Except when treatment is provided in a hospital licensed under chapter 70.41 RCW, a physician's trained advanced emergency medical ((~~service intermediate life support~~)) technician and paramedic, emergency medical technician, or first responder who renders treatment to a patient for (a) a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm; (b) an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person; (c) a blunt force injury that federal, state, or local law enforcement authorities

reasonably believe resulted from a criminal act; or (d) injuries sustained in an automobile collision, shall disclose without the patient's authorization, upon a request from a federal, state, or local law enforcement authority as defined in RCW 70.02.010((~~(3)~~)), the following information, if known:

(i) The name of the patient;

(ii) The patient's residence;

(iii) The patient's sex;

(iv) The patient's age;

(v) The patient's condition or extent and location of injuries as determined by the physician's trained advanced emergency medical ((~~service intermediate life support~~)) technician and paramedic, emergency medical technician, or first responder;

(vi) Whether the patient was conscious when contacted;

(vii) Whether the patient appears to have consumed alcohol or appears to be under the influence of alcohol or drugs;

(viii) The name or names of the physician's trained advanced emergency medical ((~~service intermediate life support~~)) technician and paramedic, emergency medical technician, or first responder who provided treatment to the patient; and

(ix) The name of the facility to which the patient is being transported for additional treatment.

(2) A physician's trained advanced emergency medical ((~~service intermediate life support~~)) technician and paramedic, emergency medical technician, first responder, or other individual who discloses information pursuant to this section is immune from civil or criminal liability or professional licensure action for the disclosure, provided that the physician's trained advanced emergency medical ((~~service intermediate life support~~)) technician and paramedic, emergency medical technician, first responder, or other individual acted in good faith and without gross negligence or willful or wanton misconduct.

(3) The obligation to provide information pursuant to this section is secondary to patient care needs. Information must be provided as soon as reasonably possible taking into consideration a patient's emergency care needs.

(4) For purposes of this section, "a physician's trained advanced emergency medical ((~~service intermediate life support~~)) technician and paramedic" has the same meaning as in RCW 18.71.200.

Sec. 2008. RCW 18.330.040 and 2011 c 357 s 5 are each amended to read as follows:

(1) Each agency shall keep records of all referrals rendered to or on behalf of clients. These records must contain:

(a) The name of the vulnerable adult, and the address and phone number of the client or the client's representative, if any;

(b) The kind of supportive housing or care services for which referral was sought;

(c) The location of the care services or supportive housing referred to the client and probable duration, if known;

(d) The monthly or unit cost of the supportive housing or care services, if known;

(e) If applicable, the amount of the agency's fee to the client or to the provider;

(f) If applicable, the dates and amounts of refund of the agency's fee, if any, and reason for such refund; and

(g) A copy of the client's disclosure and intake forms described in RCW 18.330.050 and 18.330.060.

(2) Each agency shall also keep records of any contract or written agreement entered into with any provider for services rendered to or on behalf of a vulnerable adult, including any referrals to a provider. Any provision in a contract or written agreement not consistent with this chapter is void and unenforceable.

(3) The agency must maintain the records covered by this chapter for a period of six years. The agency's records identifying a client are considered "health care information" and the provisions of chapter 70.02 RCW apply but only to the extent that such information meets the definition of "health care information" under RCW 70.02.010(((~~(7)~~))) (17). The client must have access upon request to the agency's records concerning the client and covered by this chapter.

Sec. 2009. RCW 19.116.040 and 1990 c 44 s 5 are each amended to read as follows:

(1) It is a violation of this chapter for a vehicle dealer, as defined in RCW 46.70.011(((~~(3)~~))), to engage in the unlawful transfer of an ownership interest in motor vehicles.

(2) It is a violation of this chapter for a person to engage in the unlawful subleasing of motor vehicles.

Sec. 2010. RCW 19.182.040 and 2011 c 333 s 2 are each amended to read as follows:

(1) Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information:

(a) Bankruptcies that, from date of adjudication of the most recent bankruptcy, antedate the report by more than ten years;

(b) Suits and judgments that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;

(c) Paid tax liens that, from date of payment, antedate the report by more than seven years;

(d) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years;

(e) Records of arrest, indictment, or conviction of an adult for a crime that, from date of disposition, release, or parole, antedate the report by more than seven years;

(f) Juvenile records, as defined in RCW 13.50.010(1)(((~~(e)~~))) (f), when the subject of the records is twenty-one years of age or older at the time of the report; and

(g) Any other adverse item of information that antedates the report by more than seven years.

(2) Subsection (1)(a) through (e) and (g) of this section is not applicable in the case of a consumer report to be used in connection with:

(a) A credit transaction involving, or that may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(c) The employment of an individual at an annual salary that equals, or that may reasonably be expected to equal, twenty thousand dollars or more.

Sec. 2011. RCW 28A.600.385 and 1998 c 63 s 2 are each amended to read as follows:

(1) School districts in Washington and community colleges in Oregon and Idaho may enter into cooperative agreements under chapter 39.34 RCW for the purpose of allowing eleventh and twelfth grade students who are enrolled in the school districts to earn high school and college credit concurrently.

(2) Except as provided in subsection (3) of this section, if a school district exercises the authority granted in subsection (1) of this section, the provisions of RCW 28A.600.310 through 28A.600.360 and 28A.600.380 through 28A.600.400 shall apply to the agreements.

(3) A school district may enter an agreement in which the community college agrees to accept an amount less than the statewide uniform rate under RCW 28A.600.310(((~~(2)~~))) (9) if the community college does not charge participating students tuition and fees. A school district may not pay a per-credit rate in excess of the statewide uniform rate under RCW 28A.600.310(((~~(2)~~))) (9).

(4) To the extent feasible, the agreements shall permit participating students to attend the community college without paying any tuition and fees. The agreements shall not permit the community college to charge participating students nonresident tuition and fee rates.

(5) The agreements shall ensure that participating students are permitted to enroll only in courses that are transferable to one or more institutions of higher education as defined in RCW 28B.10.016.

Sec. 2012. RCW 28B.20.810 and 1991 sp.s. c 13 s 78 are each amended to read as follows:

The board of regents of the University of Washington is empowered to authorize from time to time the transfer from the state university permanent fund to be held in reserve in the bond retirement fund created by RCW 28B.20.720 any unobligated funds and investments derived from lands set apart for the support of the university by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, to the extent required to comply with bond covenants regarding principal and interest payments and reserve requirements for bonds payable out of the bond retirement fund up to a total amount of five million dollars, and to transfer any or all of said unobligated funds and investments in excess of five million dollars to the university building account created by RCW 43.79.330(((~~(22)~~))) (9). Any funds transferred to the bond retirement fund pursuant to this section shall be replaced by moneys first available out of the moneys required to be deposited in such fund pursuant to RCW 28B.20.800. The board is further empowered to direct the state finance committee to convert any investments in such permanent fund acquired with funds derived from such lands into cash or obligations of or guaranteed by the United States of America

prior to the transfer of such funds and investments to such reserve account or building account.

Sec. 2013. RCW 28B.76.730 and 2023 c 314 s 3 are each amended to read as follows:

(1) The legislature recognizes that dual credit programs reduce both the cost and time of attendance to obtain a postsecondary degree. The legislature intends to reduce barriers and increase access to postsecondary educational opportunities for low-income students by removing the financial barriers for dual enrollment programs for students.

(2) The office, in consultation with the institutions of higher education and the office of the superintendent of public instruction, shall create the Washington dual enrollment scholarship pilot program. The office shall administer the Washington dual enrollment scholarship pilot program and may adopt rules as necessary.

(3) Eligible students are those who meet the following requirements:

(a) Qualify for the free or reduced-price lunch program;

(b) Are enrolled in one or more dual credit programs, as defined in RCW 28B.15.821, such as running start; and

(c) Have at least a 2.0 grade point average.

(4) Subject to availability of amounts appropriated for this specific purpose, beginning with the 2019-20 academic year, the office may award scholarships to eligible students. The scholarship award must be as follows for eligible students enrolled in running start:

(a) Mandatory fees, as defined in RCW 28A.600.310(((~~(2)~~))), prorated based on credit load;

(b) Course fees or laboratory fees as determined appropriate by college or university policies to pay for specified course related costs;

(c) A textbook voucher to be used at the institution of higher education's bookstore where the student is enrolled. For every credit per quarter the student is enrolled, the student shall receive a textbook voucher for ten dollars, up to a maximum of fifteen credits per quarter, or the equivalent, per year; and

(d) Apprenticeship materials as determined appropriate by the college or university to pay for specific course-related material costs, which may include occupation-specific tools, work clothes, rain gear, or boots.

(5) The Washington dual enrollment scholarship pilot program must apply after the fee waivers for low-income students under RCW 28A.600.310 are provided for.

Sec. 2014. RCW 35.82.080 and 1989 c 363 s 3 are each amended to read as follows:

It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for low-income dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end, an authority shall fix the rentals for rental units for persons of low income in projects owned or leased by the authority at no higher rates than it shall find to be necessary in order to produce revenues which (together

with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (1) to pay, as the same become due, the principal and interest on the bonds or other obligations of the authority issued or incurred to finance the projects; (2) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (3) to create (during not less than the six years immediately succeeding its issuance of any such bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve. Nothing contained in this section shall be construed to limit an authority's power to rent commercial space located in buildings containing housing projects or non low-income units owned, acquired, financed, or constructed under RCW 35.82.070(5), (((~~(16)~~))) (19), or (((~~(17)~~))) (20) at profitable rates and to use any profit realized from such rentals in carrying into effect the powers and purposes provided to housing authorities under this chapter.

Sec. 2015. RCW 35.82.285 and 1991 c 167 s 3 are each amended to read as follows:

Housing authorities created under this chapter may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve ((~~the developmentally disabled~~)) individuals with developmental disabilities as defined in RCW 71A.10.020(((~~(2)~~))). Authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority. Authorities may provide support or supportive services in facilities serving juveniles, ((~~the developmentally disabled~~)) individuals with developmental disabilities or other persons under a disability, and the frail elderly, whether or not they are operated by the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall comply with all zoning, building, fire, and health regulations and procedures applicable in the locality.

Sec. 2016. RCW 36.32.440 and 1974 ex.s. c 171 s 3 are each amended to read as follows:

The board of county commissioners of the several counties may employ such staff as deemed appropriate to serve the several boards directly in matters including but not limited to purchasing, poverty and relief programs, parks and recreation, emergency services, budgetary preparations set forth in RCW 36.40.010-36.40.050, code enforcement and general administrative coordination. Such authority shall in no way infringe upon or relieve the county auditor of responsibilities contained in RCW 36.22.010(((~~(9)~~))) (6) and 36.22.020.

Sec. 2017. RCW 38.52.020 and 2015 c 61 s 2 are each amended to read as follows:

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness as defined in RCW 38.52.010(((~~(5)~~))) (13), and in order to insure that preparations of this state will be adequate to deal with such disasters, to insure the administration of state and federal programs providing disaster relief to individuals, and further to insure

adequate support for search and rescue operations, and generally to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To provide for emergency management by the state, and to authorize the creation of local organizations for emergency management in the political subdivisions of the state;

(b) To confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein;

(c) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of emergency management functions;

(d) To provide a means of compensating emergency management workers who may suffer any injury, as herein defined, or death; who suffer economic harm including personal property damage or loss; or who incur expenses for transportation, telephone or other methods of communication, and the use of personal supplies as a result of participation in emergency management activities;

(e) To provide programs, with intergovernmental cooperation, to educate and train the public to be prepared for emergencies; and

(f) To provide for the prioritization, development, and exercise of continuity of operations plans by the state.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all emergency management functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Sec. 2018. RCW 38.52.390 and 1986 c 266 s 42 are each amended to read as follows:

The governor, or upon his or her direction, the director, or any political subdivision of the state, is authorized to contract with any person, firm, corporation, or entity to provide construction or work on a cost basis to be used in emergency management functions or activities as defined in RCW 38.52.010(((~~(1)~~))) or as hereafter amended, said functions or activities to expressly include natural disasters, as well as all other emergencies of a type contemplated by RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390. All funds received for purposes of RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390, whether appropriated funds, local funds, or from whatever source, may be used to pay for the construction, equipment, or work contracted for under this section.

Sec. 2019. RCW 41.32.345 and 1992 c 212 s 18 are each amended to read as follows:

(1) Subject to the limitations contained in this section, for the purposes of RCW 41.32.010(((~~(10)(a)(ii)~~))) (14)(a)(iv), earnable compensation means the compensation the member would have received in the same position if employed on a regular full-time basis for the same contract period.

(2) In order to ensure that the benefit provided by this section is not used to unfairly inflate a member's retirement allowance, the department shall adopt rules having the force of law to govern the application of this section.

(3)(a) In adopting rules which apply to a member employed by a school district, the department may consult the district's salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.405.200. The rules may require that, in order to be eligible for this benefit, a member's position must either be included on the district's schedule, or the position must have duties, responsibilities, and method of pay which are similar to those found on the district's schedule.

(b) In adopting rules which apply to a member employed by a community college district, the department may consult the district's salary schedule and workload provisions contained in an agreement negotiated pursuant to chapter 28B.52 RCW, or similar documents. The rules may require that, in order to be eligible for this benefit, a member's position must either be included on the district's agreement, or the position must have duties, responsibilities, and method of pay which are similar to those found on the district's agreement. The maximum full-time workweek used in calculating the benefit for community college employees paid on an hourly rate shall in no case exceed fifteen credit hours, twenty classroom contact hours, or thirty-five assigned hours.

(4) If the legislature amends or revokes the benefit provided by this section, no affected employee who thereafter retires is entitled to receive the benefit as a matter of contractual right.

Sec. 2020. RCW 41.56.465 and 2007 c 278 s 1 are each amended to read as follows:

(1) In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, the panel shall consider:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) The average consumer prices for goods and services, commonly known as the cost of living;

(d) Changes in any of the circumstances under (a) through (c) of this subsection during the pendency of the proceedings; and

(e) Such other factors, not confined to the factors under (a) through (d) of this subsection, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030((~~(7)~~)) (14)(a) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

(2) For employees listed in RCW 41.56.030((~~(7)~~)) (14) (a) through (d), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States.

(3) For employees listed in RCW 41.56.030((~~(7)~~)) (14) (e) through (h), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours,

and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered.

(4) For employees listed in RCW 41.56.028:

(a) The panel shall also consider:

(i) A comparison of child care provider subsidy rates and reimbursement programs by public entities, including counties and municipalities, along the west coast of the United States; and

(ii) The financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) The public's interest in reducing turnover and increasing retention of child care providers;

(ii) The state's interest in promoting, through education and training, a stable child care workforce to provide quality and reliable child care from all providers throughout the state; and

(iii) In addition, for employees exempt from licensing under chapter 74.15 RCW, the state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

(5) For employees listed in RCW 74.39A.270:

(a) The panel shall consider:

(i) A comparison of wages, hours, and conditions of employment of publicly reimbursed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States; and

(ii) The financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) A comparison of wages, hours, and conditions of employment of publicly employed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States;

(ii) The state's interest in promoting a stable long-term care workforce to provide quality and reliable care to vulnerable elderly and disabled recipients;

(iii) The state's interest in ensuring access to affordable, quality health care for all state citizens; and

(iv) The state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

(6) Subsections (2) and (3) of this section may not be construed to authorize the panel to require the employer to pay, directly or indirectly, the increased employee contributions resulting from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required under chapter 41.26 RCW.

Sec. 2021. RCW 41.56.492 and 1993 c 473 s 1 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030((~~(7)~~)) (14), the provisions of RCW 41.56.430 through 41.56.452, 41.56.470, 41.56.480, and

41.56.490 shall also be applicable to the employees of a public passenger transportation system of a metropolitan municipal corporation, county transportation authority, public transportation benefit area, or city public passenger transportation system, subject to the following:

(1) Negotiations between the public employer and the bargaining representative may commence at any time agreed to by the parties. If no agreement has been reached ninety days after commencement of negotiations, either party may demand that the issues in disagreement be submitted to a mediator. The services of the mediator shall be provided by the commission without cost to the parties, but nothing in this section or RCW 41.56.440 shall be construed to prohibit the public employer and the bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure; and

(2) If an agreement has not been reached following a reasonable period of negotiations and mediation, and the mediator finds that the parties remain at impasse, either party may demand that the issues in disagreement be submitted to an arbitration panel for a binding and final determination. In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a ((~~decisions [decision]~~)) decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Compensation package comparisons, economic indices, fiscal constraints, and similar factors determined by the arbitration panel to be pertinent to the case; and

(d) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment.

Sec. 2022. RCW 43.20B.670 and 1985 c 245 s 10 are each amended to read as follows:

When the department provides grant assistance to persons who possess excess real property under RCW 74.04.005((~~(10)(f)~~)) (13)(h), the department may file a lien against, or otherwise perfect its interest in such real property as a condition of granting such assistance, and the department shall have the status of a secured creditor.

Sec. 2023. RCW 43.21A.662 and 1999 c 251 s 2 are each amended to read as follows:

(1) The department shall appoint an advisory committee to oversee the freshwater aquatic weeds management program.

(2) The advisory committee shall include representatives from the following groups:

(a) Recreational boaters interested in freshwater aquatic weed management;

(b) Residents adjacent to lakes, rivers, or streams with public boat launch facilities;

(c) Local governments;

(d) Scientific specialists;

(e) Pesticide registrants, as defined in RCW 15.58.030((~~(34)~~)); and

(f) Certified pesticide applicators, as defined in RCW 17.21.020(((~~(5)~~))), who specialize in the use of aquatic pesticides((~~; and~~

~~(g) If chapter . . ., Laws of 1999 (Senate Bill No. 5315) is enacted by June 30, 1999, the aquatic nuisance species coordinating committee~~)).

(3) The advisory committee shall review and provide recommendations to the department on freshwater aquatic weeds management program activities and budget and establish criteria for grants funded from the freshwater aquatic weeds account.

Sec. 2024. RCW 43.70.670 and 2011 1st sp.s. c 15 s 72 are each amended to read as follows:

(1) "Human immunodeficiency virus insurance program," as used in this section, means a program that provides health insurance coverage for individuals with human immunodeficiency virus, as defined in RCW 70.24.017(7), who are not eligible for medical assistance programs from the health care authority as defined in RCW 74.09.010(((~~(10)~~))) and meet eligibility requirements established by the department of health.

(2) The department of health may pay for health insurance coverage on behalf of persons with human immunodeficiency virus, who meet department eligibility requirements, and who are eligible for "continuation coverage" as provided by the federal consolidated omnibus budget reconciliation act of 1985, group health insurance policies, or individual policies.

Sec. 2025. RCW 43.216.152 and 2010 c 231 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community-based early learning providers" includes for-profit and nonprofit licensed providers of child care and preschool programs.

(2) "Program" means the program of early learning established in RCW ((~~43.215.141~~)) 43.216.555 for eligible children who are three and four years of age.

Sec. 2026. RCW 43.330.430 and 2000 c 120 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW ((~~43.330.200 through 43.330.230~~)) 43.330.431 through 43.330.436.

(1) "Developmental disability" has the meaning in RCW 71A.10.020(((~~(3)~~))) (6).

(2) "Developmental disabilities endowment trust fund" means the fund established in the custody of the state treasurer in RCW ((~~43.330.200~~)) 43.330.431, comprised of private, public, or private and public sources, to finance services for persons with developmental disabilities. All moneys in the fund, all property and rights purchased from the fund, and all income attributable to the fund, shall be held in trust by the state investment board, as provided in RCW 43.33A.030, for the exclusive benefit of fund beneficiaries. The principal and interest of the endowment fund must be maintained until such time as the governing board policy specifies except for the costs and expenses of the state treasurer and the state investment board otherwise provided for in chapter 120, Laws of 2000.

(3) "Governing board" means the developmental disabilities endowment governing board in RCW ((~~43.330.205~~)) 43.330.432.

(4) "Individual trust account" means accounts established within the endowment trust fund for each individual named beneficiary for the benefit of whom contributions have been made to the fund. The money in each of the individual accounts is held in trust as provided for in subsection (2) of this section, and shall not be considered state funds or revenues of the state. The governing board serves as administrator, manager, and recordkeeper for the individual trust accounts for the benefit of the individual beneficiaries. The policies governing the disbursements, and the qualifying services for the trust accounts, shall be established by the governing board. Individual trust accounts are separate accounts within the developmental disabilities endowment trust fund, and are invested for the beneficiaries through the endowment trust fund.

Sec. 2027. RCW 43.330.435 and 2000 c 120 s 7 are each amended to read as follows:

To the extent funds are appropriated for this purpose, the governing board shall contract with an appropriate organization for the development of a proposed operating plan for the developmental disabilities endowment program. The proposed operating plan shall be consistent with the endowment principles specified in RCW ((~~43.330.220~~)) 43.330.434. The plan shall address at least the following elements:

(1) The recommended types of services to be available through the endowment program and their projected average costs per beneficiary;

(2) An assessment of the number of people likely to apply for participation in the endowment under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(3) An actuarial analysis of the number of ((~~disabled~~)) beneficiaries with disabilities who are likely to be supported under alternative levels of public contribution to the endowment, and the length of time the beneficiaries are likely to be served, under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(4) Recommended eligibility criteria for participation in the endowment program;

(5) Recommended policies regarding withdrawal of private contributions from the endowment in cases of movement out of state, death of the beneficiary, or other circumstances;

(6) Recommended matching rate of public and private contributions and, for each beneficiary, the maximum annual and lifetime amount of private contributions eligible for public matching funds;

(7) The recommended minimum years of service on behalf of a beneficiary that must be supported by private contributions in order for the contributions to qualify for public matching funds from the endowment;

(8) The recommended schedule according to which lump sum or periodic private contributions should be made to the endowment in order to qualify for public matching funds;

(9) A recommended program for educating families about the endowment, and about planning for their child's long-term future; and

(10) Recommended criteria and procedure for selecting an organization or organizations to administer the developmental disabilities endowment program, and projected administrative costs.

Sec. 2028. RCW 46.18.205 and 2010 c 161 s 616 are each amended to read as follows:

(1) A registered owner may apply to the department for special license plates showing the official amateur radio call letters assigned by the federal communications commission. The amateur radio operator must:

(a) Provide a copy of the current valid federal communications commission amateur radio license;

(b) Pay the amateur radio license plate fee required under RCW 46.17.220(((~~(1)(a)~~))) (2), in addition to any other fees and taxes due; and

(c) Be recorded as the registered owner of the vehicle on which the amateur radio license plates will be displayed.

(2) Amateur radio license plates must be issued only for motor vehicles owned by persons who have a valid official radio operator license issued by the federal communications commission.

(3) The department shall not issue or may refuse to issue amateur radio license plates that display the consecutive letters "WSP."

(4) A person who has been issued amateur radio operator license plates as provided in this section must:

(a) Notify the department within thirty days after the federal communications commission license assigned is canceled or expires, and return the amateur radio license plates; and

(b) Provide a copy of the renewed federal communications commission license to the department after it is renewed.

(5) Amateur radio license plates may be transferred from one motor vehicle to another motor vehicle owned by the amateur radio operator upon application to the department, county auditor or other agent, or subagent appointed by the director.

(6) Facilities of official amateur radio stations may be utilized to the fullest extent in the work of governmental agencies. The director shall furnish the state military department, the department of commerce, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or official amateur radio call letters of each person possessing the amateur radio license plates.

(7) Failure to return the amateur radio license plates as required under subsection (4) of this section is a traffic infraction.

Sec. 2029. RCW 46.61.100 and 2018 c 18 s 1 are each amended to read as follows:

(1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes and providing for two-way movement traffic under the rules applicable thereon;

(d) Upon a street or highway restricted to one-way traffic; or

(e) Upon a highway having three lanes or less, when approaching the following vehicles in the manner described under RCW 46.61.212((~~(1)(d)(ii)~~)) (2)(b): (i) A stationary authorized emergency vehicle; (ii) a tow truck or other vehicle providing roadside assistance while operating warning lights with three hundred sixty degree visibility; (iii) a police vehicle; or (iv) a stationary or slow moving highway construction vehicle, highway maintenance vehicle, solid waste vehicle, or utility service vehicle that meets the lighting requirements identified in RCW 46.61.212(1).

(2) Upon all roadways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lane then available for traffic, except (a) when overtaking and passing another vehicle proceeding in the same direction, (b) when traveling at a speed greater than the traffic flow, (c) when moving left to allow traffic to merge, or (d) when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted. On any such roadway, a vehicle or combination over ten thousand pounds shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection.

(3) No vehicle towing a trailer or no vehicle or combination over ten thousand pounds may be driven in the left-hand lane of a limited access roadway having three or more lanes for traffic moving in one direction except when preparing for a left turn at an intersection, exit, or into a private road or driveway when a left turn is legally permitted. This subsection does not apply to a vehicle using a high occupancy vehicle lane. A high occupancy vehicle lane is not considered the left-hand lane of a roadway. The department of transportation, in consultation with the Washington state patrol, shall adopt rules specifying (a) those circumstances where it is permissible for other vehicles to use the left lane in case of emergency or to facilitate the orderly flow of traffic, and (b) those segments of limited access roadway to be exempt from this subsection due to the operational characteristics of the roadway.

(4) It is a traffic infraction to drive continuously in the left lane of a multilane roadway when it impedes the flow of other traffic.

(5) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle shall not be driven to the left of the center line of the roadway except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

Sec. 2030. RCW 48.20.555 and 2007 c 296 s 3 are each amended to read as follows:

Illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance policies are not considered to provide coverage for hospital or medical expenses under this chapter, if the benefits provided are a fixed dollar amount that is paid regardless of the amount charged. The benefits may not be related to, or be a percentage of, the amount

charged by the provider of service and must be offered as an independent and noncoordinated benefit with any other health plan as defined in RCW 48.43.005((~~(19)~~)) (33).

Sec. 2031. RCW 48.21.375 and 2007 c 296 s 5 are each amended to read as follows:

Illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance policies are not considered to provide coverage for hospital or medical expenses or care under this chapter, if the benefits provided are a fixed dollar amount that is paid regardless of the amount charged. The benefits may not be related to, or be a percentage of, the amount charged by the provider of service and must be offered as an independent and noncoordinated benefit with any other health plan as defined in RCW 48.43.005((~~(19)~~)) (33).

Sec. 2032. RCW 51.14.150 and 1997 c 35 s 1 are each amended to read as follows:

(1) For the purposes of this section, "hospital" means a hospital as defined in RCW 70.41.020((~~(2)~~)) or a ((~~psychiatric~~)) behavioral health hospital regulated under chapter 71.12 RCW, but does not include beds utilized by a comprehensive cancer center for cancer research.

(2)(a) Any two or more employers which are school districts or educational service districts, or (b) any two or more employers which are public hospital districts or hospitals, and are owned or operated by a state agency or municipal corporation of this state, or (c) any two or more employers which are hospitals, no one of which is owned or operated by a state agency or municipal corporation of this state, may enter into agreements to form self-insurance groups for the purposes of this chapter.

(3) No more than one group may be formed under subsection (2)(b) of this section and no more than one group may be formed under subsection (2)(c) of this section.

(4) The self-insurance groups shall be organized and operated under rules promulgated by the director under RCW 51.14.160. Such a self-insurance group shall be deemed an employer for the purposes of this chapter, and may qualify as a self-insurer if it meets all the other requirements of this chapter.

Sec. 2033. RCW 59.22.020 and 2012 c 198 s 17 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(2) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(3) "Department" means the department of commerce.

(4) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(5) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or

space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(6) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(7) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(8) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(9) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

(10) "Mobile home" shall have the same meaning as it does in RCW 43.22.335.

(11) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(12) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030((~~(10)~~)), or a manufactured home park subdivision as defined by RCW 59.20.030((~~(12)~~)) created by the conversion to resident ownership of a mobile home park.

(13) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(14) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(15) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

Sec. 2034. RCW 64.34.216 and 1992 c 220 s 7 are each amended to read as follows:

(1) The declaration for a condominium must contain:

(a) The name of the condominium, which must include the word "condominium" or be followed by the words "a condominium," and the name of the association;

(b) A legal description of the real property included in the condominium;

(c) A statement of the number of units which the declarant has created and, if the declarant has reserved the right to create additional units, the number of such additional units;

(d) The identifying number of each unit created by the declaration and a description of the boundaries of each unit if and to the extent they are different from the boundaries stated in RCW 64.34.204(1);

(e) With respect to each existing unit:

(i) The approximate square footage;

(ii) The number of bathrooms, whole or partial;

(iii) The number of rooms designated primarily as bedrooms;

(iv) The number of built-in fireplaces; and

(v) The level or levels on which each unit is located.

The data described in (ii), (iii), and (iv) of this subsection (1)(e) may be omitted with respect to units restricted to nonresidential use;

(f) The number of parking spaces and whether covered, uncovered, or enclosed;

(g) The number of moorage slips, if any;

(h) A description of any limited common elements, other than those specified in RCW 64.34.204 (2) and (4), as provided in RCW 64.34.232(2)(j);

(i) A description of any real property which may be allocated subsequently by the declarant as limited common elements, other than limited common elements specified in RCW 64.34.204 (2) and (4), together with a statement that they may be so allocated;

(j) A description of any development rights and other special declarant rights under RCW 64.34.020((~~(29)~~)) (40) reserved by the declarant, together with a description of the real property to which the development rights apply, and a time limit within which each of those rights must be exercised;

(k) If any development right may be exercised with respect to different parcels of real property at different times, a statement to that effect together with: (i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right, or a statement that no assurances are made in those regards; and (ii) a statement as to whether, if any development right is exercised in any portion of the real property subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real property;

(l) Any other conditions or limitations under which the rights described in (j) of this subsection may be exercised or will lapse;

(m) An allocation to each unit of the allocated interests in the manner described in RCW 64.34.224;

(n) Any restrictions in the declaration on use, occupancy, or alienation of the units;

(o) A cross-reference by recording number to the survey map and plans for the units created by the declaration; and

(p) All matters required or permitted by RCW 64.34.220 through 64.34.232, 64.34.256, 64.34.260, 64.34.276, and 64.34.308((~~(4)~~)) (5).

(2) All amendments to the declaration shall contain a cross-reference by recording number to the declaration and to any prior amendments thereto. All

amendments to the declaration adding units shall contain a cross-reference by recording number to the survey map and plans relating to the added units and set forth all information required by RCW 64.34.216(1) with respect to the added units.

(3) The declaration may contain any other matters the declarant deems appropriate.

Sec. 2035. RCW 64.34.316 and 1989 c 43 s 3-105 are each amended to read as follows:

(1) No special declarant right, as described in RCW 64.34.020(((~~(29)~~))) (40), created or reserved under this chapter may be transferred except by an instrument evidencing the transfer executed by the declarant or the declarant's successor and the transferee is recorded in every county in which any portion of the condominium is located. Each unit owner shall receive a copy of the recorded instrument, but the failure to furnish the copy shall not invalidate the transfer.

(2) Upon transfer of any special declarant right, the liability of a transferor declarant is as follows:

(a) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for warranty obligations imposed upon the transferor by this chapter. Lack of privity does not deprive any unit owner of standing to maintain an action to enforce any obligation of the transferor.

(b) If a successor to any special declarant right is an affiliate of a declarant as described in RCW 64.34.020(1), the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the condominium.

(c) If a transferor retains any special declarant right, but transfers other special declarant rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant by this chapter or by the declaration relating to the retained special declarant rights arising after the transfer.

(d) A transferor has no liability for any act or omission or any breach of a contractual or warranty obligation arising from the exercise of a special declarant right by a successor declarant who is not an affiliate of the transferor.

(3) In case of foreclosure of a mortgage, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings of any unit owned by a declarant or real property in a condominium subject to development rights, a person acquiring title to all the real property being foreclosed or sold succeeds to all special declarant rights related to that real property held by that declarant and to any rights reserved in the declaration pursuant to RCW 64.34.256 and held by that declarant to maintain models, sales offices, and signs, unless such person requests that all or any of such rights not be transferred. The instrument conveying title shall describe any special declarant rights not being transferred.

(4) Upon foreclosure of a mortgage, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings of all units and other real property in a condominium owned by a declarant:

(a) The declarant ceases to have any special declarant rights; and

(b) The period of declarant control as described in RCW 64.34.308(((~~(4)~~))) (5) terminates unless the judgment or instrument conveying title provides for

transfer of all special declarant rights held by that declarant to a successor declarant.

(5) The liabilities and obligations of a person who succeeds to special declarant rights are as follows:

(a) A successor to any special declarant right who is an affiliate of a declarant is subject to all obligations and liabilities imposed on the transferor by this chapter or by the declaration;

(b) A successor to any special declarant right, other than a successor described in (c) or (d) of this subsection, who is not an affiliate of a declarant is subject to all obligations and liabilities imposed by this chapter or the declaration:

(i) On a declarant which relate to such successor's exercise or nonexercise of special declarant rights; or

(ii) On the declarant's transferor, other than:

(A) Misrepresentations by any previous declarant;

(B) Warranty obligations on improvements made by any previous declarant or made before the condominium was created;

(C) Breach of any fiduciary obligation by any previous declarant or the declarant's appointees to the board of directors; or

(D) Any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer;

(c) A successor to only a right reserved in the declaration to maintain models, sales offices, and signs as described in RCW 64.34.256, if the successor is not an affiliate of a declarant, may not exercise any other special declarant right and is not subject to any liability or obligation as a declarant, except the obligation to provide a public offering statement and any liability arising as a result thereof;

(d) A successor to all special declarant rights held by the successor's transferor who is not an affiliate of that declarant and who succeeded to those rights pursuant to a foreclosure, a deed in lieu of foreclosure, or a judgment or instrument conveying title to units under subsection (3) of this section may declare his or her intention in a recorded instrument to hold those rights solely for transfer to another person. Thereafter, until transferring all special declarant rights to any person acquiring title to any unit owned by the successor or until recording an instrument permitting exercise of all those rights, that successor may not exercise any of those rights other than any right held by the successor's transferor to control the board of directors in accordance with the provisions of RCW 64.34.308((~~(4)~~)) (5) for the duration of any period of declarant control, and any attempted exercise of those rights is void. So long as a successor declarant may not exercise special declarant rights under this subsection, the successor is not subject to any liability or obligation as a declarant other than liability for the successor's acts and omissions under RCW 64.34.308((~~(4)~~)) (5);

(e) Nothing in this section subjects any successor to a special declarant right to any claims against or other obligations of a transferor declarant, other than claims and obligations arising under this chapter or the declaration.

Sec. 2036. RCW 64.34.324 and 2004 c 201 s 3 are each amended to read as follows:

(1) Unless provided for in the declaration, the bylaws of the association shall provide for:

(a) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(b) Election by the board of directors of such officers of the association as the bylaws specify;

(c) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(d) Which of its officers may prepare, execute, certify, and record amendments to the declaration on behalf of the association;

(e) The method of amending the bylaws; and

(f) A statement of the standard of care for officers and members of the board of directors imposed by RCW 64.34.308(1).

(2) Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

(3) In determining the qualifications of any officer or director of the association, notwithstanding the provision of RCW 64.34.020(((~~(32)~~))) (44) the term "unit owner" in such context shall, unless the declaration or bylaws otherwise provide, be deemed to include any director, officer, partner in, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner. Any officer or director of the association who would not be eligible to serve as such if he or she were not a director, officer, partner in, or trustee of such a person shall be disqualified from continuing in office if he or she ceases to have any such affiliation with that person, or if that person would have been disqualified from continuing in such office as a natural person.

Sec. 2037. RCW 64.34.400 and 1992 c 220 s 20 are each amended to read as follows:

(1) This article applies to all units subject to this chapter, except as provided in subsection (2) of this section and unless and to the extent otherwise agreed to in writing by the seller and purchasers of those units that are restricted to nonresidential use in the declaration.

(2) This article shall not apply in the case of:

(a) A conveyance by gift, devise, or descent;

(b) A conveyance pursuant to court order;

(c) A disposition by a government or governmental agency;

(d) A conveyance by foreclosure;

(e) A disposition of all of the units in a condominium in a single transaction;

(f) A disposition to other than a purchaser as defined in RCW 64.34.020(((~~(26)~~))) (32); or

(g) A disposition that may be canceled at any time and for any reason by the purchaser without penalty.

Sec. 2038. RCW 69.25.030 and 1975 1st ex.s. c 201 s 4 are each amended to read as follows:

The purpose of this chapter is to promote uniformity of state legislation and regulations with the federal egg products inspection act, 21 U.S.C. sec. 1031, et seq., and regulations adopted thereunder. In accord with such declared purpose, any regulations adopted under the federal egg products inspection act relating to eggs and egg products, as defined in RCW 69.25.020 (((~~(11) and (12)~~))) (15) and (18), in effect on July 1, 1975, are hereby deemed to have been adopted under

the provisions hereof. Further, to promote such uniformity, any regulations adopted hereafter under the provisions of the federal egg products inspection act relating to eggs and egg products, as defined in RCW 69.25.020 (((~~(11) and (12)~~))) (15) and (18), and published in the federal register, shall be deemed to have been adopted under the provisions of this chapter in accord with chapter 34.05 RCW, as now or hereafter amended. The director may, however, within thirty days of the publication of the adoption of any such regulation under the federal egg products inspection act, give public notice that a hearing will be held to determine if such regulations shall not be applicable under the provisions of this chapter. Such hearing shall be in accord with the requirements of chapter 34.05 RCW, as now or hereafter amended.

The director, in addition to the foregoing, may adopt any rule and regulation necessary to carry out the purpose and provisions of this chapter.

Sec. 2039. RCW 70.14.050 and 2003 1st sp.s. c 29 s 9 are each amended to read as follows:

(1) Each agency administering a state purchased health care program as defined in RCW 41.05.011(((~~(2)~~))) shall, in cooperation with other agencies, take any necessary actions to control costs without reducing the quality of care when reimbursing for or purchasing drugs. To accomplish this purpose, participating agencies may establish an evidence-based prescription drug program.

(2) In developing the evidence-based prescription drug program authorized by this section, agencies:

(a) Shall prohibit reimbursement for drugs that are determined to be ineffective by the United States food and drug administration;

(b) Shall adopt rules in order to ensure that less expensive generic drugs will be substituted for brand name drugs in those instances where the quality of care is not diminished;

(c) Where possible, may authorize reimbursement for drugs only in economical quantities;

(d) May limit the prices paid for drugs by such means as negotiated discounts from pharmaceutical manufacturers, central purchasing, volume contracting, or setting maximum prices to be paid;

(e) Shall consider the approval of drugs with lower abuse potential in substitution for drugs with significant abuse potential;

(f) May take other necessary measures to control costs of drugs without reducing the quality of care; and

(g) Shall adopt rules governing practitioner endorsement and use of any list developed as part of the program authorized by this section.

(3) Agencies shall provide for reasonable exceptions, consistent with RCW 69.41.190, to any list developed as part of the program authorized by this section.

(4) Agencies shall establish an independent pharmacy and therapeutics committee to evaluate the effectiveness of prescription drugs in the development of the program authorized by this section.

Sec. 2040. RCW 70.122.020 and 2012 c 10 s 53 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Adult person" means a person who has attained the age of majority as defined in RCW 26.28.010 and 26.28.015, and who has the capacity to make health care decisions.

(2) "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(3) "Directive" means a written document voluntarily executed by the declarer generally consistent with the guidelines of RCW 70.122.030.

(4) "Health facility" means a hospital as defined in RCW 70.41.020((~~(4)~~)) or a nursing home as defined in RCW 18.51.010, a home health agency or hospice agency as defined in RCW 70.126.010, or an assisted living facility as defined in RCW 18.20.020.

(5) "Life-sustaining treatment" means any medical or surgical intervention that uses mechanical or other artificial means, including artificially provided nutrition and hydration, to sustain, restore, or replace a vital function, which, when applied to a qualified patient, would serve only to prolong the process of dying. "Life-sustaining treatment" shall not include the administration of medication or the performance of any medical or surgical intervention deemed necessary solely to alleviate pain.

(6) "Permanent unconscious condition" means an incurable and irreversible condition in which the patient is medically assessed within reasonable medical judgment as having no reasonable probability of recovery from an irreversible coma or a persistent vegetative state.

(7) "Physician" means a person licensed under chapter((~~s~~)) 18.71 or 18.57 RCW.

(8) "Qualified patient" means an adult person who is a patient diagnosed in writing to have a terminal condition by the patient's attending physician, who has personally examined the patient, or a patient who is diagnosed in writing to be in a permanent unconscious condition in accordance with accepted medical standards by two physicians, one of whom is the patient's attending physician, and both of whom have personally examined the patient.

(9) "Terminal condition" means an incurable and irreversible condition caused by injury, disease, or illness, that, within reasonable medical judgment, will cause death within a reasonable period of time in accordance with accepted medical standards, and where the application of life-sustaining treatment serves only to prolong the process of dying.

Sec. 2041. RCW 71.09.098 and 2009 c 409 s 11 are each amended to read as follows:

(1) Any service provider submitting reports pursuant to RCW 71.09.096(((~~(6)~~))) (7), the supervising community corrections officer, the prosecuting agency, or the secretary's designee may petition the court for an immediate hearing for the purpose of revoking or modifying the terms of the person's conditional release to a less restrictive alternative if the petitioner believes the released person: (a) Violated or is in violation of the terms and conditions of the court's conditional release order; or (b) is in need of additional care, monitoring, supervision, or treatment.

(2) The community corrections officer or the secretary's designee may restrict the person's movement in the community until the petition is determined by the court. The person may be taken into custody if:

(a) The supervising community corrections officer, the secretary's designee, or a law enforcement officer reasonably believes the person has violated or is in violation of the court's conditional release order; or

(b) The supervising community corrections officer or the secretary's designee reasonably believes that the person is in need of additional care, monitoring, supervision, or treatment because the person presents a danger to himself or herself or others if his or her conditional release under the conditions imposed by the court's release order continues.

(3)(a) Persons taken into custody pursuant to subsection (2) of this section shall:

(i) Not be released until such time as a hearing is held to determine whether to revoke or modify the person's conditional release order and the court has issued its decision; and

(ii) Be held in the county jail, at a secure community transition facility, or at the total confinement facility, at the discretion of the secretary's designee.

(b) The court shall be notified before the close of the next judicial day that the person has been taken into custody and shall promptly schedule a hearing.

(4) Before any hearing to revoke or modify the person's conditional release order, both the prosecuting agency and the released person shall have the right to request an immediate mental examination of the released person. If the conditionally released person is indigent, the court shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.

(5) At any hearing to revoke or modify the conditional release order:

(a) The prosecuting agency shall represent the state, including determining whether to proceed with revocation or modification of the conditional release order;

(b) Hearsay evidence is admissible if the court finds that it is otherwise reliable; and

(c) The state shall bear the burden of proving by a preponderance of the evidence that the person has violated or is in violation of the court's conditional release order or that the person is in need of additional care, monitoring, supervision, or treatment.

(6)(a) If the court determines that the state has met its burden referenced in subsection (5)(c) of this section, and the issue before the court is revocation of the court's conditional release order, the court shall consider the evidence presented by the parties and the following factors relevant to whether continuing the person's conditional release is in the person's best interests or adequate to protect the community:

(i) The nature of the condition that was violated by the person or that the person was in violation of in the context of the person's criminal history and underlying mental conditions;

(ii) The degree to which the violation was intentional or grossly negligent;

(iii) The ability and willingness of the released person to strictly comply with the conditional release order;

(iv) The degree of progress made by the person in community-based treatment; and

(v) The risk to the public or particular persons if the conditional release continues under the conditional release order that was violated.

(b) Any factor alone, or in combination, shall support the court's determination to revoke the conditional release order.

(7) If the court determines the state has met its burden referenced in subsection (5)(c) of this section, and the issue before the court is modification of the court's conditional release order, the court shall modify the conditional release order by adding conditions if the court determines that the person is in need of additional care, monitoring, supervision, or treatment. The court has authority to modify its conditional release order by substituting a new treatment provider, requiring new housing for the person, or imposing such additional supervision conditions as the court deems appropriate.

(8) A person whose conditional release has been revoked shall be remanded to the custody of the secretary for control, care, and treatment in a total confinement facility as designated in RCW 71.09.060(1). The person is thereafter eligible for conditional release only in accord with the provisions of RCW 71.09.090 and related statutes.

Sec. 2042. RCW 71A.12.210 and 2006 c 303 s 2 are each amended to read as follows:

RCW 71A.12.220 through 71A.12.280 apply to a person:

(1)(a) Who has been charged with or convicted of a crime and meets the following criteria:

(i) Has been convicted of one of the following:

(A) A crime of sexual violence as defined in chapter 9A.44 or 71.09 RCW including, but not limited to, rape, rape of a child, and child molestation;

(B) Sexual acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom no substantial personal relationship exists; or

(C) One or more violent offenses, as defined by RCW 9.94A.030; and

(ii) Constitutes a current risk to others as determined by a qualified professional. Charges or crimes that resulted in acquittal must be excluded; or

(b) Who has not been charged with and/or convicted of a crime, but meets the following criteria:

(i) Has a history of stalking, violent, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a violent, sexually violent, and/or predatory act; and

(ii) Constitutes a current risk to others as determined by a qualified professional; and

(2) Who has been determined to have a developmental disability as defined by RCW 71A.10.020((~~(3)~~)).

Sec. 2043. RCW 71A.12.220 and 2006 c 303 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessment" means the written opinion of a qualified professional stating, at a minimum:

(a) Whether a person meets the criteria established in RCW 71A.12.210;

(b) What restrictions are necessary.

(2) "Certified community protection program intensive supported living services" means access to twenty-four-hour supervision, instruction, and support services as identified in the person's plan of care.

(3) "Community protection program" means services specifically designed to support persons who meet the criteria of RCW 71A.12.210.

(4) "Constitutes a risk to others" means a determination of a person's risk and/or dangerousness based upon a thorough assessment by a qualified professional.

(5) "Department" means the department of social and health services.

(6) "Developmental disability" means that condition defined in RCW 71A.10.020((~~(3)~~)).

(7) "Disclosure" means providing copies of professional assessments, incident reports, legal documents, and other information pertaining to community protection issues to ensure the provider has all relevant information. Polygraph and plethysmograph reports are excluded from disclosure.

(8) "Division" means the division of developmental disabilities.

(9) "Managed successfully" means that a person supported by a community protection program does not engage in the behavior identified in RCW 71A.12.210.

(10) "Opportunistic behavior" means an act committed on impulse, which is not premeditated.

(11) "Predatory" means acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or casual acquaintances with whom no substantial personal relationship exists. Predatory behavior may be characterized by planning and/or rehearsing the act, stalking, and/or grooming the victim.

(12) "Qualified professional" means a person with at least three years' prior experience working with individuals with developmental disabilities, and: (a) If the person being assessed has demonstrated sexually aggressive or sexually violent behavior, that person must be assessed by a qualified professional who is a certified sex offender treatment provider, or affiliate sex offender treatment provider working under the supervision of a certified sex offender treatment provider; or (b) if the person being assessed has demonstrated violent, dangerous, or aggressive behavior, that person must be assessed by a licensed psychologist or psychiatrist who has received specialized training in the treatment of or has at least three years' prior experience treating violent or aggressive behavior.

(13) "Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case resource manager, therapist, residential provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

(14) "Violent offense" means any felony defined as a violent offense in RCW 9.94A.030.

(15) "Waiver" means the community-based funding under section 1915 of Title XIX of the federal social security act.

Sec. 2044. RCW 74.04.00511 and 2003 c 19 s 8 are each amended to read as follows:

For purposes of RCW 74.04.005 (((~~(10) and (11)~~))) (9) and (13), ((~~"resource" and~~)) "income" and "resource" do not include educational assistance awarded under the gaining independence for students with dependents program as defined in chapter 19, Laws of 2003 for recipients of temporary assistance for needy families.

Sec. 2045. RCW 74.04.300 and 2003 c 208 s 1 are each amended to read as follows:

If a recipient receives public assistance and/or food stamps or food stamp benefits transferred electronically for which the recipient is not eligible, or receives public assistance and/or food stamps or food stamp benefits transferred electronically in an amount greater than that for which the recipient is eligible, the portion of the payment to which the recipient is not entitled shall be a debt due the state recoverable under RCW 43.20B.030 and 43.20B.620 through 43.20B.645. It shall be the duty of recipients of cash benefits to notify the department of changes to earned income as defined in RCW 74.04.005(((~~(11)~~))). It shall be the duty of recipients of cash benefits to notify the department of changes to liquid resources as defined in RCW 74.04.005(((~~(10)~~))) that would result in ineligibility for cash benefits. It shall be the duty of recipients of food benefits to report changes in income that result in ineligibility for food benefits. All recipients shall report changes required in this section by the tenth of the month following the month in which the change occurs. The department shall make a determination of eligibility within ten days from the date it receives the reported change from the recipient. The department shall adopt rules consistent with federal law and regulations for additional reporting requirements. The department shall advise applicants for assistance that failure to report as required, failure to reveal resources or income, and false statements will result in recovery by the state of any overpayment and may result in criminal prosecution.

Sec. 2046. RCW 74.04.670 and 2007 c 161 s 1 are each amended to read as follows:

(1) For purposes of RCW 74.04.005(((~~(10)~~))) (13)(a), an applicant or recipient is not eligible for long-term care services if the applicant or recipient's equity interest in the home exceeds an amount established by the department in rule, which shall not be less than five hundred thousand dollars. This requirement does not apply if any of the following persons related to the applicant or recipient are legally residing in the home:

(a) A spouse; or

(b) A dependent child under age twenty-one; or

(c) A dependent child with a disability; or

(d) A dependent child who is blind; and

(e) The dependent child in (c) and (d) of this subsection meets the federal supplemental security income program criteria for disabled and blind.

(2) The dollar amounts specified in this section shall be increased annually, beginning in 2011, from year to year based on the percentage increase in the consumer price index for all urban consumers, all items, United States city average, rounded to the nearest one thousand dollars.

(3) This section applies to individuals who are determined eligible for medical assistance with respect to long-term care services based on an application filed on or after May 1, 2006.

Sec. 2047. RCW 79A.05.065 and 2011 c 171 s 115 are each amended to read as follows:

(1)(a) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission; and (ii) entitle such a person to free admission to any state park.

(b) The commission shall grant a senior citizen's pass to any person who applies for the senior citizen's pass and who meets the following requirements:

(i) The person is at least sixty-two years of age;

(ii) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(iii) The person and his or her spouse have a combined income that would qualify the person for a property tax exemption pursuant to RCW 84.36.381. The financial eligibility requirements of this subsection (1)(b)(iii) apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(c) Each senior citizen's pass granted pursuant to this section is valid as long as the senior citizen meets the requirements of (b)(ii) of this subsection. A senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

(d) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in (b) of this subsection. The holder shall have the pass returned upon providing proof to the satisfaction of the director that the holder meets the eligibility criteria for obtaining the senior citizen's pass.

(2)(a) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020((~~(3)~~)) (6) due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.19.010 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission; and (ii) entitle such a person to free admission to any state park.

(b) A card, decal, or special license plate issued for a permanent disability under RCW 46.19.010 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

(3) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall: (a) Entitle such a person, and members of his or her camping unit, to free use of any campsite within any state park; (b) entitle such a person to free admission to any

state park; and (c) entitle such a person to an exemption from any reservation fees.

(4)(a) Any Washington state resident who provides out-of-home care to a child, as either a licensed foster family home or a person related to the child, is entitled to a foster home pass.

(b) An applicant for a foster home pass must request a pass in the manner required by the commission. Upon receipt of a properly submitted request, the commission shall verify with the department of social and health services that the applicant qualifies under (a) of this subsection. Once issued, a foster home pass is valid for the period, which may not be less than one year, designated by the commission.

(c) When accompanied by a child receiving out-of-home care from the pass holder, a foster home pass: (i) Entitles such a person, and members of his or her camping unit, to free use of any campsite within any state park; and (ii) entitles such a person to free admission to any state park.

(d) For the purposes of this subsection (4):

(i) "Out-of-home care" means placement in a foster family home or with a person related to the child under the authority of chapter 13.32A, 13.34, or 74.13 RCW;

(ii) "Foster family home" has the same meaning as defined in RCW 74.15.020; and

(iii) "Person related to the child" means those persons referred to in RCW 74.15.020(2)(a) (i) through (vi).

(5) All passes issued pursuant to this section are valid at all parks any time during the year. However, the pass is not valid for admission to concessionaire operated facilities.

(6) The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites, with the following nonoperated, nonstate-owned parks: Central Ferry, Chief Timothy, Crow Butte, and Lyons Ferry. The commission shall seek state general fund reimbursement on a biennial basis.

(7) The commission may deny or revoke any Washington state park pass issued under this section for cause, including but not limited to the following:

(a) Residency outside the state of Washington;

(b) Violation of laws or state park rules resulting in eviction from a state park;

(c) Intimidating, obstructing, or assaulting a park employee or park volunteer who is engaged in the performance of official duties;

(d) Fraudulent use of a pass;

(e) Providing false information or documentation in the application for a state parks pass;

(f) Refusing to display or show the pass to park employees when requested; or

(g) Failing to provide current eligibility information upon request by the agency or when eligibility ceases or changes.

(8) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(9) The commission may engage in a mutually agreed upon reciprocal or discounted program for all or specific pass programs with other outdoor recreation agencies.

(10) The commission shall adopt those rules as it finds appropriate for the administration of this section. Among other things, the rules shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such a person, a minimum Washington residency requirement for applicants for a senior citizen's pass, and an application form to be completed by applicants for a senior citizen's pass.

Sec. 2048. RCW 80.70.020 and 2004 c 224 s 2 are each amended to read as follows:

(1) The provisions of this chapter apply to:

(a) New fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more and fossil-fueled floating thermal electric generation facilities of one hundred thousand kilowatts or more under RCW 80.50.020(14)(((~~(a)~~))) (b), for which an application for site certification is made to the council after July 1, 2004;

(b) New fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, for which an application for an order of approval has been submitted after July 1, 2004;

(c) Fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more that have an existing site certification agreement and, after July 1, 2004, apply to the council to increase the output of carbon dioxide emissions by fifteen percent or more through permanent changes in facility operations or modification or equipment; and

(d) Fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, that have an existing order of approval and, after July 1, 2004, apply to the department or authority, as appropriate, to permanently modify the facility so as to increase its station-generating capability by at least twenty-five thousand kilowatts or to increase the output of carbon dioxide emissions by fifteen percent or more, whichever measure is greater.

(2)(a) A proposed site certification agreement submitted to the governor under RCW 80.50.100 and a final site certification agreement issued under RCW 80.50.100 shall include an approved carbon dioxide mitigation plan.

(b) For fossil-fueled thermal electric generation facilities not under jurisdiction of the council, the order of approval shall require an approved carbon dioxide mitigation plan.

(c) Site certification agreement holders or order of approval holders may request, at any time, a change in conditions of an approved carbon dioxide mitigation plan if the council, department, or authority, as appropriate, finds that the change meets all requirements and conditions for approval of such plans.

(3) An applicant for a fossil-fueled thermal electric generation facility shall include one or a combination of the following carbon dioxide mitigation options as part of its mitigation plan:

(a) Payment to a third party to provide mitigation;

(b) Direct purchase of permanent carbon credits; or

(c) Investment in applicant-controlled carbon dioxide mitigation projects, including combined heat and power (cogeneration).

(4) Fossil-fueled thermal electric generation facilities that receive site certification approval or an order of approval shall provide mitigation for twenty percent of the total carbon dioxide emissions produced by the facility.

(5) If the certificate holder or order of approval holder chooses to pay a third party to provide the mitigation, the mitigation rate shall be one dollar and sixty cents per metric ton of carbon dioxide to be mitigated. For a cogeneration plant, the monetary amount is based on the difference between twenty percent of the total carbon dioxide emissions and the cogeneration credit.

(a) Through rule making, the council may adjust the rate per ton biennially as long as any increase or decrease does not exceed fifty percent of the current rate. The department or authority shall use the adjusted rate established by the council pursuant to this subsection for fossil-fueled thermal electric generation facilities subject to the provisions of this chapter.

(b) In adjusting the mitigation rate the council shall consider, but is not limited to, the current market price of a ton of carbon dioxide. The council's adjusted mitigation rate shall be consistent with RCW 80.50.010((~~(3)~~)) (4).

(6) The applicant may choose to make to the third party a lump sum payment or partial payment over a period of five years.

(a) Under the lump sum payment option, the payment amount is determined by multiplying the total carbon dioxide emissions by the twenty percent mitigation requirement under subsection (4) of this section and by the per ton mitigation rate established under subsection (5) of this section.

(b) No later than one hundred twenty days after the start of commercial operation, the certificate holder or order of approval holder shall make a one-time payment to the independent qualified organization for the amount determined under subsection (5) of this section.

(c) As an alternative to a one-time payment, the certificate holder or order of approval holder may make a partial payment of twenty percent of the amount determined under subsection (5) of this section no later than one hundred twenty days after commercial operation and a payment in the same amount or as adjusted according to subsection (5)(a) of this section, on the anniversary date of the initial payment in each of the following four years. With the initial payment, the certificate holder or order of approval holder shall provide a letter of credit or other comparable security acceptable to the council or the department for the remaining eighty percent mitigation payment amount including possible changes to the rate per metric ton from rule making under subsection (5)(a) of this section.

Sec. 2049. RCW 88.02.610 and 2011 c 171 s 132 are each amended to read as follows:

(1) A vessel owner shall apply for a vessel visitor permit if the vessel is:

(a) Currently registered or numbered under the laws of a country other than the United States or has a valid United States customs service cruising license issued under 19 C.F.R. Sec. 4.94; and

(b) Being used on Washington state waters for the personal use of the owner for more than sixty days.

(2) A vessel visitor permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid as long as the vessel remains currently registered or numbered under the laws of a country other than the United States or the United States customs service cruising license remains valid.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required in RCW 88.02.640(1)(((~~(m)~~))) (p) when issuing a vessel visitor permit.

(4) The department shall adopt rules to implement this section, including rules on issuing and displaying the vessel visitor permit.

Sec. 2050. RCW 90.58.090 and 2011 c 353 s 14 and 2011 c 277 s 2 are each reenacted and amended to read as follows:

(1) A master program, segment of a master program, or an amendment to a master program shall become effective when approved by the department as provided in subsection (7) of this section. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

The department shall strive to achieve final action on a submitted master program within one hundred eighty days of receipt and shall post an annual assessment related to this performance benchmark on the agency website.

(2) Upon receipt of a proposed master program or amendment, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;

(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific

changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, and made available to all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes by written notice to the department; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.

(4) The department shall approve the segment of a master program relating to critical areas as defined by RCW 36.70A.030((~~(5)~~)) provided the master program segment is consistent with RCW 90.58.020 and applicable shoreline guidelines, and if the segment provides a level of protection of critical areas at least equal to that provided by the local government's critical areas ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest. If the department does not approve a segment of a local government master program relating to a shoreline of statewide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

(6) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(7) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. The effective date is fourteen days from the date of the department's written notice of final action to the local government stating the department has approved or rejected the proposal. For master programs adopted by rule, the effective date is governed by RCW 34.05.380. The department's written notice to the local government must

conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposal.

(a) Shoreline master programs that were adopted by the department prior to July 22, 1995, in accordance with the provisions of this section then in effect, shall be deemed approved by the department in accordance with the provisions of this section that became effective on that date.

(b) The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

(8) Promptly after approval or disapproval of a local government's shoreline master program or amendment, the department shall publish a notice consistent with RCW 36.70A.290 that the shoreline master program or amendment has been approved or disapproved. This notice must be filed for all shoreline master programs or amendments. If the notice is for a local government that does not plan under RCW 36.70A.040, the department must, on the day the notice is published, notify the legislative authority of the applicable local government by telephone or electronic means, followed by written communication as necessary, to ensure that the local government has received the full written decision of the approval or disapproval.

NEW SECTION. **Sec. 2051.** Sections 2034 through 2037 of this act expire January 1, 2028.

PART III
MULTIPLE AMENDMENT MERGES

Sec. 3001. RCW 18.130.175 and 2023 c 469 s 19 and 2023 c 425 s 25 are each reenacted and amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the disciplining authority may refer the license holder to a physician health program or a voluntary substance use disorder monitoring program approved by the disciplining authority.

The cost of evaluation and treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Evaluation and treatment shall be provided by providers approved by the entity or the commission. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the physician health program or voluntary substance use disorder monitoring program shall be done only with the consent of the license holder. Referral to the physician health program or voluntary substance use disorder monitoring program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the applicable program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplining authority of return to substance use or

program violation on the part of a license holder in the program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplining authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving the physician health program or the voluntary substance use disorder monitoring program that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their impairing or potentially impairing health condition, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The physician health program or voluntary substance use disorder program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) Program records including, but not limited to, case notes, progress notes, laboratory reports, evaluation and treatment records, electronic and written correspondence within the program, and between the program and the participant or other involved entities including, but not limited to, employers, credentialing bodies, referents, or other collateral sources, relating to license holders referred to or voluntarily participating in approved programs are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence except:

(a) To defend any civil action by a license holder regarding the restriction or revocation of that individual's clinical or staff privileges, or termination of a license holder's employment. In such an action, the program will, upon subpoena issued by either party to the action, and upon the requesting party seeking a protective order for the requested disclosure, provide to both parties of the action written disclosure that includes the following information:

(i) Verification of a health care professional's participation in the physician health program or voluntary substance use disorder monitoring program as it relates to aspects of program involvement at issue in the civil action;

(ii) The dates of participation;

(iii) Whether or not the program identified an impairing or potentially impairing health condition;

(iv) Whether the health care professional was compliant with the requirements of the physician health program or voluntary substance use disorder monitoring program; and

(v) Whether the health care professional successfully completed the physician health program or voluntary substance use disorder monitoring program; and

(b) Records provided to the disciplining authority for cause as described in subsection (3) of this section. Program records relating to license holders mandated to the program, through order or by stipulation, by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, must be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section are exempt from chapter 42.56 RCW and are not subject to discovery by subpoena except by the license holder.

(5) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(6) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section, and applies to both license holders and students and trainees when students and trainees of the applicable professions are served by the program. The persons entitled to immunity shall include:

(i) An approved physician health program or voluntary substance use disorder monitoring program;

(ii) The professional association affiliated with the program;

(iii) Members, employees, or agents of the program or associations;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the program participant's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on program participants and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

(7) In the case of a person who is applying to be a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, an agency affiliated counselor ((~~registered~~)) credentialed under chapter 18.19 RCW, or a peer specialist or peer specialist trainee certified under chapter 18.420 RCW, if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in an approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program.

(8) The provisions of subsection (7) of this section apply to any person employed as a peer specialist as of July 1, 2025, participating in a program under this section as of July 1, 2025, and applying to become a certified peer specialist under RCW 18.420.050, regardless of when the person's participation in a program began. To this extent, subsection (7) of this section applies retroactively, but in all other respects it applies prospectively.

Sec. 3002. RCW 19.09.085 and 2011 c 199 s 12 and 2011 c 183 s 1 are each reenacted to read as follows:

(1) Registration under this chapter is effective for one year or as established by the secretary.

(2) Renewals required under RCW 19.09.075 or 19.09.079 must be submitted to the secretary no later than the date established by the secretary by rule.

(3) The secretary must notify entities registered under this chapter of the need to renew upon the expiration of their current registration. The notification must be made approximately sixty days prior to the expiration date and must be made through postal or electronic means. Failure to renew shall not be excused by a failure of the secretary to send the notice or by an entity's failure to receive the notice.

(4) Entities required to register and renew under this chapter must file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1)(a) through (k) or 19.09.079 (1) through (7) and (9).

(5) Entities are deemed registered under RCW 19.09.075 or 19.09.079 no sooner than twenty days after receipt of the registration or renewal form by the secretary and may thereafter solicit contributions from the general public.

(6) If the secretary determines that the application for initial registration or renewal is incomplete, the secretary must notify the applicant of the information necessary to complete the application. The secretary may hold the application up to thirty days to allow the applicant time to provide additional information. If the applicant fails to provide complete information as requested by the secretary, the applicant must be deemed unregistered and must cease all solicitations as defined by this chapter.

(7) If an applicant fails to pay a required fee for any filing, the secretary must notify the applicant of the necessary fee to complete the application. The secretary may hold the application up to thirty days to allow the applicant time to submit the required payment. If the applicant fails to provide the required payment as requested by the secretary, the applicant must be deemed unregistered and must cease all solicitations as defined by this chapter.

Sec. 3003. RCW 28B.76.526 and 2023 c 475 s 922 and 2023 c 475 s 1901 are each reenacted to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship),

chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-2021, 2021-2023, and 2023-2025 fiscal biennia, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

Sec. 3004. RCW 43.03.230 and 2011 c 5 s 903 and 2011 1st sp.s. c 21 s 56 are each reenacted to read as follows:

(1) Any agricultural commodity board or commission established pursuant to Title 15 or 16 RCW shall be identified as a class two group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class two group is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

(4) No person designated as a member of a class two board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under RCW 43.03.049. Class two groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law.

(5) Class two groups that are funded by sources other than the state general fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

Sec. 3005. RCW 43.03.240 and 2011 c 5 s 904 and 2011 1st sp.s. c 21 s 57 are each reenacted to read as follows:

(1) Any part-time, statutory board, commission, council, committee, or other similar group which has rule-making authority, performs quasi-judicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business, or industry shall be identified as a class three group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class three group is eligible to receive compensation in an amount not to exceed fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under

this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

(4) No person designated as a member of a class three board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under RCW 43.03.049. Class three groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law.

(5) Class three groups that are funded by sources other than the state general fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

Sec. 3006. RCW 43.03.250 and 2011 c 5 s 905 and 2011 1st sp.s. c 21 s 58 are each reenacted to read as follows:

(1) A part-time, statutory board, commission, council, committee, or other similar group shall be identified as a class four group for purposes of compensation if the group:

(a) Has rule-making authority, performs quasi-judicial functions, or has responsibility for the administration or policy direction of a state agency or program;

(b) Has duties that are deemed by the legislature to be of overriding sensitivity and importance to the public welfare and the operation of state government; and

(c) Requires service from its members representing a significant demand on their time that is normally in excess of one hundred hours of meeting time per year.

(2) Each member of a class four group is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

(4) Class four groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member

and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law.

Sec. 3007. RCW 43.03.265 and 2011 c 5 s 906 and 2011 1st sp.s. c 21 s 59 are each reenacted to read as follows:

(1) Any part-time commission that has rule-making authority, performs quasi-judicial functions, has responsibility for the policy direction of a health profession credentialing program, and performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be identified as a class five group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class five group is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is necessarily incurred in the course of authorized business consistent with the responsibilities of the commission established by law.

(4) No person designated as a member of a class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under RCW 43.03.049. Class five groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law.

(5) Class five groups that are funded by sources other than the state general fund are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

Sec. 3008. RCW 43.21B.300 and 2024 c 347 s 6 and 2024 c 340 s 5 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110, 70A.555.110, 70A.560.020, 70A.565.030, 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms

the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) 30 days after receipt of the notice imposing the penalty;

(b) 30 days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) 30 days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except the following:

(a) Penalties imposed pursuant to RCW 18.104.155 must be credited to the reclamation account as provided in RCW 18.104.155(7);

(b) Penalties imposed pursuant to RCW 70A.15.3160 must be disposed of pursuant to RCW 70A.15.3160;

(c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090, 70A.430.070, 70A.555.110, ((~~and~~)) 70A.560.020, and 70A.565.030 must be credited to the model toxics control operating account created in RCW 70A.305.180;

(d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050 must be credited to the recycling enhancement account created in RCW 70A.245.100;

(e) Penalties imposed pursuant to RCW 70A.500.260 must be deposited into the electronic products recycling account created in RCW 70A.500.130;

(f) Penalties imposed pursuant to RCW 70A.65.200 must be credited to the climate investment account created in RCW 70A.65.250;

(g) Penalties imposed pursuant to RCW 90.56.330 must be credited to the coastal protection fund established in RCW 90.48.390; and

(h) Penalties imposed pursuant to RCW 70A.355.070 must be credited to the underground storage tank account created in RCW 70A.355.090.

Sec. 3009. RCW 43.43.842 and 2023 c 469 s 20 and 2023 c 425 s 23 are each reenacted and amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active vulnerable adult protection order under chapter 7.105 RCW, nor have been: (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing

in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, as an agency affiliated counselor ((~~registered~~)) credentialed under chapter 18.19 RCW practicing as a peer counselor in an agency or facility, or as a peer specialist or peer specialist trainee certified under chapter 18.420 RCW, if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

(4) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

Sec. 3010. RCW 43.79.195 and 2021 c 334 s 971 and 2021 c 170 s 6 are each reenacted to read as follows:

(1) The workforce education investment account is created in the state treasury. All revenues from the workforce investment surcharge created in RCW 82.04.299 and those revenues as specified under RCW 82.04.290(2)(c) must be deposited directly into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for higher education programs, higher education operations, higher education compensation, state-funded student aid programs, and workforce development including career connected learning as defined by RCW 28C.30.020.

(2) Expenditures from the workforce education investment account must be used to supplement, not supplant, other federal, state, and local funding for higher education.

Sec. 3011. RCW 70A.65.030 and 2023 c 475 s 936 and 2023 c 475 s 1902 are each reenacted to read as follows:

(1) Except as provided in subsection (4) of this section, each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in

RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.02.060 and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.02.080: (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) Except as provided in subsection (4) of this section, state agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, or the climate active transportation account created in RCW 46.68.490, must:

(a) Report annually to the environmental justice council created in RCW 70A.02.110 regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter 70A.02 RCW, create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

(4) During the 2023-2025 fiscal biennium:

(a) The requirement of subsection (1) of this section to conduct an environmental justice assessment applies only to covered agencies as defined in RCW 70A.02.010 and to significant agency actions as defined in RCW 70A.02.010.

(b) Agencies shall coordinate with the department and the office of financial management to achieve total statewide spending from the accounts listed in subsection (1) of this section of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as otherwise described in subsection (1)(a) through (d) of this section and in accordance with RCW 70A.65.230.

(c) The requirements of subsection (3)(c) of this section for agencies other than covered agencies to create and adopt community engagement plans apply only to executive branch agencies and institutions of higher education, as defined in RCW 28B.10.016, receiving total appropriations of more than $2,000,000 for the 2023-2025 fiscal biennium from the accounts listed in subsection (1) of this section.

PART IV
CANNABIS TERMINOLOGY CONFORMING AMENDMENTS

Sec. 4001. 2021 c 167 s 1 (uncodified) is amended to read as follows:

(1) The legislature finds that student behavioral health issues have become a crisis in Washington state, necessitating the deployment of behavioral health resources in schools throughout the state. The legislature's concerns are based on the following facts:

(a) According to the healthy youth survey conducted by the office of the superintendent of public instruction in 2018, one in five students in eighth, 10th, and 12th grades considered attempting suicide in the past year while just half of those surveyed had an adult to turn to when feeling sad or hopeless;

(b) According to the national institute for mental health, more than one in 25 adolescents between 13 and 18 years of age are experiencing an eating disorder;

(c) According to the national institute of drug abuse, nearly half of 12th grade students have used illicit drugs, six in 10 have drank alcohol, and four in 10 have used ((~~marijuana [cannabis]~~)) cannabis;

(d) The COVID-19 pandemic has increased the prevalence of and exacerbated existing behavioral health disorders for minors across the state; and

(e) A major barrier to behavioral health support for minors is lack of awareness and access to information about existing services.

(2) The legislature intends to require that contact information for a suicide prevention organization, depression or anxiety support organization, eating disorder support organization, substance abuse support organization, and a mental health referral service for children and teens be listed on the home page of each public school website for the following reasons:

(a) Immediate access to behavioral health services often prevents suicide, attempted suicide, and other self-harm; and

(b) Students in public schools often have access to and spend time on the website for their school.

Sec. 4002. 2015 c 207 s 1 (uncodified) is amended to read as follows:

The legislature intends to further the government-to-government relationship between the state of Washington and federally recognized Indian tribes in the state of Washington by authorizing the governor to enter into agreements concerning the regulation of ((~~marijuana [cannabis]~~)) cannabis. Such agreements may include provisions pertaining to: The lawful commercial production, processing, sale, and possession of ((~~marijuana [cannabis]~~)) cannabis for both recreational and medical purposes; ((~~marijuana [cannabis]~~)) cannabis-related research activities; law enforcement, both criminal and civil; and taxation. The legislature finds that these agreements will facilitate and promote a cooperative and mutually beneficial relationship between the state and the tribes regarding matters relating to the legalization of ((~~marijuana [cannabis]~~)) cannabis, particularly in light of the fact that federal Indian law precludes the state from enforcing its civil regulatory laws in Indian country. Such cooperative agreements will enhance public health and safety, ensure a lawful and well-regulated ((~~marijuana [cannabis]~~)) cannabis market, encourage economic development, and provide fiscal benefits to both the tribes and the state.

Sec. 4003. 2015 c 70 s 2 (uncodified) is amended to read as follows:

The legislature finds that since voters approved Initiative Measure No. 692 in 1998, it has been the public policy of the state to permit the medical use of ((~~marijuana [cannabis]~~)) cannabis. Between 1998 and the present day, there have been multiple legislative attempts to clarify what is meant by the medical use of ((~~marijuana [cannabis]~~)) cannabis and to ensure qualifying patients have a safe, consistent, and adequate source of ((~~marijuana [cannabis]~~)) cannabis for their medical needs.

The legislature further finds that qualifying patients are people with serious medical conditions and have been responsible for finding their own source of ((~~marijuana [cannabis]~~)) cannabis for their own personal medical use. Either by growing it themselves, designating someone to grow for them, or participating in collective gardens, patients have developed methods of access in spite of continued federal opposition to the medical use of ((~~marijuana [cannabis]~~)) cannabis. In a time when access itself was an issue and no safe, consistent source of ((~~marijuana [cannabis]~~)) cannabis was available, this unregulated system was permitted by the state to ensure some, albeit limited, access to ((~~marijuana [cannabis]~~)) cannabis for medical use. Also permitted were personal possession limits of fifteen plants and twenty-four ounces of useable ((~~marijuana [cannabis]~~)) cannabis, which was deemed to be the amount of ((~~marijuana [cannabis]~~)) cannabis needed for a sixty-day supply. In a time when supply was not consistent, this amount of ((~~marijuana [cannabis]~~)) cannabis was necessary to ensure patients would be able to address their immediate medical needs.

The legislature further finds that while possession amounts are provided in statute, these do not amount to protection from arrest and prosecution for patients. In fact, patients in compliance with state law are not provided arrest protection. They may be arrested and their only remedy is to assert an affirmative defense at trial that they are in compliance with the law and have a medical need. Too many patients using ((~~marijuana [cannabis]~~)) cannabis for medical purposes today do not know this; many falsely believe they cannot be arrested so long as their health care provider has authorized them for the medical use of ((~~marijuana [cannabis]~~)) cannabis.

The legislature further finds that in 2012 voters passed Initiative Measure No. 502 which permitted the recreational use of ((~~marijuana [cannabis]~~)) cannabis. For the first time in our nation's history, ((~~marijuana [cannabis]~~)) cannabis would be regulated, taxed, and sold for recreational consumption. Initiative Measure No. 502 provides for strict regulation on the production, processing, and distribution of ((~~marijuana [cannabis]~~)) cannabis. Under Initiative Measure No. 502, ((~~marijuana [cannabis]~~)) cannabis is trackable from seed to sale and may only be sold or grown under license. ((~~Marijuana [Cannabis]~~)) Cannabis must be tested for impurities and purchasers of ((~~marijuana [cannabis]~~)) cannabis must be informed of the THC level in the ((~~marijuana [cannabis]~~)) cannabis. Since its passage, two hundred fifty producer/processor licenses and sixty-three retail licenses have been issued, covering the majority of the state. With the current product canopy exceeding 2.9 million square feet, and retailers in place, the state now has a system of safe, consistent, and adequate access to ((~~marijuana [cannabis]~~)) cannabis; the marketplace is not the same marketplace envisioned by the voters in 1998. While medical needs remain, the state is in the untenable position of having a recreational product that is tested and subject to production standards that ensure safe access for recreational users. No such standards exist for medical users and, consequently, the very people originally meant to be helped through the medical use of ((~~marijuana [cannabis]~~)) cannabis do not know if their product has been tested for molds, do not know where their ((~~marijuana [cannabis]~~)) cannabis has been grown, have no certainty in the level of THC or CBD in their products, and have no assurances that their products have been handled through quality assurance measures. It is not the public policy of the state to allow qualifying patients to only have access to products that may be endangering their health.

The legislature, therefore, intends to adopt a comprehensive act that uses the regulations in place for the recreational market to provide regulation for the medical use of ((~~marijuana [cannabis]~~)) cannabis. It intends to ensure that patients retain their ability to grow their own ((~~marijuana [cannabis]~~)) cannabis for their own medical use and it intends to ensure that patients have the ability to possess more ((~~marijuana [cannabis]~~)) cannabis-infused products, useable ((~~marijuana [cannabis]~~)) cannabis, and ((~~marijuana [cannabis]~~)) cannabis concentrates than what is available to a nonmedical user. It further intends that medical specific regulations be adopted as needed and under consultation of the departments of health and agriculture so that safe handling practices will be adopted and so that testing standards for medical products meet or exceed those standards in use in the recreational market.

The legislature further intends that the costs associated with implementing and administering the medical ((~~marijuana [cannabis]~~)) cannabis authorization database shall be financed from the health professions account and that these funds shall be restored to the health professions account through future appropriations using funds derived from the dedicated ((~~marijuana [cannabis]~~)) cannabis account.

Sec. 4004. 2013 c 3 s 1 (uncodified) is amended to read as follows:

The people intend to stop treating adult ((~~marijuana [cannabis]~~)) cannabis use as a crime and try a new approach that:

(1) Allows law enforcement resources to be focused on violent and property crimes;

(2) Generates new state and local tax revenue for education, health care, research, and substance abuse prevention; and

(3) Takes ((~~marijuana [cannabis]~~)) cannabis out of the hands of illegal drug organizations and brings it under a tightly regulated, state-licensed system similar to that for controlling hard alcohol.

This measure authorizes the state liquor control board to regulate and tax ((~~marijuana [cannabis]~~)) cannabis for persons twenty-one years of age and older, and add a new threshold for driving under the influence of ((~~marijuana [cannabis]~~)) cannabis.

Sec. 4005. 2017 c 317 s 12 (uncodified) is amended to read as follows:

The legislature finds that protecting the state's children, youth, and young adults under the legal age to purchase and consume ((~~marijuana [cannabis]~~)) cannabis, by establishing limited restrictions on the advertising of ((~~marijuana [cannabis]~~)) cannabis and ((~~marijuana [cannabis]~~)) cannabis products, is necessary to assist the state's efforts to discourage and prevent underage consumption and the potential risks associated with underage consumption. The legislature finds that these restrictions assist the state in maintaining a strong and effective regulatory and enforcement system as specified by the federal government. The legislature finds this act leaves ample opportunities for licensed ((~~marijuana [cannabis]~~)) cannabis businesses to market their products to those who are of legal age to purchase them, without infringing on the free speech rights of business owners. Finally, the legislature finds that the state has a substantial and compelling interest in enacting this act aimed at protecting Washington's children, youth, and young adults.

Sec. 4006. 2015 2nd sp.s. c 4 s 101 (uncodified) is amended to read as follows:

(1)(a) The legislature finds the implementation of Initiative Measure No. 502 has established a clearly disadvantaged regulated legal market with respect to prices and the ability to compete with the unregulated medical dispensary market and the illicit market. The legislature further finds that it is crucial that the state continues to ensure a safe, highly regulated system in Washington that protects valuable state revenues while continuing efforts towards disbanding the unregulated ((~~marijuana [cannabis]~~)) cannabis markets. The legislature further finds that ongoing evaluation on the impact of meaningful ((~~marijuana [cannabis]~~)) cannabis tax reform for the purpose of stabilizing revenues is crucial to the overall effort of protecting the citizens and resources of this state. The legislature further finds that a partnership with local jurisdictions in this effort is imperative to the success of the legislature's policy objective. The legislature further finds that sharing revenues to promote a successful partnership in achieving the legislature's intent should be transparent and hold local jurisdictions accountable for their use of state shared revenues. Therefore, the legislature intends to reform the current tax structure for the regulated legal ((~~marijuana [cannabis]~~)) cannabis system to create price parity with the large medical and illicit markets with the specific objective of increasing the market share of the legal and highly regulated ((~~marijuana [cannabis]~~)) cannabis market. The legislature further intends to share ((~~marijuana [cannabis]~~)) cannabis tax revenues with local jurisdictions for public safety purposes and to facilitate the

ongoing process of ensuring a safe regulated ((~~marijuana [cannabis]~~)) cannabis market in all communities across the state.

(b) The legislature further finds ((~~marijuana [cannabis]~~)) cannabis use for qualifying patients is a valid and necessary option health care professionals may recommend for their patients. The legislature further finds that while recognizing the difference between recreational and medical use of ((~~marijuana [cannabis]~~)) cannabis, it is also imperative to distinguish that the authorization for medical use of ((~~marijuana [cannabis]~~)) cannabis is different from a valid prescription provided by a doctor to a patient. The legislature further finds the authorization for medical use of ((~~marijuana [cannabis]~~)) cannabis is unlike over-the-counter medications that require no oversight by a health care professional. The legislature further finds that due to the unique characterization of authorizations for the medical use of ((~~marijuana [cannabis]~~)) cannabis, the policy of providing a tax preference benefit for patients using an authorization should in no way be construed as precedent for changes in the treatment of prescription medications or over-the-counter medications. Therefore, the legislature intends to provide qualifying patients and their designated providers a retail sales and use tax exemption on ((~~marijuana [cannabis]~~)) cannabis purchased or obtained for medical use when authorized by a health care professional.

(2)(a) This subsection is the tax preference performance statement for the retail sales and use tax exemption for ((~~marijuana [cannabis]~~)) cannabis purchased or obtained by qualifying patients or their designated providers provided in RCW 82.08.9998(1) and 82.12.9998(1). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(b) The legislature categorizes the tax preference as one intended to accomplish the general purposes indicated in RCW 82.32.808(2)(e).

(c) It is the legislature's specific public policy objective to provide qualifying patients and their designated providers a retail sales and use tax exemption on ((~~marijuana [cannabis]~~)) cannabis purchased or obtained for medical use when authorized by a health care professional.

(d) To measure the effectiveness of the exemption provided in chapter 4, Laws of 2015 2nd sp. sess. in achieving the specific public policy objective described in (c) of this subsection, the department of revenue must provide the necessary data and assistance to the state liquor and cannabis board for the report required in RCW 69.50.535.

Sec. 4007. 2020 c 236 s 1 (uncodified) is amended to read as follows:

(1) The legislature finds that additional efforts are necessary to reduce barriers to entry to the cannabis industry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws. In the interest of establishing a cannabis industry that is equitable and accessible to those most adversely impacted by the enforcement of drug-related laws, including cannabis-related laws, the legislature finds a social equity program should be created.

(2) The legislature finds that individuals who have been arrested or incarcerated due to drug laws, and those who have resided in areas of high poverty, suffer long-lasting adverse consequences, including impacts to employment, business ownership, housing, health, and long-term financial well-

being. The legislature also finds that family members, especially children, and communities of those who have been arrested or incarcerated due to drug laws, suffer from emotional, psychological, and financial harms as a result of such arrests and incarceration. The legislature further finds that individuals in disproportionately impacted areas suffered the harms of enforcement of cannabis-related laws. Those communities face greater difficulties accessing traditional banking systems and capital for establishing businesses.

(3) The legislature therefore finds that in the interest of remedying harms resulting from the enforcement of cannabis-related laws in disproportionately impacted areas, creating a social equity program will further an equitable cannabis industry by promoting business ownership among individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws. The social equity program should offer, among other things, financial and technical assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in starting cannabis business enterprises. It is the intent of the legislature that implementation of the social equity program authorized by this act not result in an increase in the number of ((~~marijuana [cannabis]~~)) cannabis retailer licenses above the limit on the number of ((~~marijuana [cannabis]~~)) cannabis retailer licenses in the state established by the ((~~[Washington state liquor and cannabis]~~)) Washington state liquor and cannabis board before January 1, 2020.

Sec. 4008. 2020 c 133 s 1 (uncodified) is amended to read as follows:

The legislature finds that recent reports of lung illnesses associated with vapor products demand serious attention by the state in the interest of protecting public health and preventing youth access. While state law grants the liquor and cannabis board broad authority to regulate vapor products containing ((~~marijuana [cannabis]~~)) cannabis, the legislature finds that risks to public health and youth access can be mitigated by clarifying that the board is granted specific authority to prohibit the use of any additive, solvent, ingredient, or compound in ((~~marijuana [cannabis]~~)) cannabis vapor product production and processing and to prohibit any device used in conjunction with a ((~~marijuana [cannabis]~~)) cannabis vapor product.

Sec. 4009. 2019 c 393 s 1 (uncodified) is amended to read as follows:

The legislature intends to allow additional information on the labels and labeling of ((~~marijuana [cannabis]~~)) cannabis products to assist consumers in making purchases of these products.

The legislature declares that labels and labeling should not make any disease claim indicating the product is intended for use in the diagnosis, treatment, cure, or prevention of any disease.

The legislature recognizes that it may be useful for a label or labeling to describe the intended role of a ((~~marijuana [cannabis]~~)) cannabis product that contains nutrients or other dietary ingredients, including herbs and other botanicals, to maintain a structure or function of the body, or characterize the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

Sec. 4010. 2007 c 371 s 1 (uncodified) is amended to read as follows:

The legislature intends to clarify the law on medical ((~~marijuana [cannabis]~~)) cannabis so that the lawful use of this substance is not impaired and medical practitioners are able to exercise their best professional judgment in the delivery of medical treatment, qualifying patients may fully participate in the medical use of ((~~marijuana [cannabis]~~)) cannabis, and designated providers may assist patients in the manner provided by this act without fear of state criminal prosecution. This act is also intended to provide clarification to law enforcement and to all participants in the judicial system.

PART V
NURSING TERMINOLOGY CONFORMING AMENDMENTS

Sec. 5001. RCW 18.20.230 and 2012 c 10 s 15 are each amended to read as follows:

(1) The department of social and health services shall review, in coordination with the department of health, the ((~~nursing care quality assurance commission~~)) state board of nursing, adult family home providers, assisted living facility providers, in-home personal care providers, and long-term care consumers and advocates, training standards for administrators and resident caregiving staff. Any proposed enhancements shall be consistent with this section, shall take into account and not duplicate other training requirements applicable to assisted living facilities and staff, and shall be developed with the input of assisted living facility and resident representatives, health care professionals, and other vested interest groups. Training standards and the delivery system shall be relevant to the needs of residents served by the assisted living facility and recipients of long-term in-home personal care services and shall be sufficient to ensure that administrators and caregiving staff have the skills and knowledge necessary to provide high quality, appropriate care.

(2) The recommendations on training standards and the delivery system developed under subsection (1) of this section shall be based on a review and consideration of the following: Quality of care; availability of training; affordability, including the training costs incurred by the department of social and health services and private providers; portability of existing training requirements; competency testing; practical and clinical coursework; methods of delivery of training; standards for management and caregiving staff training; and necessary enhancements for special needs populations and resident rights training. Residents with special needs include, but are not limited to, residents with a diagnosis of mental illness, dementia, or developmental disability.

Sec. 5002. RCW 18.50.032 and 1994 sp.s. c 9 s 704 are each amended to read as follows:

Registered nurses and nurse midwives certified by the ((~~nursing care quality assurance commission~~)) state board of nursing under chapter 18.79 RCW shall be exempt from the requirements and provisions of this chapter.

Sec. 5003. RCW 18.79.010 and 1994 sp.s. c 9 s 401 are each amended to read as follows:

It is the purpose of the ((~~nursing care quality assurance commission~~)) state board of nursing to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures

developed by the ((~~commission~~)) board must promote the delivery of quality health care to the residents of the state of Washington.

Sec. 5004. RCW 18.79.040 and 2020 c 80 s 15 are each amended to read as follows:

(1) "Registered nursing practice" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in either:

(a) The observation, assessment, diagnosis, care or counsel, and health teaching of individuals with illnesses, injuries, or disabilities, or in the maintenance of health or prevention of illness of others;

(b) The performance of such additional acts requiring education and training and that are recognized by the medical and nursing professions as proper and recognized by the ((~~commission~~)) board to be performed by registered nurses licensed under this chapter and that are authorized by the ((~~commission~~)) board through its rules;

(c) The administration, supervision, delegation, and evaluation of nursing practice. However, nothing in this subsection affects the authority of a hospital, hospital district, in-home service agency, community-based care setting, medical clinic, or office, concerning its administration and supervision;

(d) The teaching of nursing;

(e) The executing of medical regimen as prescribed by a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, or advanced registered nurse practitioner, or as directed by a licensed midwife within his or her scope of practice.

(2) Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

(3) This section does not prohibit (a) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a registered nurse, (b) the practice of licensed practical nursing by a licensed practical nurse, or (c) the practice of a nursing assistant, providing delegated nursing tasks under chapter 18.88A RCW.

Sec. 5005. RCW 18.79.050 and 2000 c 64 s 2 are each amended to read as follows:

"Advanced registered nursing practice" means the performance of the acts of a registered nurse and the performance of an expanded role in providing health care services as recognized by the medical and nursing professions, the scope of which is defined by rule by the ((~~commission~~)) board. Upon approval by the ((~~commission~~)) board, an advanced registered nurse practitioner may prescribe legend drugs and controlled substances contained in Schedule V of the Uniform Controlled Substances Act, chapter 69.50 RCW, and Schedules II through IV subject to RCW 18.79.240(1) (r) or (s).

Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This section does not prohibit (1) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be an advanced registered nurse practitioner, or (2) the practice of registered

nursing by a licensed registered nurse or the practice of licensed practical nursing by a licensed practical nurse.

Sec. 5006. RCW 18.79.070 and 2022 c 240 s 32 are each amended to read as follows:

(1) The state ((~~nursing care quality assurance commission~~)) board of nursing is established, consisting of fifteen members to be appointed by the governor to four-year terms. The governor shall consider nursing members who are recommended for appointment by the appropriate professional associations in the state. No person may serve as a member of the ((~~commission~~)) board for more than two consecutive full terms.

(2) There must be seven registered nurse members, two advanced registered nurse practitioner members, three licensed practical nurse members, and three public members on the ((~~commission~~)) board. Each member of the ((~~commission~~)) board must be a resident of this state.

(3)(a) Registered nurse members of the ((~~commission~~)) board must:

(i) Be licensed as registered nurses under this chapter; and

(ii) Have had at least three years' experience in the active practice of nursing and have been engaged in that practice within two years of appointment.

(b) In addition:

(i) At least one member must be on the faculty at a four-year university nursing program;

(ii) At least one member must be on the faculty at a two-year community college nursing program;

(iii) At least two members must be staff nurses providing direct patient care; and

(iv) At least one member must be a nurse manager or a nurse executive.

(4) Advanced registered nurse practitioner members of the ((~~commission~~)) board must:

(a) Be licensed as advanced registered nurse practitioners under this chapter; and

(b) Have had at least three years' experience in the active practice of advanced registered nursing and have been engaged in that practice within two years of appointment.

(5) Licensed practical nurse members of the ((~~commission~~)) board must:

(a) Be licensed as licensed practical nurses under this chapter; and

(b) Have had at least three years' actual experience as a licensed practical nurse and have been engaged in practice as a practical nurse within two years of appointment.

(6) Public members of the ((~~commission~~)) board may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the ((~~commission~~)) board, or have a material or financial interest in the rendering of health services regulated by the ((~~commission~~)) board.

In appointing the initial members of the ((~~commission~~)) board, it is the intent of the legislature that, to the extent possible, the governor appoint the existing members of the board of nursing and the board of practical nursing repealed under chapter 9, Laws of 1994 sp. sess. The governor may appoint initial members of the ((~~commission~~)) board to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms.

Members of the ((~~commission~~)) board hold office until their successors are appointed.

When the secretary appoints pro tem members, reasonable efforts shall be made to ensure that at least one pro tem member is a registered nurse who is currently practicing and, in addition to meeting other minimum qualifications, has graduated from an associate or baccalaureate nursing program within three years of appointment.

Sec. 5007. RCW 18.79.080 and 1994 sp.s. c 9 s 408 are each amended to read as follows:

The governor may remove a member of the ((~~commission~~)) board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. Whenever the governor is satisfied that a member of the ((~~commission~~)) board has been guilty of neglect of duty, misconduct, malfeasance or misfeasance in office, or of incompetency or unprofessional conduct, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member. If a vacancy occurs on the ((~~commission~~)) board, the governor shall appoint a replacement member to fill the remainder of the unexpired term.

Sec. 5008. RCW 18.79.090 and 1999 c 366 s 5 are each amended to read as follows:

Each ((~~commission~~)) board member shall be compensated in accordance with RCW 43.03.265 and shall be paid travel expenses when away from home in accordance with RCW 43.03.050 and 43.03.060.

Sec. 5009. RCW 18.79.100 and 1994 sp.s. c 9 s 410 are each amended to read as follows:

The ((~~commission~~)) board shall annually elect officers from among its members. The ((~~commission~~)) board shall meet at least quarterly at times and places it designates. It shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the ((~~commission~~)) board members appointed and serving constitutes a quorum at a meeting. All meetings of the ((~~commission~~)) board must be open and public, except that the ((~~commission~~)) board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

Carrying a motion or resolution, adopting a rule, or passing a measure requires the affirmative vote of a majority of a quorum of the ((~~commission~~)) board. The ((~~commission~~)) board may appoint panels consisting of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the ((~~commission~~)) board.

Sec. 5010. RCW 18.79.110 and 2023 c 126 s 8 are each amended to read as follows:

(1) The ((~~commission~~)) board shall keep a record of all of its proceedings and make such reports to the governor as may be required. The ((~~commission~~)) board shall define by rules what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing profession. The ((~~commission~~)) board may adopt rules or issue advisory opinions in response to

questions put to it by professional health associations, nursing practitioners, and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

(2) The ((~~commission~~)) board shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter. The ((~~commission~~)) board shall approve such schools of nursing as meet the requirements of this chapter and the ((~~commission~~)) board, and the ((~~commission~~)) board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The ((~~commission~~)) board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years' inactive or lapsed status. The ((~~commission~~)) board shall establish criteria for licensing by endorsement. The ((~~commission~~)) board shall determine examination requirements for applicants for licensing as registered nurses, advanced registered nurse practitioners, and licensed practical nurses under this chapter, and shall certify to the secretary for licensing duly qualified applicants. The ((~~commission~~)) board shall adopt rules which allow for one hour of simulated learning to be counted as equivalent to two hours of clinical placement learning, with simulated learning accounting for up to a maximum of 50 percent of the required clinical hours.

(3) The ((~~commission~~)) board shall adopt rules on continuing competency. The rules must include exemptions from the continuing competency requirements for registered nurses seeking advanced nursing degrees. Nothing in this subsection prohibits the ((~~commission~~)) board from providing additional exemptions for any person credentialed under this chapter who is enrolled in an advanced education program.

(4) The ((~~commission~~)) board shall adopt such rules under chapter 34.05 RCW as are necessary to fulfill the purposes of this chapter.

(5) The ((~~commission~~)) board is the successor in interest of the board of nursing and the board of practical nursing. All contracts, undertakings, agreements, rules, regulations, decisions, orders, and policies of the former board of nursing or the board of practical nursing continue in full force and effect under the ((~~commission~~)) board until the ((~~commission~~)) board amends or rescinds those rules, regulations, decisions, orders, or policies.

(6) The members of the ((~~commission~~)) board are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the ((~~commission~~)) board.

(7) Whenever the workload of the ((~~commission~~)) board requires, the ((~~commission~~)) board may request that the secretary appoint pro tempore members of the ((~~commission~~)) board. When serving, pro tempore members of the ((~~commission~~)) board have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the ((~~commission~~)) board.

Sec. 5011. RCW 18.79.150 and 2023 c 126 s 7 are each amended to read as follows:

An institution desiring to conduct a school of registered nursing or a school or program of practical nursing, or both, shall apply to the ((~~commission~~)) board and submit evidence satisfactory to the ((~~commission~~)) board that:

(1) It is prepared to carry out the curriculum approved by the ((~~commission~~)) board for basic registered nursing or practical nursing, or both; and

(2) It is prepared to meet other standards established by law and by the ((~~commission~~)) board.

The ((~~commission~~)) board shall make, or cause to be made, such surveys of the schools and programs, and of institutions and agencies to be used by the schools and programs, as it determines are necessary. If in the opinion of the ((~~commission~~)) board, the requirements for an approved school of registered nursing or a school or program of practical nursing, or both, are met, the ((~~commission~~)) board shall approve the school or program. The ((~~nursing commission~~)) board may grant approval to baccalaureate nursing education programs where the nurse administrator holds a graduate degree with a major in nursing and has sufficient experience as a registered nurse but does not hold a doctoral degree.

Sec. 5012. RCW 18.79.160 and 2004 c 262 s 6 are each amended to read as follows:

(1) An applicant for a license to practice as a registered nurse shall submit to the ((~~commission~~)) board:

(a) An attested written application on a department form;

(b) An official transcript demonstrating graduation and successful completion of an approved program of nursing; and

(c) Any other official records specified by the ((~~commission~~)) board.

(2) An applicant for a license to practice as an advanced registered nurse practitioner shall submit to the ((~~commission~~)) board:

(a) An attested written application on a department form;

(b) An official transcript demonstrating graduation and successful completion of an advanced registered nurse practitioner program meeting criteria established by the ((~~commission~~)) board; and

(c) Any other official records specified by the ((~~commission~~)) board.

(3) An applicant for a license to practice as a licensed practical nurse shall submit to the ((~~commission~~)) board:

(a) An attested written application on a department form;

(b) Written official evidence that the applicant is over the age of eighteen;

(c) An official transcript demonstrating graduation and successful completion of an approved practical nursing program, or its equivalent; and

(d) Any other official records specified by the ((~~commission~~)) board.

(4) At the time of submission of the application, the applicant for a license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse must not be in violation of chapter 18.130 RCW or this chapter.

(5) The ((~~commission~~)) board shall establish by rule the criteria for evaluating the education of all applicants.

Sec. 5013. RCW 18.79.170 and 1994 sp.s. c 9 s 417 are each amended to read as follows:

An applicant for a license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse must pass an examination in subjects determined by the ((~~commission~~)) board. The examination may be supplemented by an oral or practical examination. The ((~~commission~~)) board shall establish by rule the requirements for applicants who have failed the examination to qualify for reexamination.

Sec. 5014. RCW 18.79.180 and 1994 sp.s. c 9 s 418 are each amended to read as follows:

When authorized by the ((~~commission~~)) board, the department shall issue an interim permit authorizing the applicant to practice registered nursing, advanced registered nursing, or licensed practical nursing, as appropriate, from the time of verification of the completion of the school or training program until notification of the results of the examination. Upon the applicant passing the examination, and if all other requirements established by the ((~~commission~~)) board for licensing are met, the department shall issue the applicant a license to practice registered nursing, advanced registered nursing, or licensed practical nursing, as appropriate. If the applicant fails the examination, the interim permit expires upon notification to the applicant, and is not renewable. The holder of an interim permit is subject to chapter 18.130 RCW.

Sec. 5015. RCW 18.79.190 and 1994 sp.s. c 9 s 419 are each amended to read as follows:

Upon approval of the application by the ((~~commission~~)) board, the department shall issue a license by endorsement without examination to practice as a registered nurse or as a licensed practical nurse to a person who is licensed as a registered nurse or licensed practical nurse under the laws of another state, territory, or possession of the United States, and who meets all other qualifications for licensing.

An applicant who has graduated from a school or program of nursing outside the United States and is licensed as a registered nurse or licensed practical nurse, or their equivalents, outside the United States must meet all qualifications required by this chapter and pass examinations as determined by the ((~~commission~~)) board.

Sec. 5016. RCW 18.79.230 and 1994 sp.s. c 9 s 423 are each amended to read as follows:

A person licensed under this chapter who desires to retire temporarily from registered nursing practice, advanced registered nursing practice, or licensed practical nursing practice in this state shall send a written notice to the secretary.

Upon receipt of the notice the department shall place the name of the person on inactive status. While remaining on this status the person shall not practice in this state any form of nursing provided for in this chapter. When the person desires to resume practice, the person shall apply to the ((~~commission~~)) board for renewal of the license and pay a renewal fee to the state treasurer. Persons on inactive status for three years or more must provide evidence of knowledge and skill of current practice as required by the ((~~commission~~)) board or as provided in this chapter.

Sec. 5017. RCW 18.79.240 and 2020 c 80 s 17 are each amended to read as follows:

(1) In the context of the definition of registered nursing practice and advanced registered nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice registered nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing technicians;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a registered nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in the practice of nursing as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or a bureau, division, or agency thereof, while in the discharge of his or her official duties;

(h) Permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses for the aid thereof;

(i) Permitting the prescribing or directing the use of, or using, an optical device in connection with ocular exercises, visual training, vision training, or orthoptics;

(j) Permitting the prescribing of contact lenses for, or the fitting and adaptation of contact lenses to, the human eye;

(k) Prohibiting the performance of routine visual screening;

(l) Permitting the practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW, respectively;

(m) Permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulation of the spine;

(n) Permitting the practice of podiatric medicine and surgery as defined in chapter 18.22 RCW;

(o) Permitting the performance of major surgery, except such minor surgery as the ((~~commission~~)) board may have specifically authorized by rule adopted in accordance with chapter 34.05 RCW;

(p) Permitting the prescribing of controlled substances as defined in Schedule I of the Uniform Controlled Substances Act, chapter 69.50 RCW;

(q) Prohibiting the determination and pronouncement of death;

(r) Prohibiting advanced registered nurse practitioners, approved by the ((~~commission~~)) board as certified registered nurse anesthetists from selecting, ordering, or administering controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, consistent with their ((~~commission~~)) board-recognized scope of practice; subject to facility-specific protocols, and subject to a request for certified registered nurse anesthetist anesthesia services issued by a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a podiatric physician and surgeon licensed under chapter 18.22 RCW; the authority to select, order, or administer Schedule II through IV controlled substances being limited to those drugs that are to be directly administered to patients who require anesthesia for diagnostic, operative, obstetrical, or therapeutic procedures in a hospital, clinic, ambulatory surgical facility, or the office of a practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A, 18.57, or 18.32 RCW; "select" meaning the decision-making process of choosing a drug, dosage, route, and time of administration; and "order" meaning the process of directing licensed individuals pursuant to their statutory authority to directly administer a drug or to dispense, deliver, or distribute a drug for the purpose of direct administration to a patient, under instructions of the certified registered nurse anesthetist. "Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia;

(s) Prohibiting advanced registered nurse practitioners from ordering or prescribing controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, if and to the extent that doing so is permitted by their scope of practice;

(t) Prohibiting the practice of registered nursing or advanced registered nursing by a student enrolled in an approved school if:

(i) The student performs services without compensation or expectation of compensation as part of a volunteer activity;

(ii) The student is under the direct supervision of a registered nurse or advanced registered nurse practitioner licensed under this chapter, a pharmacist licensed under chapter 18.64 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, or a physician licensed under chapter 18.71 RCW;

(iii) The services the student performs are within the scope of practice of: (A) The nursing profession for which the student is receiving training; and (B) the person supervising the student;

(iv) The school in which the student is enrolled verifies the student has demonstrated competency through his or her education and training to perform the services; and

(v) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services.

(2) In the context of the definition of licensed practical nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice practical nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of practical nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing assistants;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting or preventing the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a licensed practical nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in licensed practical nurse practice as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of his or her official duties.

Sec. 5018. RCW 18.79.250 and 2000 c 64 s 4 are each amended to read as follows:

An advanced registered nurse practitioner under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.260 and 18.79.270:

(1) Perform specialized and advanced levels of nursing as recognized jointly by the medical and nursing professions, as defined by the ((~~commission~~)) board;

(2) Prescribe legend drugs and Schedule V controlled substances, as defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, and Schedules II through IV subject to RCW 18.79.240(1) (r) or (s) within the scope of practice defined by the ((~~commission~~)) board;

(3) Perform all acts provided in RCW 18.79.260;

(4) Hold herself or himself out to the public or designate herself or himself as an advanced registered nurse practitioner or as a nurse practitioner.

Sec. 5019. RCW 18.79.260 and 2022 c 14 s 2 are each amended to read as follows:

(1) A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, to individuals with illnesses, injuries, or disabilities.

(2) A registered nurse may, at or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, optometrist, podiatric physician and surgeon, physician assistant, advanced registered nurse practitioner, or midwife acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice.

(3) A registered nurse may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.

(a) The delegating nurse shall:

(i) Determine the competency of the individual to perform the tasks;

(ii) Evaluate the appropriateness of the delegation;

(iii) Supervise the actions of the person performing the delegated task; and

(iv) Delegate only those tasks that are within the registered nurse's scope of practice.

(b) A registered nurse, working for a home health or hospice agency regulated under chapter 70.127 RCW, may delegate the application, instillation, or insertion of medications to a registered or certified nursing assistant under a plan of care.

(c) Except as authorized in (b) or (e) of this subsection, a registered nurse may not delegate the administration of medications. Except as authorized in (e) or (f) of this subsection, a registered nurse may not delegate acts requiring substantial skill, and may not delegate piercing or severing of tissues. Acts that require nursing judgment shall not be delegated.

(d) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines that it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the ((~~nursing care quality assurance commission~~)) board for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.

(e) For delegation in community-based care settings or in-home care settings, a registered nurse may delegate nursing care tasks only to registered or certified nursing assistants under chapter 18.88A RCW or home care aides certified under chapter 18.88B RCW. Simple care tasks such as blood pressure monitoring, personal care service, diabetic insulin device set up, verbal verification of insulin dosage for sight-impaired individuals, or other tasks as defined by the ((~~nursing care quality assurance commission~~)) board are exempted from this requirement.

(i) "Community-based care settings" includes: Community residential programs for people with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(ii) "In-home care settings" include an individual's place of temporary or permanent residence, but does not include acute care or skilled nursing facilities,

and does not include community-based care settings as defined in (e)(i) of this subsection.

(iii) Delegation of nursing care tasks in community-based care settings and in-home care settings is only allowed for individuals who have a stable and predictable condition. "Stable and predictable condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.

(iv) The determination of the appropriateness of delegation of a nursing task is at the discretion of the registered nurse. Other than delegation of the administration of insulin by injection for the purpose of caring for individuals with diabetes, the administration of medications by injection, sterile procedures, and central line maintenance may never be delegated.

(v) When delegating insulin injections under this section, the registered nurse delegator must instruct the individual regarding proper injection procedures and the use of insulin, demonstrate proper injection procedures, and must supervise and evaluate the individual performing the delegated task as required by the ((~~commission~~)) board by rule. If the registered nurse delegator determines that the individual is competent to perform the injection properly and safely, supervision and evaluation shall occur at an interval determined by the ((~~commission~~)) board by rule.

(vi)(A) The registered nurse shall verify that the nursing assistant or home care aide, as the case may be, has completed the required core nurse delegation training required in chapter 18.88A or 18.88B RCW prior to authorizing delegation.

(B) Before commencing any specific nursing tasks authorized to be delegated in this section, a home care aide must be certified pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

(vii) The nurse is accountable for his or her own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority are immune from liability for any action performed in the course of their delegation duties.

(viii) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.

(f) The delegation of nursing care tasks only to registered or certified nursing assistants under chapter 18.88A RCW or to home care aides certified under chapter 18.88B RCW may include glucose monitoring and testing.

(g) The ((~~nursing care quality assurance commission~~)) board may adopt rules to implement this section.

(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.

(5) Only a person licensed as a registered nurse may hold herself or himself out to the public or designate herself or himself as a registered nurse.

Sec. 5020. RCW 18.79.290 and 1994 sp.s. c 9 s 429 are each amended to read as follows:

(1) In accordance with rules adopted by the ((~~commission~~)) board, public school districts and private schools that offer classes for any of grades

kindergarten through twelve may provide for clean, intermittent bladder catheterization of students or assisted self-catheterization of students who are in the custody of the school district or private school at the time. After consultation with staff of the superintendent of public instruction, the ((~~commission~~)) board shall adopt rules in accordance with chapter 34.05 RCW, that provide for the following and such other matters as the ((~~commission~~)) board deems necessary to the proper implementation of this section:

(a) A requirement for a written, current, and unexpired request from a parent, legal guardian, or other person having legal control over the student that the school district or private school provide for the catheterization of the student;

(b) A requirement for a written, current, and unexpired request from a physician licensed under chapter 18.71 or 18.57 RCW, that catheterization of the student be provided for during the hours when school is in session or the hours when the student is under the supervision of school officials;

(c) A requirement for written, current, and unexpired instructions from an advanced registered nurse practitioner or a registered nurse licensed under this chapter regarding catheterization that include (i) a designation of the school district or private school employee or employees who may provide for the catheterization, and (ii) a description of the nature and extent of any required supervision; and

(d) The nature and extent of acceptable training that shall (i) be provided by a physician, advanced registered nurse practitioner, or registered nurse licensed under chapter 18.71 or 18.57 RCW, or this chapter, and (ii) be required of school district or private school employees who provide for the catheterization of a student under this section, except that a licensed practical nurse licensed under this chapter is exempt from training.

(2) This section does not require school districts to provide intermittent bladder catheterization of students.

Sec. 5021. RCW 18.79.310 and 1994 sp.s. c 9 s 431 are each amended to read as follows:

As of July 1, 1994, all rules, regulations, decisions, and orders of the board of nursing under chapter 18.88 RCW or the board of practical nursing under chapter 18.78 RCW continue to be in effect under the ((~~commission~~)) board, until the ((~~commission~~)) board acts to modify the rules, regulations, decisions, or orders.

Sec. 5022. RCW 18.79.340 and 2012 c 153 s 13 are each amended to read as follows:

(1) "Nursing technician" means a nursing student employed in a hospital licensed under chapter 70.41 RCW, a clinic, or a nursing home licensed under chapter 18.51 RCW, who:

(a) Is currently enrolled in good standing in a nursing program approved by the ((~~commission~~)) board and has not graduated; or

(b) Is a graduate of a nursing program approved by the ((~~commission~~)) board who graduated:

(i) Within the past thirty days; or

(ii) Within the past sixty days and has received a determination from the secretary that there is good cause to continue the registration period, as defined by the secretary in rule.

(2) No person may practice or represent oneself as a nursing technician by use of any title or description of services without being registered under this chapter, unless otherwise exempted by this chapter.

(3) The ((~~commission~~)) board may adopt rules to implement chapter 258, Laws of 2003.

Sec. 5023. RCW 18.79.390 and 2013 c 81 s 5 are each amended to read as follows:

(1) The secretary shall employ an executive director that is:

(a) Hired by and serves at the pleasure of the ((~~commission~~)) board;

(b) Exempt from the provisions of the civil service law, chapter 41.06 RCW and whose salary is established by the ((~~commission~~)) board in accordance with RCW 43.03.028; and

(c) Responsible for performing all administrative duties of the ((~~commission~~)) board, including preparing an annual budget, and any other duties as delegated to the executive director by the ((~~commission~~)) board.

(2) Consistent with the budgeting and accounting act, the ((~~commission~~)) board is responsible for proposing its own biennial budget which the secretary must submit to the office of financial management.

(3) Prior to adopting credentialing fees under RCW 43.70.250, the secretary shall collaborate with the ((~~commission~~)) board to determine the appropriate fees necessary to support the activities of the ((~~commission~~)) board.

(4) Prior to the secretary exercising the secretary's authority to adopt uniform rules and guidelines, or any other actions that might impact the licensing or disciplinary authority of the ((~~commission~~)) board, the secretary shall first meet with the ((~~commission~~)) board to determine how those rules or guidelines, or changes to rules or guidelines, might impact the ((~~commission's~~)) board's ability to effectively carry out its statutory duties. If the ((~~commission~~)) board, in consultation with the secretary, determines that the proposed rules or guidelines, or changes to existing rules or guidelines, will negatively impact the ((~~commission's~~)) board's ability to effectively carry out its statutory duties, then the individual ((~~commission~~)) board shall collaborate with the secretary to develop alternative solutions to mitigate the impacts. If an alternative solution cannot be reached, the parties may resolve the dispute through a mediator as set forth in subsection (6) of this section.

(5) The ((~~commission~~)) board shall negotiate with the secretary to develop performance-based expectations, including identification of key performance measures. The performance expectations should focus on consistent, timely regulation of health care professionals.

(6) In the event there is a disagreement between the ((~~commission~~)) board and the secretary, that is unable to be resolved through negotiation, a representative of both parties shall agree on the designation of a third party to mediate the dispute.

(7) The secretary shall employ staff that are hired and managed by the executive director provided that nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

(8) By December 31, 2013, the ((~~commission~~)) board must present a report with recommendations to the governor and the legislature regarding:

(a) Evidence-based practices and research-based practices used by boards of nursing when conducting licensing, educational, disciplinary, and financial activities and the use of such practices by the ((~~commission~~)) board; and

(b) A comparison of the ((~~commission's~~)) board's licensing, education, disciplinary, and financial outcomes with those of other boards of nursing using a national database.

Sec. 5024. RCW 18.79.400 and 2010 c 209 s 7 are each amended to read as follows:

(1) By June 30, 2011, the ((~~commission~~)) board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a)(i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless an advanced registered nurse practitioner or certified registered nurse anesthetist first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt an advanced registered nurse practitioner or certified registered nurse anesthetist from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(2) The ((~~commission~~)) board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional associations for advanced registered nurse practitioners and certified registered nurse anesthetists in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

Sec. 5025. RCW 18.79.410 and 2013 c 81 s 6 are each amended to read as follows:

In addition to the authority provided in RCW 42.52.804, the ((~~commission~~)) board, its members, or staff as directed by the ((~~commission~~)) board, may communicate, present information requested, volunteer information, testify

before legislative committees, and educate the legislature, as the ((~~commission~~)) board may from time to time see fit.

Sec. 5026. RCW 18.79.430 and 2023 c 126 s 9 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the legislature intends to expand the student nurse preceptor grant program to help reduce the shortage of health care training settings for students and increase the numbers of nurses in the workforce.

(2)(a) The grant program shall provide incentive pay for individuals serving as clinical supervisors to nursing candidates with a focus on acute shortage areas including those in rural and underserved communities and long-term care facilities. The desired outcomes of the grant program include increased clinical opportunities for nursing students. In part, increased clinical opportunities shall be achieved through reducing the required number of qualifying hours of precepting clinical instruction per student from 100 to 80. The ((~~commission~~)) board shall consult with collective bargaining representatives of nurses who serve as clinical supervisors in the development of the grant program.

(b) The ((~~commission~~)) board shall submit a report, in accordance with RCW 43.01.036, to the office of financial management and the appropriate committees of the legislature by September 30, 2025, on the outcomes of the grant program. The report must include:

(i) A description of the mechanism for incentivizing supervisor pay and other strategies;

(ii) The number of supervisors that received bonus pay and the number of sites used;

(iii) The number of students that received supervision at each site;

(iv) The number of supervision hours provided at each site;

(v) Initial reporting on the number of students who received supervision through the programs that moved into a permanent position with the program at the end of their supervision; and

(vi) Recommendations to scale up the program or otherwise recruit nurse preceptors in shortage areas.

Sec. 5027. RCW 18.79.435 and 2023 c 126 s 11 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the ((~~commission~~)) board, in collaboration with rural hospitals, relevant employer and exclusive bargaining unit partnerships, nursing assistant-certified training programs, the department of health, and the department of labor and industries, shall establish at least two pilot projects for rural hospitals to utilize high school students who are training to become nursing assistant-certified or high school students who are nursing assistant-certified to help address the workforce shortages and promote nursing careers in rural hospitals. As part of the program, students must receive information about related careers and educational and training opportunities including certified medical assistants, licensed practical nurses, and registered nurses.

(2) At least one of the rural hospitals participating in the pilot projects must be east of the crest of the Cascade mountains and at least one of the rural

hospitals participating in the pilot projects must be west of the crest of the Cascade mountains.

(3) The pilot projects shall prioritize using the nursing assistant-certified high school students to their full scope of practice and identify any barriers to doing this.

(4) The ((~~commission~~)) board may contract with an employer and exclusive bargaining unit partnership, nursing consultant, and health services consultant to assist with establishing and supporting the pilot project, including identifying participants, coordinating with the groups and agencies as referenced in subsection (1) of this section and other stakeholders, and preparing reports to the legislature.

(5) The ((~~commission~~)) board shall submit a report, in accordance with RCW 43.01.036, to the health care committees of the legislature by December 1, 2024, and December 1, 2025, with the status of the pilot projects and any findings and recommendations.

(6) This section expires July 1, 2026.

Sec. 5028. RCW 18.79.440 and 2023 c 141 s 1 are each amended to read as follows:

(1) The department or ((~~commission~~)) board may not post information regarding an enforcement action taken by the ((~~commission~~)) board against a person licensed under this chapter, including any supporting documents or indication that the enforcement action was taken, on any public website when the following conditions are met:

(a) In connection with the enforcement action, the person has been required by an order or agreement with the ((~~commission~~)) board to contact a ((~~commission~~)) board-approved substance use disorder monitoring program authorized by RCW 18.130.175, and if recommended by the program, to contract with and participate in the program;

(b) The ((~~commission~~)) board has found that the person has substantially complied with the terms of the order or agreement; and

(c) If the website is a third-party website, the department or ((~~commission~~)) board has the ability to prevent information regarding the enforcement action from being posted on the public website.

(2) Subject to the availability of amounts appropriated for this specific purpose, the ((~~commission~~)) board shall establish a stipend program to defray the out-of-pocket expenses incurred in connection with participation in the ((~~commission's~~)) board's approved substance use disorder monitoring program authorized by RCW 18.130.175.

(3) To be eligible for the stipend program, a person must:

(a) Hold an active, inactive, or suspended license issued pursuant to this chapter;

(b) Submit an application on forms provided by the ((~~commission~~)) board;

(c) Be actively participating in the ((~~commission's~~)) board's approved substance use disorder monitoring program or have completed the ((~~commission's~~)) board's approved substance use disorder monitoring program within six months of submission of an application for the stipend program; and

(d) Have a demonstrated need for financial assistance with the expenses incurred in connection with participation in the ((~~commission's~~)) board's approved substance use disorder monitoring program.

(4) A person is not eligible for the stipend program if they have previously applied for and participated in the stipend program.

(5) The ((~~commission~~)) board may defray up to 80 percent of each out-of-pocket expense deemed eligible for defrayment under this section.

(6) Out-of-pocket expenses eligible for defrayment under this section include the costs of substance use evaluation, treatment, and other ancillary services, including drug testing, participation in professional peer support groups, and any other expenses deemed appropriate by the ((~~commission~~)) board.

(7) A person participating in the stipend program established in this section shall document their out-of-pocket expenses in a manner specified by the ((~~commission~~)) board.

(8) The ((~~commission~~)) board must provide updated information on its website regarding the total number of individuals that have participated in the stipend program, the average total amount of eligible expenses defrayed for each participant, the aggregated total amount of expenses that have been defrayed for all individuals that have participated in the stipend program, and the amount of funds available for the stipend program.

(9) The ((~~commission~~)) board shall establish the stipend program no later than July 1, 2024.

(10) The ((~~commission~~)) board may adopt rules necessary to implement this section.

Sec. 5029. RCW 18.79.800 and 2017 c 297 s 8 are each amended to read as follows:

(1) By January 1, 2019, the ((~~commission~~)) board must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the ((~~commission~~)) board must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional associations for advanced registered nurse practitioners and certified registered nurse anesthetists in the state.

Sec. 5030. RCW 18.79.810 and 2019 c 314 s 10 are each amended to read as follows:

By January 1, 2020, the ((~~commission~~)) board must adopt or amend its rules to require advanced registered nurse practitioners who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the advanced registered nurse practitioner must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

Sec. 5031. RCW 18.88A.020 and 2018 c 201 s 9008 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative training" means a nursing assistant-certified program meeting criteria adopted by the ((~~commission~~)) board under RCW 18.88A.087 to meet the requirements of a state-approved nurse aide competency evaluation

program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act.

(2) "Approved training program" means a nursing assistant-certified training program approved by the ((~~commission~~)) board to meet the requirements of a state-approved nurse aide training and competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act. For community college, vocational-technical institutes, skill centers, and secondary school as defined in chapter 28B.50 RCW, nursing assistant-certified training programs shall be approved by the ((~~commission~~)) board in cooperation with the board for community and technical colleges or the superintendent of public instruction.

(3) ((~~"Commission" means the Washington nursing care quality assurance commission.~~)) "Board" means the state board of nursing.

(4) "Competency evaluation" means the measurement of an individual's knowledge and skills as related to safe, competent performance as a nursing assistant.

(5) "Department" means the department of health.

(6) "Health care facility" means a nursing home, hospital licensed under chapter 70.41 or 71.12 RCW, hospice care facility, home health care agency, hospice agency, licensed or certified service provider under chapter 71.24 RCW other than an individual health care provider, or other entity for delivery of health care services as defined by the ((~~commission~~)) board.

(7) "Medication assistant" means a nursing assistant-certified with a medication assistant endorsement issued under RCW 18.88A.082 who is authorized, in addition to his or her duties as a nursing assistant-certified, to administer certain medications and perform certain treatments in a nursing home under the supervision of a registered nurse under RCW 18.88A.082.

(8) "Nursing assistant" means an individual, regardless of title, who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the delivery of nursing and nursing-related activities to patients in a health care facility. The two levels of nursing assistants are:

(a) "Nursing assistant-certified," an individual certified under this chapter; and

(b) "Nursing assistant-registered," an individual registered under this chapter.

(9) "Nursing home" means a nursing home licensed under chapter 18.51 RCW.

(10) "Secretary" means the secretary of health.

Sec. 5032. RCW 18.88A.030 and 2021 c 203 s 16 are each amended to read as follows:

(1)(a) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(b) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(c) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task

pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

(2)(a) A nursing assistant employed in a nursing home must have successfully obtained certification through: (i) An approved training program and the competency evaluation within a period of time determined in rule by the ((~~commission~~)) board; or (ii) alternative training and the competency evaluation prior to employment.

(b) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

(3) The ((~~commission~~)) board may adopt rules to implement the provisions of this chapter.

Sec. 5033. RCW 18.88A.060 and 2012 c 208 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the ((~~commission~~)) board may:

(1) Determine minimum nursing assistant education requirements and approve training programs;

(2) Approve education and training programs and examinations for medication assistants as provided in RCW 18.88A.082;

(3) Define the prescriber-ordered treatments a medication assistant is authorized to perform under RCW 18.88A.082;

(4) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, the competency evaluation for applicants for nursing assistant certification, using the same competency evaluation for all applicants, whether qualifying to take the competency evaluation under an approved training program or alternative training;

(5) Establish forms and procedures for evaluation of an applicant's alternative training under criteria adopted pursuant to RCW 18.88A.087;

(6) Define and approve any experience requirement for nursing assistant certification;

(7) Adopt rules implementing a continuing competency evaluation program for nursing assistants; and

(8) Adopt rules to enable it to carry into effect the provisions of this chapter.

Sec. 5034. RCW 18.88A.080 and 1994 sp.s. c 9 s 711 are each amended to read as follows:

(1) The secretary shall issue a registration to any applicant who pays any applicable fees and submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary, provided there are no grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

(2) Applicants must file an application with the ((~~commission~~)) board for registration within three days of employment.

Sec. 5035. RCW 18.88A.082 and 2012 c 208 s 3 are each amended to read as follows:

(1) Beginning July 1, 2013, the secretary shall issue a medication assistant endorsement to any nursing assistant-certified who meets the following requirements:

(a) Ongoing certification as a nursing assistant-certified in good standing under this chapter;

(b) Completion of a minimum number of hours of documented work experience as a nursing assistant-certified in a long-term care setting as defined in rule by the ((~~commission~~)) board;

(c) Successful completion of an education and training program approved by the ((~~commission~~)) board by rule, such as the model medication assistant-certified curriculum adopted by the national council of state boards of nursing. The education and training program must include training on the specific tasks listed in subsection (2) of this section as well as training on identifying tasks that a medication assistant may not perform under subsection (4) of this section;

(d) Passage of an examination approved by the ((~~commission~~)) board by rule, such as the medication aide competency examination available through the national council of state boards of nursing; and

(e) Continuing competency requirements as defined in rule by the ((~~commission~~)) board.

(2) Subject to subsection (3) of this section, a medication assistant may perform the following additional tasks:

(a) The administration of medications orally, topically, and through inhalation;

(b) The performance of simple prescriber-ordered treatments, including blood glucose monitoring, noncomplex clean dressing changes, pulse oximetry reading, and oxygen administration, to be defined by the ((~~commission~~)) board by rule; and

(c) The documentation of the tasks in this subsection (2) on applicable medication or treatment forms.

(3) A medication assistant may only perform the additional tasks in subsection (2) of this section:

(a) In a nursing home;

(b) Under the direct supervision of a designated registered nurse who is on-site and immediately accessible during the medication assistant's shift. The registered nurse shall assess the resident prior to the medication assistant administering medications or treatments and determine whether it is safe to administer the medications or treatments. The judgment and decision to administer medications or treatments is retained by the registered nurse; and

(c) If, while functioning as a medication assistant, the primary responsibility of the medication assistant is performing the additional tasks. The ((~~commission~~)) board may adopt rules regarding the medication assistant's primary responsibilities and limiting the duties, within the scope of practice of a nursing assistant-certified, that a nursing assistant-certified may perform while functioning as a medication assistant.

(4) A medication assistant may not:

(a) Accept telephone or verbal orders from a prescriber;

(b) Calculate medication dosages;

(c) Inject any medications;

(d) Perform any sterile task;

(e) Administer medications through a tube;

(f) Administer any Schedule I, II, or III controlled substance; or

(g) Perform any task that requires nursing judgment.

(5) Nothing in this section requires a nursing home to employ a nursing assistant-certified with a medication assistant endorsement.

(6) A medication assistant is responsible and accountable for his or her specific functions.

(7) A medication assistant's employer may limit or restrict the range of functions permitted under this section, but may not expand those functions.

Sec. 5036. RCW 18.88A.085 and 2010 c 169 s 7 are each amended to read as follows:

(1) After January 1, 1990, the secretary shall issue a nursing assistant certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Successful completion of an approved training program or successful completion of alternative training meeting established criteria adopted by the ((~~commission~~)) board under RCW 18.88A.087; and

(b) Successful completion of the competency evaluation.

(2) In addition, applicants shall be subject to the grounds for denial of certification under chapter 18.130 RCW.

Sec. 5037. RCW 18.88A.087 and 2021 c 203 s 17 are each amended to read as follows:

(1) The ((~~commission~~)) board shall adopt criteria for evaluating an applicant's alternative training to determine the applicant's eligibility to take the competency evaluation for nursing assistant certification. At least one option adopted by the ((~~commission~~)) board must allow an applicant to take the competency evaluation if he or she:

(a)(i) Is a certified home care aide pursuant to chapter 18.88B RCW; or

(ii) Is a certified medical assistant pursuant to a certification program accredited by a national medical assistant accreditation organization and approved by the ((~~commission~~)) board; and

(b) Has successfully completed at least twenty-four hours of training that the ((~~commission~~)) board determines is necessary to provide training equivalent to approved training on topics not addressed in the training specified for certification as a home care aide or medical assistant, as applicable. In the ((~~commission's~~)) board's discretion, a portion of these hours may include clinical training.

(2)(a) The ((~~commission~~)) board, in consultation with the secretary, the department of social and health services, and consumer, employer, and worker representatives, shall adopt rules to implement this section and to provide for a program of credentialing reciprocity to the extent required by this section between home care aide and medical assistant certification and nursing assistant certification. The secretary shall also adopt such rules as may be necessary to implement this section and the credentialing reciprocity program.

(b) Rules adopted under this section must be consistent with requirements under 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act relating to state-approved competency evaluation programs for certified nurse aides.

(3) The secretary, in consultation with the ((~~commission~~)) board, shall report annually by December 1st to the governor and the appropriate committees of the legislature on the progress made in achieving career advancement for certified home care aides and medical assistants into nursing practice.

Sec. 5038. RCW 18.88A.088 and 2011 c 32 s 10 are each amended to read as follows:

An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the ((~~commission~~)) board determines that the military training or experience is not substantially equivalent to the standards of this state.

Sec. 5039. RCW 18.88A.090 and 2010 c 169 s 8 are each amended to read as follows:

(1) The ((~~commission~~)) board shall examine each applicant, by a written or oral and a manual component of competency evaluation. The competency evaluation shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(2) Any applicant failing to make the required grade in the first competency evaluation may take up to three subsequent competency evaluations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent competency evaluation. Upon failing four competency evaluations, the secretary may invalidate the original application and require such remedial education before the person may take future competency evaluations.

The ((~~commission~~)) board may approve a competency evaluation prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

Sec. 5040. RCW 18.88A.100 and 1994 sp.s. c 9 s 714 are each amended to read as follows:

The secretary shall waive the competency evaluation and certify a person to practice within the state of Washington if the ((~~commission~~)) board determines that the person meets commonly accepted standards of education and experience for the nursing assistants. This section applies only to those individuals who file an application for waiver by December 31, 1991.

Sec. 5041. RCW 18.88A.210 and 2008 c 146 s 12 are each amended to read as follows:

(1) A nursing assistant meeting the requirements of this section who provides care to individuals in community-based care settings or in-home care settings, as defined in RCW 18.79.260(3), may accept delegation of nursing care tasks by a registered nurse as provided in RCW 18.79.260(3).

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3)(a) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (i) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core nurse delegation training, (ii) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (iii) meet any additional training requirements identified by the ((~~nursing care quality assurance commission~~)) board. Exceptions to these training requirements must adhere to RCW 18.79.260(3)(e) (vi).

(b) In addition to meeting the requirements of (a) of this subsection, before commencing the care of individuals with diabetes that involves administration of insulin by injection, the nursing assistant must provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating completion of specialized diabetes nurse delegation training. The training must include, but is not limited to, instruction regarding diabetes, insulin, sliding scale insulin orders, and proper injection procedures.

Sec. 5042. RCW 18.88B.070 and 2012 c 164 s 406 are each amended to read as follows:

(1) The legislature recognizes that nurses have been successfully delegating nursing care tasks to family members and others for many years. The opportunity for a nurse to delegate nursing care tasks to home care aides certified under this chapter may enhance the viability and quality of health care services in community-based care settings and in-home care settings to allow individuals to live as independently as possible with maximum safeguards.

(2)(a) A certified home care aide who wishes to perform a nurse delegated task pursuant to RCW 18.79.260 must complete nurse delegation core training under chapter 18.88A RCW before the home care aide may be delegated a nursing care task by a registered nurse delegator. Before administering insulin, a home care aide must also complete the specialized diabetes nurse delegation training under chapter 18.88A RCW. Before commencing any specific nursing care tasks authorized under RCW 18.79.260, the home care aide must:

(i) Provide to the delegating nurse a transcript or certificate of successful completion of training issued by an approved instructor or approved training entity indicating the completion of basic core nurse delegation training; and

(ii) Meet any additional training requirements mandated by the ((~~nursing care quality assurance commission~~)) state board of nursing. Any exception to these training requirements is subject to RCW 18.79.260(3)(e)(vi).

(b) In addition to meeting the requirements of (a) of this subsection, before providing delegated nursing care tasks that involve administration of insulin by injection to individuals with diabetes, the home care aide must provide to the delegating nurse a transcript or certificate of successful completion of training issued by an approved instructor or approved training entity indicating completion of specialized diabetes nurse delegation training. The training must include, but is not limited to, instruction regarding diabetes, insulin, sliding scale insulin orders, and proper injection procedures.

(3) The home care aide is accountable for his or her own individual actions in the delegation process. Home care aides accurately following written delegation instructions from a registered nurse are immune from liability regarding the performance of the delegated duties.

(4) Home care aides are not subject to any employer reprisal or disciplinary action by the secretary for refusing to accept delegation of a nursing care task based on his or her concerns about patient safety issues. No provider of a community-based care setting as defined in RCW 18.79.260, or in-home services agency as defined in RCW 70.127.010, may discriminate or retaliate in any manner against a person because the person made a complaint about the nurse delegation process or cooperated in the investigation of the complaint.

Sec. 5043. RCW 28A.210.275 and 2014 c 204 s 2 are each amended to read as follows:

(1) Beginning July 1, 2014, a school district employee not licensed under chapter 18.79 RCW who is asked to administer medications or perform nursing services not previously recognized in law shall at the time he or she is asked to administer the medication or perform the nursing service file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to administer the new medication or nursing service. It is understood that the letter of intent will expire if the conditions of acceptance are substantially changed. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee is not subject to any employer reprisal or disciplinary action for refusing to file a letter.

(2) In the event a school employee provides the medication or service to a student in substantial compliance with (a) rules adopted by the state ((~~nursing care quality assurance commission~~)) board of nursing and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in his or her individual, marital, governmental, corporate, or other capacity as a result of providing the medication or service.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures to ensure a safe, therapeutic learning environment. School employees must receive the training provided under this subsection before they are authorized to deliver the service or medication. Such training must be provided, where necessary, on an ongoing basis to ensure that the proper procedures are not forgotten because the services or medication are delivered infrequently.

Sec. 5044. RCW 28A.210.280 and 2003 c 172 s 1 are each amended to read as follows:

(1) Public school districts and private schools that offer classes for any of grades kindergarten through twelve must provide for clean, intermittent bladder catheterization of students, or assisted self-catheterization of students pursuant to RCW 18.79.290. The catheterization must be provided in substantial compliance with:

(a) Rules adopted by the state ((~~nursing care quality assurance commission~~)) board of nursing and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules; and

(b) Written policies of the school district or private school which shall be adopted in order to implement this section and shall be developed in accordance with such requirements of chapters 41.56 and 41.59 RCW as may be applicable.

(2) School district employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to perform clean, intermittent bladder catheterization as a specific part of their job description, may file a written letter of refusal to perform clean, intermittent bladder catheterization of students. This

written letter of refusal may not serve as grounds for discharge, nonrenewal, or other action adversely affecting the employee's contract status.

(3) Any public school district or private school that provides clean, intermittent bladder catheterization shall document the provision of training given to employees who perform these services. These records shall be made available for review at any audit.

Sec. 5045. RCW 28A.210.290 and 1994 sp.s. c 9 s 722 are each amended to read as follows:

(1) In the event a school employee provides for the catheterization of a student pursuant to RCW 18.79.290 and 28A.210.280 in substantial compliance with (a) rules adopted by the state ((~~nursing care quality assurance commission~~)) board of nursing and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district or private school, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing for the catheterization.

(2) Providing for the catheterization of any student pursuant to RCW 18.79.290 and 28A.210.280 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of the discontinuance: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student: PROVIDED FURTHER, That the public school district otherwise provides for the catheterization of the student to the extent required by federal or state law.

Sec. 5046. RCW 28B.115.020 and 2023 c 442 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved nursing program" means a nursing educational program that leads to a degree or licensure in nursing that is approved by the ((~~nursing care quality assurance commission~~)) state board of nursing under RCW 18.79.070 and is located at an institution of higher education that is authorized to participate in state financial aid programs under chapter 28B.92 RCW.

(2) "Council" means the Washington state forensic investigations council created in chapter 43.103 RCW.

(3) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW and designated by the department in RCW 28B.115.070 as a profession having shortages of credentialed health care professionals in the state.

(4) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care

profession under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW.

(5) "Department" means the state department of health.

(6) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

(7) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the office.

(8) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

(9) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area, an underserved behavioral health area, or as a nurse educator in the state of Washington in lieu of monetary repayment.

(10) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in RCW 28B.115.070. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

(11) "Identified shortage areas" means those areas where qualified forensic pathologists are in short supply because of geographic maldistribution or where vacancies exist that may compromise death investigations. The council, with assistance from the department, shall determine shortage areas.

(12) "Loan repayment" means a loan that is paid in full or in part if the participant:

(a) Renders health care services in a health professional shortage area or an underserved behavioral health area as defined by the department;

(b) Teaches as a nurse educator for an approved nursing program; or

(c) Renders services as a qualified board-certified forensic pathologist as determined by the department.

(13) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(14) "Nurse educator" means an individual with an advanced nursing degree beyond a bachelor's degree that teaches nursing curriculum and is a faculty member for an approved nursing program.

(15) "Office" means the office of student financial assistance.

(16) "Participant" means:

(a) A credentialed health care professional who has received a loan repayment award and has commenced practice as a credentialed health care

provider in a designated health professional shortage area or an underserved behavioral health area;

(b) A nurse educator teaching in an approved nursing program;

(c) An eligible student who has received a scholarship under this program; or

(d) A board-certified forensic pathologist who has commenced working in or is committed to working in identified shortage areas in the state of Washington for the pathologist's required service obligation.

(17) "Required service obligation" means an obligation by the participant to:

(a) Provide health care services in a health professional shortage area or an underserved behavioral health area for a period to be established as provided for in this chapter;

(b) Teach as a nurse educator for a period to be established as provided for in this chapter; or

(c) Provide services as a board-certified forensic pathologist in identified shortage areas as determined by the council.

(18) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

(19) "Satisfied" means paid-in-full.

(20) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area or an underserved behavioral health area.

(21) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

(22) "Underserved behavioral health area" means a geographic area, population, or facility that has a shortage of health care professionals providing behavioral health services, as determined by the department.

Sec. 5047. RCW 41.05.180 and 1994 sp.s. c 9 s 725 are each amended to read as follows:

Each health plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is established or renewed after January 1, 1990, and that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard health plan provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of the state health care authority to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare

supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5048. RCW 48.20.393 and 2023 c 366 s 3 are each amended to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in RCW 48.43.076, that are applicable to other benefits. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5049. RCW 48.21.225 and 2023 c 366 s 4 are each amended to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in RCW 48.43.076, that are applicable to other benefits. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5050. RCW 48.43.087 and 2001 c 251 s 33 are each amended to read as follows:

(1) For purposes of this section:

(a) "Health carrier" includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, plans operating under the health care authority under chapter 41.05 RCW, the basic health plan operating under chapter 70.47 RCW, the state health insurance pool operating under chapter 48.41 RCW, insuring entities regulated under this chapter, and health maintenance organizations regulated under chapter 48.46 RCW.

(b) "Intermediary" means a person duly authorized to negotiate and execute provider contracts with health carriers on behalf of mental health care practitioners.

(c) Consistent with their lawful scopes of practice, "mental health care practitioners" includes only the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provide mental health services, advanced practice psychiatric nurses as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing under chapter 18.79 RCW, psychologists licensed under chapter 18.83 RCW, and mental health counselors, marriage and family therapists, and social workers licensed under chapter 18.225 RCW.

(d) "Mental health services" means outpatient services.

(2) Consistent with federal and state law and rule, no contract between a mental health care practitioner and an intermediary or between a mental health care practitioner and a health carrier that is written, amended, or renewed after June 6, 1996, may contain a provision prohibiting a practitioner and an enrollee from agreeing to contract for services solely at the expense of the enrollee as follows:

(a) On the exhaustion of the enrollee's mental health care coverage;

(b) During an appeal or an adverse certification process;

(c) When an enrollee's condition is excluded from coverage; or

(d) For any other clinically appropriate reason at any time.

(3) If a mental health care practitioner provides services to an enrollee during an appeal or adverse certification process, the practitioner must provide to the enrollee written notification that the enrollee is responsible for payment of these services, unless the health carrier elects to pay for services provided.

(4) This section does not apply to a mental health care practitioner who is employed full time on the staff of a health carrier.

Sec. 5051. RCW 48.44.325 and 2023 c 366 s 5 are each amended to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions, other than the cost-sharing prohibition provided in RCW 48.43.076, that are applicable to other benefits. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5052. RCW 48.46.275 and 2023 c 366 s 6 are each amended to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the ((~~nursing care quality~~

~~assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions, other than the cost-sharing prohibition provided in RCW 48.43.076, that are applicable to other benefits. This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5053. RCW 69.45.010 and 2020 c 80 s 42 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Commission" means the pharmacy quality assurance commission.

(2) "Controlled substance" means a drug, substance, or immediate precursor of such drug or substance, so designated under or pursuant to chapter 69.50 RCW, the uniform controlled substances act.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(4) "Department" means the department of health.

(5) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) "Distribute" means to deliver, other than by administering or dispensing, a legend drug.

(7) "Drug samples" means any federal food and drug administration approved controlled substance, legend drug, or products requiring prescriptions in this state, which is distributed at no charge to a practitioner by a manufacturer or a manufacturer's representative, exclusive of drugs under clinical investigations approved by the federal food and drug administration.

(8) "Legend drug" means any drug that is required by state law or by regulations of the commission to be dispensed on prescription only or is restricted to use by practitioners only.

(9) "Manufacturer" means a person or other entity engaged in the manufacture or distribution of drugs or devices, but does not include a manufacturer's representative.

(10) "Manufacturer's representative" means an agent or employee of a drug manufacturer who is authorized by the drug manufacturer to possess drug samples for the purpose of distribution in this state to appropriately authorized health care practitioners.

(11) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

(12) "Practitioner" means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and

surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a commissioned medical or dental officer in the United States armed forces or the public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized to prescribe by the ((~~nursing care quality assurance commission~~)) state board of nursing, or a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission.

(13) "Reasonable cause" means a state of facts found to exist that would warrant a reasonably intelligent and prudent person to believe that a person has violated state or federal drug laws or regulations.

(14) "Secretary" means the secretary of health or the secretary's designee.

Sec. 5054. RCW 69.51A.300 and 2022 c 16 s 133 are each amended to read as follows:

The board of naturopathy, the board of osteopathic medicine and surgery, the Washington medical commission, and the ((~~nursing care quality assurance commission~~)) state board of nursing shall develop and approve continuing education programs related to the use of cannabis for medical purposes for the health care providers that they each regulate that are based upon practice guidelines that have been adopted by each entity.

Sec. 5055. RCW 70.41.230 and 2019 c 104 s 1, 2019 c 55 s 15, and 2019 c 49 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (3) of this section, prior to granting or renewing clinical privileges or association of any physician, physician assistant, or advanced registered nurse practitioner or hiring a physician, physician assistant, or advanced registered nurse practitioner who will provide clinical care under his or her license, a hospital or facility approved pursuant to this chapter shall request from the physician, physician assistant, or advanced registered nurse practitioner and the physician, physician assistant, or advanced registered nurse practitioner shall provide the following information:

(a) The name of any hospital or facility with or at which the physician, physician assistant, or advanced registered nurse practitioner had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the hospital may request additional information going back further than five years, and the physician, physician assistant, or advanced registered nurse practitioner shall use his or her best efforts to comply with such a request for additional information;

(b) Whether the physician, physician assistant, or advanced registered nurse practitioner has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity listed in (b)(i) through (x) of this subsection, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity listed in (b)(i) through (x) of this subsection in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct:

(i) License to practice any profession in any jurisdiction;

(ii) Other professional registration or certification in any jurisdiction;

(iii) Specialty or subspecialty board certification;

(iv) Membership on any hospital medical staff;

(v) Clinical privileges at any facility, including hospitals, ambulatory surgical centers, or skilled nursing facilities;

(vi) Medicare, medicaid, the food and drug administration, the national institute((~~[s]~~))s of health (office of human research protection), governmental, national, or international regulatory agency, or any public program;

(vii) Professional society membership or fellowship;

(viii) Participation or membership in a health maintenance organization, preferred provider organization, independent practice association, physician-hospital organization, or other entity;

(ix) Academic appointment;

(x) Authority to prescribe controlled substances (drug enforcement agency or other authority);

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician, physician assistant, or advanced registered nurse practitioner deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician, physician assistant, or advanced registered nurse practitioner deems appropriate;

(e) A waiver by the physician, physician assistant, or advanced registered nurse practitioner of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician, physician assistant, or advanced registered nurse practitioner that the information provided by the physician, physician assistant, or advanced registered nurse practitioner is accurate and complete.

(2) Except as provided in subsection (3) of this section, prior to granting privileges or association to any physician, physician assistant, or advanced registered nurse practitioner or hiring a physician, physician assistant, or advanced registered nurse practitioner who will provide clinical care under his or her license, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician, physician assistant, or advanced registered nurse practitioner had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the physician, physician assistant, or advanced registered nurse practitioner:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.71.0195.

(3) In lieu of the requirements of subsections (1) and (2) of this section, when granting or renewing credentials and privileges or association of any

physician, physician assistant, or advanced registered nurse practitioner providing telemedicine or store and forward services, an originating site hospital may rely on a distant site hospital's decision to grant or renew credentials and clinical privileges or association of the physician, physician assistant, or advanced registered nurse practitioner if the originating site hospital obtains reasonable assurances, through a written agreement with the distant site hospital, that all of the following provisions are met:

(a) The distant site hospital providing the telemedicine or store and forward services is a medicare participating hospital;

(b) Any physician, physician assistant, or advanced registered nurse practitioner providing telemedicine or store and forward services at the distant site hospital will be fully credentialed and privileged to provide such services by the distant site hospital;

(c) Any physician, physician assistant, or advanced registered nurse practitioner providing telemedicine or store and forward services will hold and maintain a valid license to perform such services issued or recognized by the state of Washington; and

(d) With respect to any distant site physician, physician assistant, or advanced registered nurse practitioner who holds current credentials and privileges at the originating site hospital whose patients are receiving the telemedicine or store and forward services, the originating site hospital has evidence of an internal review of the distant site physician's, physician assistant's, or advanced registered nurse practitioner's performance of these credentials and privileges and sends the distant site hospital such performance information for use in the periodic appraisal of the distant site physician, physician assistant, or advanced registered nurse practitioner. At a minimum, this information must include all adverse events, as defined in RCW 70.56.010, that result from the telemedicine or store and forward services provided by the distant site physician, physician assistant, or advanced registered nurse practitioner to the originating site hospital's patients and all complaints the originating site hospital has received about the distant site physician, physician assistant, or advanced registered nurse practitioner.

(4)(a) The Washington medical commission or the board of osteopathic medicine and surgery shall be advised within thirty days of the name of any physician or physician assistant denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(b) The ((~~nursing care quality assurance commission~~)) state board of nursing shall be advised within thirty days of the name of any advanced registered nurse practitioner denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(5) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) through (3) of this section shall provide such information concerning the physician, physician assistant, or advanced registered nurse practitioner in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(6) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(7) Hospitals shall be granted access to information held by the Washington medical commission, the board of osteopathic medicine and surgery, and the ((~~nursing care quality assurance commission~~)) state board of nursing pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(8) Violation of this section shall not be considered negligence per se.

Sec. 5056. RCW 70.128.210 and 2012 c 10 s 56 are each amended to read as follows:

(1) The department of social and health services shall review, in coordination with the department of health, the ((~~nursing care quality assurance commission~~)) state board of nursing, adult family home providers, assisted living facility providers, in-home personal care providers, and long-term care consumers and advocates, training standards for providers, resident managers, and resident caregiving staff. The departments and the ((~~commission~~)) board shall submit to the appropriate committees of the house of representatives and the senate by December 1, 1998, specific recommendations on training standards and the delivery system, including necessary statutory changes and funding requirements. Any proposed enhancements shall be consistent with this section, shall take into account and not duplicate other training requirements applicable to adult family homes and staff, and shall be developed with the input of adult family home and resident representatives, health care professionals, and other vested interest groups. Training standards and the delivery system shall be relevant to the needs of residents served by the adult family home and recipients of long-term in-home personal care services and shall be sufficient to ensure that providers, resident managers, and caregiving staff have the skills and knowledge necessary to provide high quality, appropriate care.

(2) The recommendations on training standards and the delivery system developed under subsection (1) of this section shall be based on a review and consideration of the following: Quality of care; availability of training; affordability, including the training costs incurred by the department of social and health services and private providers; portability of existing training requirements; competency testing; practical and clinical coursework; methods of delivery of training; standards for management; uniform caregiving staff training; necessary enhancements for special needs populations; and resident rights training. Residents with special needs include, but are not limited to, residents with a diagnosis of mental illness, dementia, or developmental disability. Development of training recommendations for developmental disabilities services shall be coordinated with the study requirements in section 6, chapter 272, Laws of 1998.

(3) The department of social and health services shall report to the appropriate committees of the house of representatives and the senate by December 1, 1998, on the cost of implementing the proposed training standards for state-funded residents, and on the extent to which that cost is covered by existing state payment rates.

Sec. 5057. RCW 74.42.230 and 2020 c 80 s 57 are each amended to read as follows:

(1) The resident's attending or staff physician or authorized practitioner approved by the attending physician shall order all medications for the resident. The order may be oral or written and shall continue in effect until discontinued by a physician or other authorized prescriber, unless the order is specifically limited by time. An "authorized practitioner," as used in this section, is a registered nurse under chapter 18.79 RCW when authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or a pharmacist under chapter 18.64 RCW when authorized by the pharmacy quality assurance commission.

(2) An oral order shall be given only to a licensed nurse, pharmacist, or another physician. The oral order shall be recorded and physically or electronically signed immediately by the person receiving the order. The attending physician shall sign the record of the oral order in a manner consistent with good medical practice.

(3) A licensed nurse, pharmacist, or another physician receiving and recording an oral order may, if so authorized by the physician or authorized practitioner, communicate that order to a pharmacy on behalf of the physician or authorized practitioner. The order may be communicated verbally by telephone, by facsimile manually signed by the person receiving the order pursuant to subsection (2) of this section, or by electronic transmission pursuant to RCW 69.41.055. The communication of a resident's order to a pharmacy by a licensed nurse, pharmacist, or another physician acting at the prescriber's direction has the same force and effect as if communicated directly by the delegating physician or authorized practitioner. Nothing in this provision limits the authority of a licensed nurse, pharmacist, or physician to delegate to an authorized agent, including but not limited to delegation of operation of a facsimile machine by credentialed facility staff, to the extent consistent with his or her professional license.

Sec. 5058. RCW 7.68.030 and 2024 c 62 s 15 are each amended to read as follows:

(1) It shall be the duty of the director to establish and administer a program of benefits to innocent victims of criminal acts within the terms and limitations of this chapter. The director may apply for and, subject to appropriation, expend federal funds under Public Law 98-473 and any other federal program providing financial assistance to state crime victim compensation programs. The federal funds shall be deposited in the state general fund and may be expended only for purposes authorized by applicable federal law.

(2) The director shall:

(a) Establish and adopt rules governing the administration of this chapter in accordance with chapter 34.05 RCW;

(b) Regulate the proof of accident and extent thereof, the proof of death, and the proof of relationship and the extent of dependency;

(c) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;

(d) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;

(e) Designate a medical director who is licensed under chapter 18.57 or 18.71 RCW;

(f) Supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapter 18.71A RCW, including chiropractic care, and including care provided by licensed advanced ((~~registered nurse practitioners~~)) practice registered nurses, to victims at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, electronic communications, rules, regulations, and practices for the furnishing of such care and treatment. The medical coverage decisions of the department do not constitute a "rule" as used in RCW 34.05.010(16), nor are such decisions subject to the rule-making provisions of chapter 34.05 RCW except that criteria for establishing medical coverage decisions shall be adopted by rule. The department may recommend to a victim particular health care services and providers where specialized treatment is indicated or where cost-effective payment levels or rates are obtained by the department, and the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as statewide access to quality service is maintained for injured victims;

(g) In consultation with interested persons, establish and, in his or her discretion, periodically change as may be necessary, and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, physician assistants as defined in chapter 18.71A RCW, acting under the supervision of or in coordination with a participating physician, as defined in RCW 18.71A.010, or other agency or person rendering services to victims. The department shall coordinate with other state purchasers of health care services to establish as much consistency and

uniformity in billing and coding practices as possible, taking into account the unique requirements and differences between programs. No service covered under this title, including services provided to victims, whether aliens or other victims, who are not residing in the United States at the time of receiving the services, shall be charged or paid at a rate or rates exceeding those specified in such fee schedule, and no contract providing for greater fees shall be valid as to the excess. The establishment of such a schedule, exclusive of conversion factors, does not constitute "agency action" as used in RCW 34.05.010(3), nor does such a fee schedule constitute a "rule" as used in RCW 34.05.010(16). Payments for providers' services under the fee schedule established pursuant to this subsection (2) may not be less than payments provided for comparable services under the workers' compensation program under Title 51 RCW, provided:

(i) If the department, using caseload estimates, projects a deficit in funding for the program by July 15th for the following fiscal year, the director shall notify the governor and the appropriate committees of the legislature and request funding sufficient to continue payments to not less than payments provided for comparable services under the workers' compensation program. If sufficient funding is not provided to continue payments to not less than payments provided for comparable services under the workers' compensation program, the director shall reduce the payments under the fee schedule for the following fiscal year based on caseload estimates and available funding, except payments may not be reduced to less than seventy percent of payments for comparable services under the workers' compensation program;

(ii) If an unforeseeable catastrophic event results in insufficient funding to continue payments to not less than payments provided for comparable services under the workers' compensation program, the director shall reduce the payments under the fee schedule to not less than seventy percent of payments provided for comparable services under the workers' compensation program, provided that the reduction may not be more than necessary to fund benefits under the program; and

(iii) Once sufficient funding is provided or otherwise available, the director shall increase the payments under the fee schedule to not less than payments provided for comparable services under the workers' compensation program;

(h) Make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured victims, shall approve and pay those which conform to the adopted rules, regulations, established fee schedules, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules, regulations, or the established fee schedules and rules and regulations adopted under it.

(3) The director and his or her authorized assistants:

(a) Have power to issue subpoenas to enforce the attendance and testimony of witnesses and the production and examination of books, papers, photographs, tapes, and records before the department in connection with any claim made to the department or any billing submitted to the department. The superior court has the power to enforce any such subpoena by proper proceedings;

(b)(i) May apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made

in the county where the subpoenaed person resides or is found, or the county where the subpoenaed records or documents are located, or in Thurston county. The application must (A) state that an order is sought pursuant to this subsection; (B) adequately specify the records, documents, or testimony; and (C) declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority and that the subpoenaed documents or testimony are reasonably related to an investigation within the department's authority.

(ii) Where the application under this subsection (3)(b) is made to the satisfaction of the court, the court must issue an order approving the subpoena. An order under this subsection constitutes authority of law for the agency to subpoena the records or testimony.

(iii) The director and his or her authorized assistants may seek approval and a court may issue an order under this subsection without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation.

(4) In all hearings, actions, or proceedings before the department, any physician or licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse having theretofore examined or treated the claimant may be required to testify fully regarding such examination or treatment, and shall not be exempt from so testifying by reason of the relation of the physician or licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse to the patient.

Sec. 5059. RCW 7.68.063 and 2011 c 346 s 303 are each amended to read as follows:

Where death results from injury the parties eligible for compensation under this chapter, or someone in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be eligible for compensation under this chapter, certificates of attending physician or licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, if any, and such proof as required by the rules of the department.

Sec. 5060. RCW 7.68.080 and 2024 c 297 s 4 are each amended to read as follows:

(1) When the injury to any victim is so serious as to require the victim being taken from the place of injury to a place of treatment, reasonable transportation costs to and from the nearest place of proper treatment to a reasonable location of the victim's choice shall be reimbursed by the department as part of the victim's total claim under RCW 7.68.070(1).

(2) In the case of alleged rape or molestation of a child, the reasonable costs of a colposcopy examination shall be reimbursed by the department. Costs for a colposcopy examination given under this subsection shall not be included as part of the victim's total claim under RCW 7.68.070(1).

(3) The director shall adopt rules for fees and charges for hospital, clinic, medical, and other health care services, including fees and costs for durable medical equipment, eyeglasses, hearing aids, and other medically necessary devices for crime victims under this chapter. The director shall set these service levels and fees at a level no lower than those established for comparable services

under the workers' compensation program under Title 51 RCW, except the director shall comply with the requirements of RCW 7.68.030(2)(g) (i) through (iii) when setting service levels and fees, including reducing levels and fees when required. In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner. The director shall establish rules adopted in accordance with chapter 34.05 RCW. Nothing in this chapter may be construed to require the payment of interest on any billing, fee, or charge.

(4) Whenever the director deems it necessary in order to resolve any medical issue, a victim shall submit to examination by a physician or physicians selected by the director, with the rendition of a report to the person ordering the examination. The department shall provide the physician performing an examination with all relevant medical records from the victim's claim file. The director, in his or her discretion, may charge the cost of such examination or examinations to the crime victims' compensation fund. If the examination is paid for by the victim, then the cost of said examination shall be reimbursed to the victim for reasonable costs connected with the examination as part of the victim's total claim under RCW 7.68.070(1).

(5) Victims of sexual assault are eligible to receive appropriate counseling. Fees for such counseling shall be determined by the department. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(6)(a) Immediate family members of a homicide victim may receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. Except as provided in (b) of this subsection, up to 12 counseling sessions may be received after the crime victim's claim has been allowed. Fees for counseling shall be determined by the department in accordance with and subject to this section. Payment of counseling benefits under this section may not be provided to the perpetrator of the homicide. The benefits under this subsection may be provided only with respect to homicides committed on or after July 1, 1992.

(b) The immediate family members of a homicide victim may receive more than 12 counseling sessions under this subsection (6) if a licensed mental health provider determines that:

(i) Additional sessions are needed as a direct result of the near-term consequences of the related effects of the homicide; and

(ii) The recipient of the counseling would benefit from additional sessions.

(7) Pursuant to RCW 7.68.070(13), a victim of a sex offense that occurred outside of Washington may be eligible to receive mental health counseling related to participation in proceedings to civilly commit a perpetrator.

(8) The crime victims' compensation program shall consider payment of benefits solely for the effects of the criminal act.

(9) The legislature finds and declares it to be in the public interest of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of any services provided to crime victims pursuant to this chapter. In order to effectively accomplish such purpose and to assure that the victim receives such services as are paid for by the state of Washington, the acceptance by the victim of such services, and the request by a

provider of services for reimbursement for providing such services, shall authorize the director of the department or the director's authorized representative to inspect and audit all records in connection with the provision of such services. In the conduct of such audits or investigations, the director or the director's authorized representatives may:

(a) Examine all records, or portions thereof, including patient records, for which services were rendered by a health care provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential, except that no original patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information obtained under authority of this section by the department is prohibited and constitutes a violation of RCW 42.52.050, unless such disclosure is directly connected to the official duties of the department. The disclosure of patient information as required under this section shall not subject any physician, licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, or other health care provider to any liability for breach of any confidential relationships between the provider and the patient. The director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(b) Approve or deny applications to participate as a provider of services furnished to crime victims pursuant to this title;

(c) Terminate or suspend eligibility to participate as a provider of services furnished to victims pursuant to this title; and

(d) Pursue collection of unpaid overpayments and/or penalties plus interest accrued from health care providers pursuant to RCW 51.32.240(6).

(10) When contracting for health care services and equipment, the department, upon request of a contractor, shall keep confidential financial and valuable trade information, which shall be exempt from public inspection and copying under chapter 42.56 RCW.

Sec. 5061. RCW 9.02.110 and 2022 c 65 s 3 are each amended to read as follows:

The state may not deny or interfere with a pregnant individual's right to choose to have an abortion prior to viability of the fetus, or to protect the pregnant individual's life or health.

A physician, physician assistant, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or other health care provider acting within the provider's scope of practice may terminate and a health care provider may assist a physician, physician assistant, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or other health care provider acting within the provider's scope of practice in terminating a pregnancy as permitted by this section.

Sec. 5062. RCW 9.02.130 and 2022 c 65 s 4 are each amended to read as follows:

The good faith judgment of a physician, physician assistant, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or other health care provider acting within the provider's scope of practice as to viability of the fetus or as to the risk to life or health of a pregnant individual and the good faith

judgment of a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this chapter is an issue.

Sec. 5063. RCW 9.02.170 and 2022 c 65 s 7 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.

(2) "Advanced ((~~registered nurse practitioner" means an advanced registered nurse practitioner~~)) practice registered nurse" means an advanced practice registered nurse licensed under chapter 18.79 RCW.

(3) "Health care provider" means a person regulated under Title 18 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(4) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington.

(5) "Physician assistant" means a physician assistant licensed to practice under chapter 18.71A RCW in the state of Washington.

(6) "Pregnancy" means the reproductive process beginning with the implantation of an embryo.

(7) "Private medical facility" means any medical facility that is not owned or operated by the state.

(8) "State" means the state of Washington and counties, cities, towns, municipal corporations, and quasi-municipal corporations in the state of Washington.

(9) "Viability" means the point in the pregnancy when, in the judgment of the physician, physician assistant, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or other health care provider acting within the provider's scope of practice on the particular facts of the case before such physician, physician assistant, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or other health care provider acting within the provider's scope of practice, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

Sec. 5064. RCW 9.41.010 and 2024 c 289 s 1 and 2024 c 62 s 32 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2)(a) "Assault weapon" means:

(i) Any of the following specific firearms regardless of which company produced and manufactured the firearm:

AK-47 in all forms
AK-74 in all forms
Algimec AGM-1 type semiautomatic
American Arms Spectre da semiautomatic carbine
AR15, M16, or M4 in all forms
AR 180 type semiautomatic
Argentine L.S.R. semiautomatic
Australian Automatic
Auto-Ordnance Thompson M1 and 1927 semiautomatics
Barrett .50 cal light semiautomatic
Barrett .50 cal M87
Barrett .50 cal M107A1
Barrett REC7
Beretta AR70/S70 type semiautomatic
Bushmaster Carbon 15
Bushmaster ACR
Bushmaster XM-15
Bushmaster MOE
Calico models M100 and M900
CETME Sporter
CIS SR 88 type semiautomatic
Colt CAR 15
Daewoo K-1
Daewoo K-2
Dragunov semiautomatic
Fabrique Nationale FAL in all forms
Fabrique Nationale F2000
Fabrique Nationale L1A1 Sporter
Fabrique Nationale M249S
Fabrique Nationale PS90
Fabrique Nationale SCAR
FAMAS .223 semiautomatic
Galil
Heckler & Koch G3 in all forms
Heckler & Koch HK-41/91
Heckler & Koch HK-43/93
Heckler & Koch HK94A2/3

Heckler & Koch MP-5 in all forms
Heckler & Koch PSG-1
Heckler & Koch SL8
Heckler & Koch UMP
Manchester Arms Commando MK-45
Manchester Arms MK-9
SAR-4800
SIG AMT SG510 in all forms
SIG SG550 in all forms
SKS
Spectre M4
Springfield Armory BM-59
Springfield Armory G3
Springfield Armory SAR-8
Springfield Armory SAR-48
Springfield Armory SAR-3
Springfield Armory M-21 sniper
Springfield Armory M1A
Smith & Wesson M&P 15
Sterling Mk 1
Sterling Mk 6/7
Steyr AUG
TNW M230
FAMAS F11
Uzi 9mm carbine/rifle

(ii) A semiautomatic rifle that has an overall length of less than 30 inches;

(iii) A conversion kit, part, or combination of parts, from which an assault weapon can be assembled or from which a firearm can be converted into an assault weapon if those parts are in the possession or under the control of the same person; or

(iv) A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(B) Thumbhole stock;

(C) Folding or telescoping stock;

(D) Forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) Flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;

(F) Muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;

(G) Threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item;

(H) Grenade launcher or flare launcher; or

(I) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel;

(v) A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(vi) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

(B) A second hand grip;

(C) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel; or

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(vii) A semiautomatic shotgun that has any of the following:

(A) A folding or telescoping stock;

(B) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(C) A thumbhole stock;

(D) A forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) A fixed magazine in excess of seven rounds; or

(F) A revolving cylinder shotgun.

(b) For the purposes of this subsection, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) "Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(3) "Assemble" means to fit together component parts.

(4) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(5) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the

energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(6) "Conviction" or "convicted" means, whether in an adult court or adjudicated in a juvenile court, that a plea of guilty has been accepted or a verdict of guilty has been filed, or a finding of guilt has been entered, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, posttrial or post-fact-finding motions, and appeals. "Conviction" includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state.

(7) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(8) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(9) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(10) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(11) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

(12) "Domestic violence" has the same meaning as provided in RCW 10.99.020.

(13) "Family or household member" has the same meaning as in RCW 7.105.010.

(14) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

(15) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

(16) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

(17) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(18) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(19) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(20) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. For the purposes of RCW 9.41.040, "firearm" also includes frames and receivers. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

(21)(a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(22) "Gun" has the same meaning as firearm.

(23) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine or assault weapon when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine or assault weapon the individual transported out of state.

(24) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

(25) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(26) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(27) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(28) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(29) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(30) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(31) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(32) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

(33) "Mental health professional" means a psychiatrist, psychologist, or physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, psychiatric nurse, social worker, mental health counselor, marriage and family therapist, or such other mental health professionals as may be defined in statute or by rules adopted by the department of health pursuant to the provisions of chapter 71.05 RCW.

(34) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(35) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(36) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

(37) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(38) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(39) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

(40) "Semiautomatic" means any firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(41)(a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(42) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense;

(p) Any felony conviction under RCW 9.41.115; or

(q) Any felony charged under RCW 46.61.502(6) or 46.61.504(6).

(43) "Sex offense" has the same meaning as provided in RCW 9.94A.030.

(44) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

(45) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

(46) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(47) "Substance use disorder professional" means a person certified under chapter 18.205 RCW.

(48) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

(49) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

(50)(a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the

following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

(51) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

(52) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

(53) "Washington state patrol firearms background check program" means the division within the state patrol that conducts background checks for all firearm transfers and the disposition of firearms.

Sec. 5065. RCW 10.77.010 and 2023 c 453 s 2 and 2023 c 120 s 5 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Authority" means the Washington state health care authority.

(3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or restoration services related to competency to stand trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

(6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(8) "Department" means the state department of social and health services.

(9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(11) "Developmental disabilities professional" means a person who has specialized training and experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(12) "Developmental disability" means the condition as defined in RCW 71A.10.020.

(13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(17) "History of one or more violent acts" means violent acts committed during: (a) The 10-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the 10-year period in a mental health facility or in confinement as a result of a criminal conviction.

(18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(20) "Indigent" means any person who is indigent as defined in RCW 10.101.010, or financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW;

(c) A psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(24) "Secretary" means the secretary of the department of social and health services or his or her designee.

(25) "Treatment" means any currently standardized medical or mental health procedure including medication.

(26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(27) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be

construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 5066. RCW 10.77.175 and 2024 c 62 s 13 are each amended to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the conditional treatment;

(c) A psychiatric evaluation or a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW;

(h) Appointment of a transition team under RCW 10.77.150; and

(i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance use disorder counseling;

(e) Residential treatment;

(f) Partial hospitalization;

(g) Intensive outpatient treatment;

(h) Support for housing, benefits, education, and employment; and

(i) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if

the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a representative from the department of social and health services who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 5067. RCW 11.130.290 and 2020 c 312 s 203 are each amended to read as follows:

(1) On receipt of a petition under RCW 11.130.270 and at the time the court appoints a court visitor under RCW 11.130.280, the court shall order a professional evaluation of the respondent.

(2) The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.

(3) The individual conducting the evaluation shall provide the completed evaluation report to the court visitor within thirty days of the examination of the

respondent. The court visitor shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

(a) The professional's name, address, education, and experience;

(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(c) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(d) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan;

(e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;

(f) Identification or persons with whom the professional has met or spoken with regarding the respondent; and

(g) The date of the examination on which the report is based.

(4) If the respondent declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.275 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.

Sec. 5068. RCW 11.130.390 and 2020 c 312 s 212 are each amended to read as follows:

(1) On receipt of a petition under RCW 11.130.360 and at the time the court appoints a court visitor under RCW 11.130.380, the court shall order a professional evaluation of the respondent.

(2) The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW, selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.

(3) The individual conducting the evaluation shall promptly provide the completed evaluation report to the court visitor who shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

(a) The professional's name, address, education, and experience;

(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations with regard to the management of the respondent's property and financial affairs;

(c) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(d) A prognosis for improvement with regard to the ability to manage the respondent's property and financial affairs;

(e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;

(f) Identification or persons with whom the professional has met or spoken with regarding the respondent; and

(g) The date of the examination on which the report is based.

(4) If the respondent declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.370 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.

(5) A professional evaluation is not required if a petition for appointment of a conservator under RCW 11.130.360 is for a conservator for the property or financial affairs of a minor or for an adult missing, detained, or unable to return to the United States.

Sec. 5069. RCW 11.130.615 and 2020 c 312 s 319 are each amended to read as follows:

(1) On receipt of a petition under RCW 11.130.595 and at the time the court appoints a court visitor under RCW 11.130.605, the court shall order a professional evaluation of the respondent.

(2) The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.

(3) The individual conducting the evaluation shall provide the completed evaluation report to the court visitor within thirty days of the examination of the respondent. The court visitor shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

(a) The professional's name, address, education, and experience;

(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(c) An evaluation of the respondent's mental and physical condition and, if appropriate, education potential, adaptive behavior, and social skills;

(d) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan;

(e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;

(f) Identification or persons with whom the professional has met or spoken with regarding the respondent; and

(g) The date of the examination on which the report is based.

(4) If the respondent declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.600 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.

Sec. 5070. RCW 18.16.260 and 2013 c 187 s 11 are each amended to read as follows:

(1)(a) Prior to July 1, 2005, (i) a cosmetology licensee who held a license in good standing between June 30, 1999, and June 30, 2003, may request a renewal of the license or an additional license in barbering, manicuring, and/or esthetics; and (ii) a licensee who held a barber, manicurist, or esthetics license between June 30, 1999, and June 30, 2003, may request a renewal of such licenses held during that period.

(b) A license renewal fee, including, if applicable, a renewal fee, at the current rate, for each year the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request, must be paid prior to issuance of each type of license requested. After June 30, 2005, any cosmetology licensee wishing to renew an expired license or obtain additional licenses must meet the applicable renewal, training, and examination requirements of this chapter.

(2)(a) Any person holding an active license in good standing as an esthetician prior to January 1, 2015, may be licensed as an esthetician licensee after paying the appropriate license fee.

(b) Prior to January 1, 2015, an applicant for a master esthetician license must have an active license in good standing as an esthetician, pay the appropriate license fee, and provide the department with proof of having satisfied one or more of the following requirements:

(i)(A)(I) A minimum of thirty-five hours employment as a provider of medium depth peels under the delegation or supervision of a licensed physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seven hours of training in theory and application of medium depth peels; and

(B)(I) A minimum of one hundred fifty hours employment as a laser operator under the delegation or supervision of a licensed physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seventy-five hours of laser training;

(ii) A national or international diploma or certification in esthetics that is recognized by the department by rule;

(iii) An instructor in esthetics who has been licensed as an instructor in esthetics by the department for a minimum of three years; or

(iv) Completion of one thousand two hundred hours of an esthetic curriculum approved by the department.

(3) The director may, as provided in RCW 43.24.140, modify the duration of any additional license granted under this section to make all licenses issued to a person expire on the same date.

Sec. 5071. RCW 18.50.005 and 2022 c 289 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advanced ((~~registered nurse practitioner" means an advanced registered nurse practitioner~~)) practice registered nurse" means an advanced practice registered nurse licensed under chapter 18.79 RCW.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Midwife" means a midwife licensed under this chapter.

(5) "Naturopath" means a naturopath licensed under chapter 18.36A RCW.

(6) "Physician" means a physician licensed under chapter 18.57 or 18.71 RCW.

(7) "Physician assistant" means a physician assistant licensed under chapter 18.71A RCW.

Sec. 5072. RCW 18.50.115 and 2022 c 289 s 6 are each amended to read as follows:

(1) A midwife licensed under this chapter may obtain and administer prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho immune globulin (human), and local anesthetic and may administer such other drugs or medications as prescribed by a physician, an advanced ((~~registered nurse practitioner~~)) practice registered nurse, a naturopath, or a physician assistant acting within the practitioner's scope of practice. A pharmacist who dispenses such drugs to a licensed midwife shall not be liable for any adverse reactions caused by any method of use by the midwife.

(2) A midwife licensed under this chapter who has been granted a limited prescriptive license extension by the secretary may prescribe, obtain, and administer:

(a) Antibiotic, antiemetic, antiviral, antifungal, low-potency topical steroid, and antipruritic medications and therapies, and other medications and therapies as defined in the midwifery legend drugs and devices rule for the prevention and treatment of conditions that do not constitute a significant deviation from normal in pregnancy or postpartum; and

(b) Hormonal and nonhormonal family planning methods.

(3) A midwife licensed under this chapter who has been granted an additional license extension to include medical devices and implants by the secretary may prescribe, obtain, and administer hormonal and nonhormonal family planning medical devices, as prescribed in rule.

(4) The secretary, after collaboration with representatives of the midwifery advisory committee, the pharmacy quality assurance commission, and the Washington medical commission, may adopt rules that authorize licensed midwives to prescribe, obtain, and administer legend drugs and devices in addition to the drugs authorized in this chapter.

Sec. 5073. RCW 18.57.040 and 2021 c 247 s 2 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit:

(1) Service in the case of emergency;

(2) The domestic administration of family remedies;

(3) The practice of midwifery as permitted under chapter 18.50 RCW;

(4) The practice of osteopathic medicine and surgery by any commissioned medical officer in the United States government or military service or by any

osteopathic physician and surgeon employed by a federal agency, in the discharge of his or her official duties;

(5) Practice by a dentist licensed under chapter 18.32 RCW when engaged exclusively in the practice of dentistry;

(6) The consultation through telemedicine or other means by a practitioner, licensed by another state or territory in which he or she resides, with a practitioner licensed in this state who has responsibility for the diagnosis and treatment of the patient within this state;

(7) In-person practice by any osteopathic physician and surgeon from any other state or territory in which he or she resides: PROVIDED, That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state;

(8) Practice by a person who is a student enrolled in an accredited school of osteopathic medicine and surgery approved by the board if:

(a) The performance of such services is only pursuant to a course of instruction or assignments from his or her instructor or school, and such services are performed only under the supervision of a person licensed pursuant to this chapter or chapter 18.71 RCW; or

(b)(i) Such services are performed without compensation or expectation of compensation as part of a volunteer activity;

(ii) The student is under the direct supervision and control of a pharmacist licensed under chapter 18.64 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under this chapter, or a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW;

(iii) The services the student performs are within the scope of practice of: (A) An osteopathic physician and surgeon licensed under this chapter; and (B) the person supervising the student;

(iv) The school in which the student is enrolled verifies the student has demonstrated competency through his or her education and training to perform the services; and

(v) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services;

(9) Practice by an osteopathic physician and surgeon serving a period of clinical postgraduate medical training in a postgraduate program approved by the board: PROVIDED, That the performance of such services be only pursuant to a course of instruction in said program, and said services are performed only under the supervision and control of a person licensed pursuant to this chapter or chapter 18.71 RCW; or

(10) Practice by a person who is enrolled in a physician assistant program approved by the board who is performing such services only pursuant to a course of instruction in said program: PROVIDED, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter or chapter 18.71 RCW.

This chapter shall not be construed to apply in any manner to any other system or method of treating the sick or afflicted or to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer.

Sec. 5074. RCW 18.59.100 and 2015 c 10 s 1 are each amended to read as follows:

An occupational therapist shall, after evaluating a patient and if the case is a medical one, refer the case to a physician for appropriate medical direction if such direction is lacking. Treatment by an occupational therapist of such a medical case may take place only upon the referral of a physician, osteopathic physician, podiatric physician and surgeon, naturopath, chiropractor, physician assistant, psychologist, optometrist, or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed to practice in this state.

Sec. 5075. RCW 18.64.253 and 2019 c 270 s 1 are each amended to read as follows:

(1) This chapter does not prohibit a student from practicing pharmacy if:

(a) The student is enrolled in a college or school of pharmacy accredited by the commission and is registered as a pharmacy intern under RCW 18.64.080;

(b) The student performs services without compensation or the expectation of compensation as part of a volunteer activity;

(c) The student is under the direct supervision of a pharmacist licensed under this chapter, a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, or a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW;

(d) The services the student performs are within the scope of practice of: (i) A pharmacist licensed under this chapter; and (ii) the person supervising the student;

(e) The college or school in which the student is enrolled verifies that the student has demonstrated competency through his or her education and training to perform the services; and

(f) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services.

(2) The commission may adopt rules to implement the requirements of this section.

Sec. 5076. RCW 18.64.560 and 2016 c 148 s 3 are each amended to read as follows:

(1) A pharmacy or pharmacist may provide a limited quantity of drugs to a nursing home or hospice program without a prescription for emergency administration by authorized personnel of the facility or program pursuant to a valid prescription. The drugs so provided must be limited to those required to meet the immediate therapeutic needs of residents or patients and may not be available from another authorized source in sufficient time to prevent risk of harm by delay resulting from obtaining drugs from another source. Emergency kits must be secured in a locked room, container, or device to prevent unauthorized access and to ensure the proper environment for preservation of the drugs.

(2) In addition to or in connection with the emergency kit authorized under subsection (1) of this section, a nursing home that employs a unit dose drug distribution system may maintain a supplemental dose kit for supplemental nonemergency drug therapy. Supplemental dose kits must be secured in a locked room, container, or device to prevent unauthorized access, and to ensure the proper environment for preservation of the drugs. Administration of drugs from a supplemental dose kit must be under a valid prescription or chart order.

(3) The types and quantity of drugs appropriate to serve the resident or patient population of a nursing home or hospice program using an emergency kit or supplemental dose kit and procedures for the proper storage and security of drugs must be determined by a pharmaceutical services committee that includes a pharmacist licensed under this chapter, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, and appropriate clinical or administrative personnel of the nursing home or hospice program as set forth in rules adopted by the pharmacy quality assurance commission.

(4) A registered nurse or licensed practical nurse operating under appropriate direction and supervision by a pharmacist may restock an emergency kit or supplemental dose kit to provide for safe and timely patient access.

Sec. 5077. RCW 18.71.030 and 2024 c 62 s 14 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.210 RCW;

(4) The practice of dentistry, osteopathic medicine and surgery, nursing, chiropractic, podiatric medicine and surgery, optometry, naturopathy, or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him or her by the laws and regulations of the United States;

(6) The consultation through telemedicine or other means by a practitioner, licensed by another state or territory in which he or she resides, with a practitioner licensed in this state who has responsibility for the diagnosis and treatment of the patient within this state;

(7) The in-person practice of medicine by any practitioner licensed by another state or territory in which he or she resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(8) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the commission if:

(a) The performance of such services is only pursuant to a regular course of instruction or assignments from his or her instructor; or

(b) Such services are performed only under the supervision and control of a person licensed pursuant to this chapter; or

(c)(i) Such services are performed without compensation or expectation of compensation as part of a volunteer activity;

(ii) The student is under the direct supervision and control of a pharmacist licensed under chapter 18.64 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, or a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW;

(iii) The services the student performs are within the scope of practice of: (A) A physician licensed under this chapter; and (B) the person supervising the student;

(iv) The school in which the student is enrolled verifies the student has demonstrated competency through his or her education and training to perform the services; and

(v) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services;

(9) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state, however, the performance of such services shall be only pursuant to his or her duties as a trainee;

(10) The practice of medicine by a person who is regularly enrolled in a physician assistant program approved by the commission, however, the performance of such services shall be only pursuant to a regular course of instruction in said program and such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(11) The practice of medicine by a licensed physician assistant which practice is performed under the supervision of or in collaboration with a physician licensed pursuant to this chapter;

(12) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

(13) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the commission, however, a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist, and the commission has jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to this chapter and chapter 18.130 RCW;

(14) Emergency lifesaving service rendered by a physician's trained advanced emergency medical technician and paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician;

(15) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.79.290 and 28A.210.280.

Sec. 5078. RCW 18.74.200 and 2023 c 198 s 2 are each amended to read as follows:

(1) Subject to the limitations of this section, a physical therapist may perform intramuscular needling only after being issued an intramuscular

needling endorsement by the secretary. The secretary, upon approval by the board, shall issue an endorsement to a physical therapist who has at least one year of postgraduate practice experience that averages at least 36 hours a week and consists of direct patient care and who provides evidence in a manner acceptable to the board of a total of 325 hours of instruction and clinical experience that meet or exceed the following criteria:

(a) A total of 100 hours of didactic instruction in the following areas:

(i) Anatomy and physiology of the musculoskeletal and neuromuscular systems;

(ii) Anatomical basis of pain mechanisms, chronic pain, and referred pain;

(iii) Trigger point evaluation and management;

(iv) Universal precautions in avoiding contact with a patient's bodily fluids; and

(v) Preparedness and response to unexpected events including but not limited to injury to blood vessels, nerves, and organs, and psychological effects or complications.

(b) A total of 75 hours of in-person intramuscular needling instruction in the following areas:

(i) Intramuscular needling technique;

(ii) Intramuscular needling indications and contraindications;

(iii) Documentation and informed consent for intramuscular needling;

(iv) Management of adverse effects;

(v) Practical psychomotor competency; and

(vi) Occupational safety and health administration's bloodborne pathogens protocol.

(c) A successful clinical review of a minimum of 150 hours of at least 150 individual intramuscular needling treatment sessions by a qualified provider. A physical therapist seeking endorsement must submit an affidavit to the department demonstrating successful completion of this clinical review.

(2) A qualified provider must be one of the following:

(a) A physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a licensed naturopath under chapter 18.36A RCW; a licensed acupuncture and Eastern medicine practitioner under chapter 18.06 RCW; or a licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse under chapter 18.79 RCW;

(b) A physical therapist credentialed to perform intramuscular needling in any branch of the United States armed forces;

(c) A licensed physical therapist who currently holds an intramuscular needling endorsement; or

(d) A licensed physical therapist who meets the requirements of the intramuscular needling endorsement.

(3) After receiving 100 hours of didactic instruction and 75 hours of in-person intramuscular needling instruction, a physical therapist seeking endorsement has up to 18 months to complete a minimum of 150 treatment sessions for review.

(4) A physical therapist may not delegate intramuscular needling and must remain in constant attendance of the patient for the entirety of the procedure.

(5) A physical therapist can apply for endorsement before they have one year of clinical practice experience if they can meet the requirement of 100

hours of didactic instruction and 75 hours of in-person intramuscular needling instruction in subsection (1)(a)(i) and (ii) of this section through their prelicensure coursework and has completed all other requirements set forth in this chapter.

(6) If a physical therapist is intending to perform intramuscular needling on a patient who the physical therapist knows is being treated by an acupuncturist or acupuncture and Eastern medicine practitioner for the same diagnosis, the physical therapist shall make reasonable efforts to coordinate patient care with the acupuncturist or acupuncture and Eastern medicine practitioner to prevent conflict or duplication of services.

(7) All patients receiving intramuscular needling from a physical therapist must sign an informed consent form that includes:

(a) The definition of intramuscular needling;

(b) A description of the risks of intramuscular needling;

(c) A description of the benefits of intramuscular needling;

(d) A description of the potential side effects of intramuscular needling; and

(e) A statement clearly differentiating the procedure from the practice of acupuncture.

(8) Intramuscular needling may not be administered as a stand-alone treatment within a physical therapy care plan.

Sec. 5079. RCW 18.89.020 and 2021 c 114 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Direct supervision" means a health care practitioner is continuously on-site and physically present in the treatment operatory while the procedures are performed by the respiratory care practitioner.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician assistant licensed under chapter 18.71A RCW.

(4) "Respiratory care practitioner" means an individual licensed under this chapter.

(5) "Secretary" means the secretary of health or the secretary's designee.

Sec. 5080. RCW 18.130.410 and 2020 c 80 s 24 are each amended to read as follows:

It is not professional misconduct for a physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; advanced emergency medical technician or paramedic certified under chapter 18.71 RCW; or medical

assistant-certified, medical assistant-phlebotomist, or forensic phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider, to collect a blood sample without a person's consent when the physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; advanced emergency medical technician or paramedic certified under chapter 18.71 RCW; or medical assistant-certified, medical assistant-phlebotomist, or forensic phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider withdrawing blood was directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant or exigent circumstances: PROVIDED, That nothing in this section shall relieve a physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; advanced emergency medical technician or paramedic certified under chapter 18.71 RCW; or medical assistant-certified, medical assistant-phlebotomist, or forensic phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider withdrawing blood from professional discipline arising from the use of improper procedures or from failing to exercise the required standard of care.

Sec. 5081. RCW 18.134.010 and 2024 c 212 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Disciplining authority" means an entity to which a state has granted the authority to license, certify, or discipline individuals who provide health care.

(2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) "Health care" means care, treatment, or a service or procedure, to maintain, monitor, diagnose, or otherwise affect an individual's physical or behavioral health, injury, or condition.

(4)(a) "Health care practitioner" means:

(i) A physician licensed under chapter 18.71 RCW;

(ii) An osteopathic physician or surgeon licensed under chapter 18.57 RCW;

(iii) A podiatric physician and surgeon licensed under chapter 18.22 RCW;

(iv) An advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW;

(v) A naturopath licensed under chapter 18.36A RCW;

(vi) A physician assistant licensed under chapter 18.71A RCW; or

(vii) A person who is otherwise authorized to practice a profession regulated under the authority of RCW 18.130.040 to provide health care in this state, to the extent the profession's scope of practice includes health care that can be provided through telehealth.

(b) "Health care practitioner" does not include a veterinarian licensed under chapter 18.92 RCW.

(5) "Professional practice standard" includes:

(a) A standard of care;

(b) A standard of professional ethics; and

(c) A practice requirement imposed by a disciplining authority.

(6) "Scope of practice" means the extent of a health care practitioner's authority to provide health care.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(8) "Telecommunication technology" means technology that supports communication through electronic means. The term is not limited to regulated technology or technology associated with a regulated industry.

(9) "Telehealth" includes telemedicine and means the use of synchronous or asynchronous telecommunication technology by a practitioner to provide health care to a patient at a different physical location than the practitioner. "Telehealth" does not include the use, in isolation, of email, instant messaging, text messaging, or fax.

(10) "Telehealth services" means health care provided through telehealth.

Sec. 5082. RCW 18.225.010 and 2013 c 73 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced social work" means the application of social work theory and methods, including:

(a) Emotional and biopsychosocial assessment;

(b) Psychotherapy under the supervision of a licensed independent clinical social worker, psychiatrist, psychologist, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, psychiatric nurse, or other mental health professionals as may be defined by rules adopted by the secretary;

(c) Case management;

(d) Consultation;

(e) Advocacy;

(f) Counseling; or

(g) Community organization.

(2) "Applicant" means a person who completes the required application, pays the required fee, is at least eighteen years of age, and meets any background check requirements and uniform disciplinary act requirements.

(3) "Associate" means a prelicensure candidate who has a graduate degree in a mental health field under RCW 18.225.090 and is gaining the supervision and supervised experience necessary to become a licensed independent clinical

social worker, a licensed advanced social worker, a licensed mental health counselor, or a licensed marriage and family therapist.

(4) "Committee" means the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee.

(5) "Department" means the department of health.

(6) "Disciplining authority" means the department.

(7) "Independent clinical social work" means the diagnosis and treatment of emotional and mental disorders based on knowledge of human development, the causation and treatment of psychopathology, psychotherapeutic treatment practices, and social work practice as defined in advanced social work. Treatment modalities include but are not limited to diagnosis and treatment of individuals, couples, families, groups, or organizations.

(8) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such diagnosed nervous and mental disorders. The practice of marriage and family therapy means the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise.

(9) "Mental health counseling" means the application of principles of human development, learning theory, psychotherapy, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treatment of mental disorders and promoting optimal mental health and functionality. Mental health counseling also includes, but is not limited to, the assessment, diagnosis, and treatment of mental and emotional disorders, as well as the application of a wellness model of mental health.

(10) "Secretary" means the secretary of health or the secretary's designee.

Sec. 5083. RCW 18.250.010 and 2023 c 143 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Athlete" means a person who participates in exercise, recreation, activities, sport, or games requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, activities, sports, or games are of a type conducted for the benefits of health and wellness in association with an educational institution or professional, amateur, recreational sports club or organization, hospital, or industrial-based organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, activities, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a health care provider who is licensed under this chapter. An athletic trainer can practice athletic training through the

consultation, referral, or guidelines of a licensed health care provider as defined in subsection (7) of this section working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency procedures and techniques for nonlife-threatening or life-threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in RCW 18.250.070;

(v) Treatment, rehabilitation, and reconditioning of work-related injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, under the direct supervision of and in accordance with a plan of care for an individual worker established by a provider authorized to provide physical medicine and rehabilitation services for injured workers; and

(vi) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with RCW 18.250.070.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary, prefabricated or direct-formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of acupuncture and Eastern medicine as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

(5) "Committee" means the athletic training advisory committee.

(6) "Department" means the department of health.

(7) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, naturopath, physical therapist, chiropractor, dentist, massage

therapist, acupuncturist, occupational therapist, or podiatric physician and surgeon.

(8) "Secretary" means the secretary of health or the secretary's designee.

Sec. 5084. RCW 18.360.010 and 2024 c 248 s 2 and 2024 c 217 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administer" means the retrieval of medication, and its application to a patient, as authorized in RCW 18.360.050.

(2) "Delegation" means direct authorization granted by a licensed health care practitioner to a medical assistant to perform the functions authorized in this chapter which fall within the scope of practice of the health care provider and the training and experience of the medical assistant.

(3) "Department" means the department of health.

(4) "Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified under this chapter and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

(5) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician and surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an optometrist licensed under chapter 18.53 RCW.

(6) "Medical assistant-certified" means a person certified under RCW 18.360.040 who assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(7) "Medical assistant-EMT" means a person certified under RCW 18.360.040 who performs functions as provided in RCW 18.360.050 under the supervision of a health care practitioner and holds: An emergency medical technician certification under RCW 18.73.081; an advanced emergency medical technician certification under RCW 18.71.205; or a paramedic certification under RCW 18.71.205.

(8) "Medical assistant-hemodialysis technician" means a person certified under RCW 18.360.040 who performs hemodialysis and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(9) "Medical assistant-phlebotomist" means a person certified under RCW 18.360.040 who performs capillary, venous, and arterial invasive procedures for blood withdrawal and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(10) "Medical assistant-registered" means a person registered under RCW 18.360.040 who, pursuant to an endorsement by a health care practitioner, clinic, or group practice, assists a health care practitioner with patient care, executes

administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(11) "Secretary" means the secretary of the department of health.

(12)(a) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility, except as provided in (b) and (c) of this subsection.

(b) The health care practitioner does not need to be present during procedures to withdraw blood, administer vaccines, or obtain specimens for or perform diagnostic testing, but must be immediately available.

(c)(i) During a telemedicine visit, supervision over a medical assistant assisting a health care practitioner with the telemedicine visit may be provided through interactive audio and video telemedicine technology.

(ii) When administering intramuscular injections for the purposes of treating a known or suspected syphilis infection in accordance with RCW 18.360.050, a medical assistant-certified or medical assistant-registered may be supervised through interactive audio or video telemedicine technology.

Sec. 5085. RCW 19.410.010 and 2023 c 364 s 8 are each amended to read as follows:

(1) Subject to amounts appropriated for this purpose, the psilocybin therapy services pilot program is established within, and administered by, the University of Washington department of psychiatry and behavioral sciences. No later than January 1, 2025, the University of Washington department of psychiatry and behavioral sciences must implement this section.

(2) The pilot program must:

(a) Offer psilocybin therapy services through pathways approved by the federal food and drug administration, to populations including first responders and veterans who are:

(i) 21 years of age or older; and

(ii) Experiencing posttraumatic stress disorder, mood disorders, or substance use disorders;

(b) Offer psilocybin therapy services facilitated by:

(i) An advanced social worker, independent clinical social worker, or mental health counselor licensed under chapter 18.225 RCW;

(ii) A physician licensed under chapter 18.71 RCW; or

(iii) A psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW as defined in RCW 71.05.020;

(c) Ensure psilocybin therapy services are safe, accessible, and affordable;

(d) Require an initial assessment to understand participant goals and expectations, and assess the participant's history for any concerns that require further intervention or information before receiving psilocybin therapy services, and an integration session after receiving psilocybin therapy services; and

(e) Use outreach and engagement strategies to include participants from communities or demographic groups that are more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, or geographic location.

Sec. 5086. RCW 28A.210.090 and 2020 c 80 s 27 are each amended to read as follows:

(1) Any child shall be exempt in whole or in part from the immunization measures required by RCW 28A.210.060 through 28A.210.170 upon the presentation of any one or more of the certifications required by this section, on a form prescribed by the department of health:

(a) A written certification signed by a health care practitioner 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;

(b) 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; or

(c) 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. A philosophical or personal objection may not be used to exempt a child from the measles, mumps, and rubella vaccine.

(2)(a) The form presented on or after July 22, 2011, must include a statement to be signed by a health care practitioner stating that he or she provided the signator with information about the benefits and risks of immunization to the child. The form may be signed by a health care practitioner at any time prior to the enrollment of the child in a school or licensed day care. Photocopies of the signed form or a letter from the health care practitioner referencing the child's name shall be accepted in lieu of the original form.

(b) A health care practitioner who, in good faith, signs the statement provided for in (a) of this subsection is immune from civil liability for providing the signature.

(c) Any parent or legal guardian of the child or any adult in loco parentis to the child who exempts the child due to religious beliefs pursuant to subsection (1)(b) of this section is not required to have the form provided for in (a) of this subsection signed by a health care practitioner if the parent or legal 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.

(3) For purposes of this section, "health care practitioner" means a physician licensed under chapter 18.71 or 18.57 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW.

Sec. 5087. RCW 28A.210.275 and 2014 c 204 s 2 are each amended to read as follows:

(1) Beginning July 1, 2014, a school district employee not licensed under chapter 18.79 RCW who is asked to administer medications or perform nursing services not previously recognized in law shall at the time he or she is asked to administer the medication or perform the nursing service file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to administer the new medication or nursing

service. It is understood that the letter of intent will expire if the conditions of acceptance are substantially changed. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee is not subject to any employer reprisal or disciplinary action for refusing to file a letter.

(2) In the event a school employee provides the medication or service to a student in substantial compliance with (a) rules adopted by the state ((~~nursing care quality assurance commission~~)) board of nursing and the instructions of a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse issued under such rules, and (b) written policies of the school district, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in his or her individual, marital, governmental, corporate, or other capacity as a result of providing the medication or service.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced ((~~registered nurse practitioners~~)) practice registered nurses to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures to ensure a safe, therapeutic learning environment. School employees must receive the training provided under this subsection before they are authorized to deliver the service or medication. Such training must be provided, where necessary, on an ongoing basis to ensure that the proper procedures are not forgotten because the services or medication are delivered infrequently.

Sec. 5088. RCW 28A.210.280 and 2003 c 172 s 1 are each amended to read as follows:

(1) Public school districts and private schools that offer classes for any of grades kindergarten through twelve must provide for clean, intermittent bladder catheterization of students, or assisted self-catheterization of students pursuant to RCW 18.79.290. The catheterization must be provided in substantial compliance with:

(a) Rules adopted by the state ((~~nursing care quality assurance commission~~)) board of nursing and the instructions of a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse issued under such rules; and

(b) Written policies of the school district or private school which shall be adopted in order to implement this section and shall be developed in accordance with such requirements of chapters 41.56 and 41.59 RCW as may be applicable.

(2) School district employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to perform clean, intermittent bladder catheterization as a specific part of their job description, may file a written letter of refusal to perform clean, intermittent bladder catheterization of students. This written letter of refusal may not serve as grounds for discharge, nonrenewal, or other action adversely affecting the employee's contract status.

(3) Any public school district or private school that provides clean, intermittent bladder catheterization shall document the provision of training given to employees who perform these services. These records shall be made available for review at any audit.

Sec. 5089. RCW 28A.210.290 and 1994 sp.s. c 9 s 722 are each amended to read as follows:

(1) In the event a school employee provides for the catheterization of a student pursuant to RCW 18.79.290 and 28A.210.280 in substantial compliance with (a) rules adopted by the state ((~~nursing care quality assurance commission~~)) board of nursing and the instructions of a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse issued under such rules, and (b) written policies of the school district or private school, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing for the catheterization.

(2) Providing for the catheterization of any student pursuant to RCW 18.79.290 and 28A.210.280 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of the discontinuance: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student: PROVIDED FURTHER, That the public school district otherwise provides for the catheterization of the student to the extent required by federal or state law.

Sec. 5090. RCW 28A.210.305 and 2017 c 84 s 2 are each amended to read as follows:

(1)(a) A registered nurse or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW working in a school setting is authorized and responsible for the nursing care of students to the extent that the care is within the practice of nursing as defined in this section.

(b) A school administrator may supervise a registered nurse or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW in aspects of employment other than the practice of nursing as defined in this section.

(c) Only a registered nurse or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW may supervise, direct, or evaluate a licensed nurse working in a school setting with respect to the practice of nursing as defined in this section.

(2) Nothing in this section:

(a) Prohibits a nonnurse supervisor from supervising, directing, or evaluating a licensed nurse working in a school setting with respect to matters other than the practice of nursing;

(b) Requires a registered nurse or an advanced ((~~registered nurse practitioner~~)) practice registered nurse to be clinically supervised in a school setting; or

(c) Prohibits a nonnurse supervisor from conferring with a licensed nurse working in a school setting with respect to the practice of nursing.

(3) Within existing funds, the superintendent of public instruction shall notify each school district in this state of the requirements of this section.

(4) For purposes of this section, "practice of nursing" means:

(a) Registered nursing practice as defined in RCW 18.79.040, advanced practice registered nursing ((~~practice~~)) as defined in RCW 18.79.050, and licensed practical nursing practice as defined in RCW 18.79.060, including, but not limited to:

(i) The administration of medication pursuant to a medication or treatment order; and

(ii) The decision to summon emergency medical assistance; and

(b) Compliance with any state or federal statute or administrative rule specifically regulating licensed nurses, including any statute or rule defining or establishing standards of patient care or professional conduct or practice.

Sec. 5091. RCW 41.05.177 and 2006 c 367 s 1 are each amended to read as follows:

(1) Each plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is issued or renewed after December 31, 2006, shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of the health care authority to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5092. RCW 41.05.180 and 1994 sp.s. c 9 s 725 are each amended to read as follows:

Each health plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is established or renewed after January 1, 1990, and that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced ((~~registered nurse practitioner~~)) practice registered nurse as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard health plan provisions applicable to other benefits such as deductible or copayment provisions. This section does not limit the authority of the state health care authority to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5093. RCW 41.24.155 and 2007 c 57 s 1 are each amended to read as follows:

(1) One of the primary purposes of this section is to enable injured participants to return to their regular occupation, business, or profession, or to engage in any occupation or perform any work for compensation or profit. To this end, the state board shall utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the state board in such programs of vocational rehabilitation as may be reasonable to make the participant return to his or her regular occupation, business, or profession, or to engage in any occupation or perform any work for compensation or profit consistent with his or her physical and mental status. After evaluation and recommendation by such individuals or organizations and prior to final evaluation of the participant's permanent disability, if in the sole opinion of the state board, whether or not medical treatment has been concluded, vocational rehabilitation is both necessary and likely to enable the injured participant to return to his or her regular occupation, business, or profession, or to engage in any occupation or perform any work for compensation or profit, the state board may, in its sole discretion, pay the cost as provided in subsection (3) or (4) of this section.

(2) When, in the sole discretion of the state board, vocational rehabilitation is both necessary and likely to make the participant return to his or her regular occupation, business, or profession, or to engage in any occupation or perform any work for compensation or profit, then the following order of priorities shall be used:

(a) Return to the previous job with the same employer;

(b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Modification of a new job with the same employer including transitional return to work;

(e) Modification of the previous job with a new employer;

(f) A new job with a new employer or self-employment based upon transferable skills;

(g) Modification of a new job with a new employer;

(h) A new job with a new employer or self-employment involving on-the-job training;

(i) Short-term retraining and job placement.

(3)(a) Except as provided in (b) of this subsection, costs for vocational rehabilitation benefits allowed by the state board under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses in an amount not to exceed four thousand dollars. This amount must be used within fifty-two weeks of the determination that vocational rehabilitation is permitted under this section.

(b) The expenses allowed under (a) of this subsection may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment. However, compensation or payment of retraining with job placement expenses under (a) of this subsection may not be authorized for a period of more than fifty-two weeks, except that

such period may, in the sole discretion of the state board, after its review, be extended for an additional fifty-two weeks or portion thereof by written order of the state board. However, under no circumstances shall the total amount of benefit paid under this section exceed four thousand dollars.

(4) In addition to the vocational rehabilitation expenditures provided for under subsection (3) of this section, an additional five thousand dollars may, upon authorization of the state board, be expended for: (a) Accommodations for an injured participant that are medically necessary for participation in an approved retraining plan; and (b) accommodations necessary to perform the essential functions of an occupation in which an injured participant is seeking employment, consistent with the retraining plan or the recommendations of a vocational evaluation. The injured participant's attending physician or licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse must verify the necessity of the modifications or accommodations. The total expenditures authorized in this subsection shall not exceed five thousand dollars.

(5) The state board shall follow the established criteria set forth by the department of labor and industries to monitor the quality and effectiveness of rehabilitation services provided by the individuals and organizations used under subsection (1) of this section. The state board shall make referrals for vocational rehabilitation services based on these performance criteria.

(6) The state board may engage, where feasible and cost-effective, in a cooperative program with the state employment security department to provide job placement services under this section.

(7) Except as otherwise provided in this section, the vocational benefits provided for in this section are available to participants who have claims currently pending as of April 17, 2007, or whose injury occurred on or after January 1, 2006.

Sec. 5094. RCW 43.70.442 and 2023 c 460 s 22 and 2023 c 454 s 4 are each reenacted and amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A substance use disorder professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate—independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b)

of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection:

(i) A professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) Beginning July 1, 2021, the second training for a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical must be either: (A) An advanced training focused on suicide management, suicide care protocols, or effective treatments; or (B) a training in a treatment modality shown to be effective in working with people who are suicidal, including dialectical behavior therapy, collaborative assessment and management of suicide risk, or cognitive behavior therapy-suicide prevention. If a professional subject to the requirements of this subsection has already completed the professional's second training prior to July 1, 2021, the professional's next training must comply with this subsection. This subsection (2)(a)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(a)(ii) is not reasonably available.

(b)(i) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(ii) Beginning July 1, 2021, a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical exempt from his or her first training under (b)(i) of this subsection must comply with the requirements of (a)(ii) of this subsection for his or her first training after initial licensure. If a professional subject to the requirements of this subsection has already completed the professional's first training after initial licensure, the professional's next training must comply with this subsection (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(b)(ii) is not reasonably available.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this

subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced ((~~registered nurse practitioner~~)) practice registered nurse, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vi) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(vii) A physician assistant licensed under chapter 18.71A RCW;

(viii) A pharmacist licensed under chapter 18.64 RCW;

(ix) A dentist licensed under chapter 18.32 RCW;

(x) A dental hygienist licensed under chapter 18.29 RCW;

(xi) An athletic trainer licensed under chapter 18.250 RCW;

(xii) An optometrist licensed under chapter 18.53 RCW;

(xiii) An acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW;

(xiv) A dental therapist licensed under chapter 18.265 RCW; and

(xv) A person holding a retired active license for one of the professions listed in (a)(i) through (xiv) of this subsection.

(b)(i) A professional listed in (a)(i) through (vii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (vii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the first full continuing education reporting period after initial licensure,

whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(iv) A licensed optometrist or a licensed acupuncture and Eastern medicine practitioner, or a person holding a retired active license as an optometrist or an acupuncture and Eastern medicine practitioner, shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2021, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between August 1, 2020, and August 1, 2021, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iv), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management. Beginning July 1, 2021, for purposes of subsection (2)(a)(ii) of this section, the model list must include advanced training and training in treatment modalities shown to be effective in working with people who are suicidal.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. By July 1, 2024, the minimum standards must be updated to require that both the six-hour and three-hour trainings include content specific to the availability of and the services offered by the 988 crisis hotline and the behavioral health crisis response and suicide prevention system and best practices for assisting persons with accessing the 988 crisis hotline and the system. Beginning September 1, 2024, trainings submitted to the department for review and approval must include the updated information in the minimum standards for the model list as well as all subsequent submissions. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(e) By January 1, 2021, the department shall adopt minimum standards for advanced training and training in treatment modalities shown to be effective in working with people who are suicidal. Beginning July 1, 2021, all such training on the model list must meet the minimum standards. When adopting the minimum standards, the department must consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one

six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

Sec. 5095. RCW 43.70.470 and 2020 c 80 s 31 are each amended to read as follows:

The department may establish by rule the conditions of participation in the liability insurance program by retired health care providers at clinics utilizing retired health care providers for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating health care provider associated with the clinic shall hold a valid license to practice as a physician under chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a physician assistant under chapter 18.71A RCW, an advanced ((~~registered nurse practitioner~~)) practice registered nurse under chapter 18.79 RCW, a dentist under chapter 18.32 RCW, or other health professionals as may be deemed in short supply by the department. All health care providers must be in conformity with current requirements for licensure, including continuing education requirements;

(2) Health care shall be limited to noninvasive procedures and shall not include obstetrical care. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses. Primary dental care shall be limited to diagnosis, oral hygiene, restoration, and extractions and shall not include orthodontia, or other specialized care and treatment;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering health care services pursuant to this section and RCW 43.70.460;

(4) The participating health care provider shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating health care provider shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating health care provider for services provided by the health care provider, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating health care provider authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

Sec. 5096. RCW 46.19.010 and 2020 c 80 s 32 are each amended to read as follows:

(1) A natural person who has a disability that meets one of the following criteria may apply for special parking privileges:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Has such a severe disability that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American heart association;

(g) Has a disability resulting from an acute sensitivity to automobile emissions that limits or impairs the ability to walk. The personal physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant of the applicant shall document that the disability is comparable in severity to the others listed in this subsection;

(h) Has limited mobility and has no vision or whose vision with corrective lenses is so limited that the person requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by persons with normal vision;

(i) Has an eye condition of a progressive nature that may lead to blindness; or

(j) Is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

(2) The disability must be determined by either:

(a) A licensed physician;

(b) An advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW; or

(c) A physician assistant licensed under chapter 18.71A RCW.

(3) A health care practitioner listed under subsection (2) of this section who is authorizing a parking permit for purposes of this chapter must provide a signed written authorization: On a prescription pad or paper, as defined in RCW 18.64.500; on office letterhead; or by electronic means, as described by the director in rule.

(4) The application for special parking privileges for persons with disabilities must contain:

(a) The following statement immediately below the physician's, advanced ((~~registered nurse practitioner's~~)) practice registered nurse's, or physician assistant's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (RCW 46.19.010). An applicant or health care practitioner who knowingly provides false information on this application is guilty of a gross misdemeanor. The penalty is up to three hundred sixty-four

days in jail and a fine of up to $5,000 or both. In addition, the health care practitioner may be subject to sanctions under chapter 18.130 RCW, the Uniform Disciplinary Act"; and

(b) Other information as required by the department.

(5) A natural person who has a disability described in subsection (1) of this section and is expected to improve within twelve months may be issued a temporary placard for a period not to exceed twelve months. If the disability exists after twelve months, a new temporary placard must be issued upon receipt of a new application with certification from the person's physician as prescribed in subsections (3) and (4) of this section. Special license plates for persons with disabilities may not be issued to a person with a temporary disability.

(6) A natural person who qualifies for special parking privileges under this section must receive an identification card showing the name and date of birth of the person to whom the parking privilege has been issued and the serial number of the placard.

(7) A natural person who qualifies for permanent special parking privileges under this section may receive one of the following:

(a) Up to two parking placards;

(b) One set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed;

(c) One parking placard and one set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed; or

(d) One special parking year tab for persons with disabilities and one parking placard.

(8) Parking placards and identification cards described in this section must be issued free of charge.

(9) The parking placard and identification card must be immediately returned to the department upon the placard holder's death.

Sec. 5097. RCW 46.61.506 and 2020 c 80 s 33 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08 or the person's THC concentration is less than 5.00, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2)(a) The breath analysis of the person's alcohol concentration shall be based upon grams of alcohol per two hundred ten liters of breath.

(b) The blood analysis of the person's THC concentration shall be based upon nanograms per milliliter of whole blood.

(c) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been

performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4)(a) A breath test performed by any instrument approved by the state toxicologist shall be admissible at trial or in an administrative proceeding if the prosecution or department produces prima facie evidence of the following:

(i) The person who performed the test was authorized to perform such test by the state toxicologist;

(ii) The person being tested did not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test;

(iii) The person being tested did not have any foreign substances, not to include dental work or piercings, fixed or removable, in his or her mouth at the beginning of the fifteen-minute observation period;

(iv) Prior to the start of the test, the temperature of any liquid simulator solution utilized as an external standard, as measured by a thermometer approved of by the state toxicologist was thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

(v) The internal standard test resulted in the message "verified";

(vi) The two breath samples agree to within plus or minus ten percent of their mean to be determined by the method approved by the state toxicologist;

(vii) The result of the test of the liquid simulator solution external standard or dry gas external standard result did lie between .072 to .088 inclusive; and

(viii) All blank tests gave results of .000.

(b) For purposes of this section, "prima facie evidence" is evidence of sufficient circumstances that would support a logical and reasonable inference of the facts sought to be proved. In assessing whether there is sufficient evidence of the foundational facts, the court or administrative tribunal is to assume the truth of the prosecution's or department's evidence and all reasonable inferences from it in a light most favorable to the prosecution or department.

(c) Nothing in this section shall be deemed to prevent the subject of the test from challenging the reliability or accuracy of the test, the reliability or functioning of the instrument, or any maintenance procedures. Such challenges, however, shall not preclude the admissibility of the test once the prosecution or department has made a prima facie showing of the requirements contained in (a) of this subsection. Instead, such challenges may be considered by the trier of fact in determining what weight to give to the test result.

(5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcohol or drug content may be performed only by a physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a registered nurse, licensed practical nurse, or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW; a physician assistant licensed under chapter 18.71A RCW; an advanced emergency medical technician or paramedic certified under chapter 18.71 RCW; or a medical assistant-certified or medical assistant-phlebotomist certified under chapter

18.360 RCW, a person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or a forensic phlebotomist certified under chapter 18.360 RCW. When the blood test is performed outside the state of Washington, the withdrawal of blood for the purpose of determining its alcohol or drug content may be performed by any person who is authorized by the out-of-state jurisdiction to perform venous blood draws. Proof of qualification to draw blood may be established through the department of health's provider credential search. This limitation shall not apply to the taking of breath specimens.

(6) When a venous blood sample is performed by a forensic phlebotomist certified under chapter 18.360 RCW, it must be done under the following conditions:

(a) If taken at the scene, it must be performed in an ambulance or aid service vehicle licensed by the department of health under chapter 18.73 RCW.

(b) The collection of blood samples must not interfere with the provision of essential medical care.

(c) The blood sample must be collected using sterile equipment and the skin area of puncture must be thoroughly cleansed and disinfected.

(d) The person whose blood is collected must be seated, reclined, or lying down when the blood is collected.

(7) The person tested may have a licensed or certified health care provider listed in subsection (5) of this section, or a qualified technician, chemist, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The test will be admissible if the person establishes the general acceptability of the testing technique or method. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(8) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

Sec. 5098. RCW 46.61.508 and 2020 c 80 s 34 are each amended to read as follows:

No physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; advanced emergency medical technician or paramedic certified under chapter 18.71 RCW; or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or forensic phlebotomist certified under chapter 18.360 RCW, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant, a waiver of the search warrant requirement, exigent circumstances, or any other authority of law: PROVIDED, That nothing in this section shall relieve such licensed or certified health care

provider, hospital or duly licensed clinical laboratory, or forensic phlebotomist from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

Sec. 5099. RCW 48.20.392 and 2006 c 367 s 2 are each amended to read as follows:

(1) Each disability insurance policy issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5100. RCW 48.20.393 and 2023 c 366 s 3 are each amended to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced ((~~registered nurse practitioner~~)) practice registered nurse as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in RCW 48.43.076, that are applicable to other benefits. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5101. RCW 48.21.225 and 2023 c 366 s 4 are each amended to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced ((~~registered nurse practitioner~~)) practice registered nurse as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in RCW 48.43.076, that are applicable to other benefits. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare

supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5102. RCW 48.21.227 and 2006 c 367 s 3 are each amended to read as follows:

(1) Each group disability insurance policy issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5103. RCW 48.42.100 and 2020 c 80 s 35 are each amended to read as follows:

(1) For purposes of this section, health care carriers includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, health maintenance organizations regulated under chapter 48.46 RCW, plans operating under the health care authority under chapter 41.05 RCW, the state health insurance pool operating under chapter 48.41 RCW, and insuring entities regulated under chapter 48.43 RCW.

(2) For purposes of this section and consistent with their lawful scopes of practice, types of health care practitioners that provide women's health care services shall include, but need not be limited by a health care carrier to, the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provides women's health care services; practitioners licensed under chapter 18.71A RCW when providing women's health care services; midwives licensed under chapter 18.50 RCW; and advanced ((~~registered nurse practitioner~~)) practice registered nurse specialists in women's health and midwifery under chapter 18.79 RCW.

(3) For purposes of this section, women's health care services shall include, but need not be limited by a health care carrier to, the following: Maternity care; reproductive health services; gynecological care; general examination; and preventive care as medically appropriate and medically appropriate follow-up visits for the services listed in this subsection.

(4) Health care carriers shall ensure that enrolled female patients have direct access to timely and appropriate covered women's health care services from the type of health care practitioner of their choice in accordance with subsection (5) of this section.

(5)(a) Health care carrier policies, plans, and programs written, amended, or renewed after July 23, 1995, shall provide women patients with direct access to the type of health care practitioner of their choice for appropriate covered women's health care services without the necessity of prior referral from another type of health care practitioner.

(b) Health care carriers may comply with this section by including all the types of health care practitioners listed in this section for women's health care services for women patients.

(c) Nothing in this section shall prevent health care carriers from restricting women patients to seeing only health care practitioners who have signed participating provider agreements with the health care carrier.

Sec. 5104. RCW 48.43.094 and 2020 c 80 s 36 are each amended to read as follows:

(1) For health plans issued or renewed on or after January 1, 2017:

(a) Benefits shall not be denied for any health care service performed by a pharmacist licensed under chapter 18.64 RCW if:

(i) The service performed was within the lawful scope of such person's license;

(ii) The plan would have provided benefits if the service had been performed by a physician licensed under chapter 18.71 or 18.57 RCW, an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, or a physician's assistant licensed under chapter 18.71A RCW; and

(iii) The pharmacist is included in the plan's network of participating providers; and

(b) The health plan must include an adequate number of pharmacists in its network of participating medical providers.

(2) The participation of pharmacies in the plan network's drug benefit does not satisfy the requirement that plans include pharmacists in their networks of participating medical providers.

(3) For health benefit plans issued or renewed on or after January 1, 2016, but before January 1, 2017, health plans that delegate credentialing agreements to contracted health care facilities must accept credentialing for pharmacists employed or contracted by those facilities. Health plans must reimburse facilities for covered services provided by network pharmacists within the pharmacists' scope of practice per negotiations with the facility.

(4) This section does not supersede the requirements of RCW 48.43.045.

Sec. 5105. RCW 48.43.115 and 2020 c 80 s 37 are each amended to read as follows:

(1) The legislature recognizes the role of health care providers as the appropriate authority to determine and establish the delivery of quality health care services to maternity patients and their newly born children. It is the intent of the legislature to recognize patient preference and the clinical sovereignty of providers as they make determinations regarding services provided and the length of time individual patients may need to remain in a health care facility after giving birth. It is not the intent of the legislature to diminish a carrier's ability to utilize managed care strategies but to ensure the clinical judgment of the provider is not undermined by restrictive carrier contracts or utilization review criteria that fail to recognize individual postpartum needs.

(2) Unless otherwise specifically provided, the following definitions apply throughout this section:

(a) "Attending provider" means a provider who: Has clinical hospital privileges consistent with RCW 70.43.020; is included in a provider network of

the carrier that is providing coverage; and is a physician licensed under chapter 18.57 or 18.71 RCW, a certified nurse midwife licensed under chapter 18.79 RCW, a midwife licensed under chapter 18.50 RCW, a physician's assistant licensed under chapter 18.71A RCW, or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW.

(b) "Health carrier" or "carrier" means disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, health maintenance organizations regulated under chapter 48.46 RCW, plans operating under the health care authority under chapter 41.05 RCW, the state health insurance pool operating under chapter 48.41 RCW, and insuring entities regulated under this chapter.

(3)(a) Every health carrier that provides coverage for maternity services must permit the attending provider, in consultation with the mother, to make decisions on the length of inpatient stay, rather than making such decisions through contracts or agreements between providers, hospitals, and insurers. These decisions must be based on accepted medical practice.

(b) Covered eligible services may not be denied for inpatient, postdelivery care to a mother and her newly born child after a vaginal delivery or a cesarean section delivery for such care as ordered by the attending provider in consultation with the mother.

(c) At the time of discharge, determination of the type and location of follow-up care must be made by the attending provider in consultation with the mother rather than by contract or agreement between the hospital and the insurer. These decisions must be based on accepted medical practice.

(d) Covered eligible services may not be denied for follow-up care, including in-person care, as ordered by the attending provider in consultation with the mother. Coverage for providers of follow-up services must include, but need not be limited to, attending providers as defined in this section, home health agencies licensed under chapter 70.127 RCW, and registered nurses licensed under chapter 18.79 RCW.

(e) This section does not require attending providers to authorize care they believe to be medically unnecessary.

(f) Coverage for the newly born child must be no less than the coverage of the child's mother for no less than three weeks, even if there are separate hospital admissions.

(4) A carrier that provides coverage for maternity services may not deselect, terminate the services of, require additional documentation from, require additional utilization review of, reduce payments to, or otherwise provide financial disincentives to any attending provider or health care facility solely as a result of the attending provider or health care facility ordering care consistent with this section. This section does not prevent any insurer from reimbursing an attending provider or health care facility on a capitated, case rate, or other financial incentive basis.

(5) Every carrier that provides coverage for maternity services must provide notice to policyholders regarding the coverage required under this section. The notice must be in writing and must be transmitted at the earliest of the next mailing to the policyholder, the yearly summary of benefits sent to the policyholder, or January 1 of the year following June 6, 1996.

(6) This section does not establish a standard of medical care.

(7) This section applies to coverage for maternity services under a contract issued or renewed by a health carrier after June 6, 1996, and applies to plans operating under the health care authority under chapter 41.05 RCW beginning January 1, 1998.

Sec. 5106. RCW 48.44.325 and 2023 c 366 s 5 are each amended to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced ((~~registered nurse practitioner~~)) practice registered nurse as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions, other than the cost-sharing prohibition provided in RCW 48.43.076, that are applicable to other benefits. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5107. RCW 48.44.327 and 2006 c 367 s 4 are each amended to read as follows:

(1) Each health care service contract issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5108. RCW 48.46.275 and 2023 c 366 s 6 are each amended to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced ((~~registered nurse practitioner~~)) practice registered nurse as authorized by the ((~~nursing care quality assurance commission~~)) state board of nursing pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions, other than the cost-sharing prohibition provided in RCW 48.43.076, that are applicable to other benefits. This section does not limit the authority of a health

maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5109. RCW 48.46.277 and 2006 c 367 s 5 are each amended to read as follows:

(1) Each health maintenance agreement issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant.

(2) All services must be provided by the health maintenance organization or rendered upon a referral by the health maintenance organization.

(3) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

Sec. 5110. RCW 48.125.200 and 2006 c 367 s 6 are each amended to read as follows:

(1) Each self-funded multiple employer welfare arrangement established, operated, providing benefits, or maintained in this state after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a self-funded multiple employer welfare arrangement to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services.

Sec. 5111. RCW 50A.05.010 and 2023 c 25 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1)(a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(3) "Commissioner" means the commissioner of the department or the commissioner's designee.

(4) "Department" means the employment security department.

(5)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(7)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

(8)(a) "Employment" means personal service, of whatever nature, unlimited by any employment relationship as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract

of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

(10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee;

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on October 19, 2017, for family members as defined in subsection (11) of this section; or

(d) During the seven calendar days following the death of the family member for whom the employee:

(i) Would have qualified for medical leave under subsection (15) of this section for the birth of their child; or

(ii) Would have qualified for family leave under (b) of this subsection.

(11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

(12) "Grandchild" means a child of the employee's child.

(13) "Grandparent" means a parent of the employee's parent.

(14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced ((~~registered nurse practitioner~~)) practice registered nurse under chapter 18.79 RCW; or (c) any

other person determined by the commissioner to be capable of providing health care services.

(15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition, treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(19) "Postnatal" means the first six weeks after birth.

(20) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

(21) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

(22)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(23)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set

of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report

for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

(24) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

(25) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

(26) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

(27) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

(28) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

(29) "Wage" or "wages" means:

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

Sec. 5112. RCW 51.04.030 and 2024 c 62 s 16 are each amended to read as follows:

(1) The director shall supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapter 18.71A RCW, including chiropractic care, and including care provided by licensed advanced ((~~registered nurse practitioners~~)) practice registered nurses, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That the medical coverage decisions of the department do not constitute a "rule" as used in RCW 34.05.010(16), nor are such decisions subject to the rule-making provisions of chapter 34.05 RCW except that criteria for establishing medical coverage decisions shall be adopted

by rule after consultation with the workers' compensation advisory committee established in RCW 51.04.110: PROVIDED FURTHER, That the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost-effective payment levels or rates are obtained by the department: AND PROVIDED FURTHER, That the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as statewide access to quality service is maintained for injured workers.

(2) The director shall, in consultation with interested persons, establish and, in his or her discretion, periodically change as may be necessary, and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, physician assistants as defined in chapter 18.71A RCW, acting under the supervision of or in coordination with a participating physician, as defined in RCW 18.71A.010, or other agency or person rendering services to injured workers. The department shall coordinate with other state purchasers of health care services to establish as much consistency and uniformity in billing and coding practices as possible, taking into account the unique requirements and differences between programs. No service covered under this title, including services provided to injured workers, whether aliens or other injured workers, who are not residing in the United States at the time of receiving the services, shall be charged or paid at a rate or rates exceeding those specified in such fee schedule, and no contract providing for greater fees shall be valid as to the excess. The establishment of such a schedule, exclusive of conversion factors, does not constitute "agency action" as used in RCW 34.05.010(3), nor does such a fee schedule and its associated billing or payment instructions and policies constitute a "rule" as used in RCW 34.05.010(16).

(3) The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the adopted rules, regulations, established fee schedules, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules, regulations, or the established fee schedules and rules and regulations adopted under it.

Sec. 5113. RCW 51.28.010 and 2023 c 171 s 3 are each amended to read as follows:

(1) Whenever any accident occurs to any worker it shall be the duty of such worker or someone in his or her behalf to forthwith report such accident to his or her employer, superintendent, or supervisor in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department pursuant to RCW 51.28.025 where the worker has received treatment from a physician, osteopathic physician, chiropractor, naturopath, podiatric physician, optometrist, dentist, licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, physician assistant, or psychologist in claims solely for mental health conditions, has been hospitalized, disabled from work, or has died as the apparent result of such accident and injury.

(2) Upon receipt of such notice of accident, the department shall immediately forward to the worker or his or her beneficiaries or dependents notification, in nontechnical language, of their rights under this title. The notice must specify the worker's right to receive health services from a provider of the worker's choice under RCW 51.36.010(2)(a), including chiropractic services under RCW 51.36.015, and must list the types of providers authorized to provide these services.

(3) Employers shall not engage in claim suppression.

(4) For the purposes of this section, "claim suppression" means intentionally:

(a) Inducing employees to fail to report injuries;

(b) Inducing employees to treat injuries in the course of employment as off-the-job injuries; or

(c) Acting otherwise to suppress legitimate industrial insurance claims.

(5) In determining whether an employer has engaged in claim suppression, the department shall consider the employer's history of compliance with industrial insurance reporting requirements, and whether the employer has discouraged employees from reporting injuries or filing claims. The department has the burden of proving claim suppression by a preponderance of the evidence.

(6) Claim suppression does not include bona fide workplace safety and accident prevention programs or an employer's provision at the worksite of first aid as defined by the department. The department shall adopt rules defining bona fide workplace safety and accident prevention programs and defining first aid.

Sec. 5114. RCW 51.28.020 and 2023 c 171 s 4 are each amended to read as follows:

(1)(a) Where a worker is entitled to compensation under this title he or she shall file with the department or his or her self-insured employer, as the case may be, his or her application for such, together with the certificate of the physician, osteopathic physician, chiropractor, naturopath, podiatric physician, optometrist, dentist, licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, physician assistant, or psychologist in claims solely for mental health conditions, who attended him or her. An application form developed by the department shall include a notice specifying the worker's right to receive health services from a provider of the worker's choice under RCW 51.36.010(2)(a), and listing the types of providers authorized to provide these services.

(b) The physician, osteopathic physician, chiropractor, naturopath, podiatric physician, optometrist, dentist, licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, physician assistant, or psychologist in claims solely for mental health conditions, who attended the injured worker shall inform the injured worker of his or her rights under this title and lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the worker. The department shall provide a manual which outlines the procedures to be followed in applications for compensation involving occupational diseases, and which describes claimants' rights and responsibilities related to occupational disease claims.

(2) If the application required by this section is:

(a) Made to the department and the employer has not received a copy of the application, the department shall immediately send a copy of the application to the employer; or

(b) Made to a self-insured employer, the employer shall forthwith send a copy of the application to the department.

(3) The application required by this section may be transmitted to the department electronically.

Sec. 5115. RCW 51.28.025 and 2007 c 77 s 2 are each amended to read as follows:

(1) Whenever an employer has notice or knowledge of an injury or occupational disease sustained by any worker in his or her employment who has received treatment from a physician or a licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, has been hospitalized, disabled from work or has died as the apparent result of such injury or occupational disease, the employer shall immediately report the same to the department on forms prescribed by it. The report shall include:

(a) The name, address, and business of the employer;

(b) The name, address, and occupation of the worker;

(c) The date, time, cause, and nature of the injury or occupational disease;

(d) Whether the injury or occupational disease arose in the course of the injured worker's employment;

(e) All available information pertaining to the nature of the injury or occupational disease including but not limited to any visible signs, any complaints of the worker, any time lost from work, and the observable effect on the worker's bodily functions, so far as is known; and

(f) Such other pertinent information as the department may prescribe by regulation.

(2) The employer shall not engage in claim suppression. An employer found to have engaged in claim suppression shall be subject to a penalty of at least two hundred fifty dollars, not to exceed two thousand five hundred dollars, for each offense. The penalty shall be payable to the supplemental pension fund. The department shall adopt rules establishing the amount of penalties, taking into account the size of the employer and whether there are prior findings of claim suppression. When a determination of claim suppression has been made, the employer shall be prohibited from any current or future participation in a retrospective rating program. If self-insured, the director shall withdraw certification as provided in RCW 51.14.080.

(3) When a determination of claim suppression is made and the penalty is assessed, the department shall serve the employer and any affected retrospective rating group with a determination as provided in RCW 51.52.050. The determination may be protested to the department or appealed to the board of industrial insurance appeals. Once the order is final, the amount due shall be collected in accordance with the provisions of RCW 51.48.140 and 51.48.150.

(4) The director, or the director's designee, shall investigate reports or complaints that an employer has engaged in claim suppression as prohibited in RCW 51.28.010(3). The complaints or allegations must be received in writing, and must include the name or names of the individuals or organizations submitting the complaint. In cases where the department can show probable cause, the director may subpoena records from the employer, medical providers,

and any other entity that the director believes may have relevant information. The director's investigative and subpoena authority in this subsection is limited solely to investigations into allegations of claim suppression or where the director has probable cause that claim suppression might have occurred.

(5) If the director determines that an employer has engaged in claim suppression and, as a result, the worker has not filed a claim for industrial insurance benefits as prescribed by law, then the director in his or her sole discretion may waive the time limits for filing a claim provided in RCW 51.28.050, if the complaint or allegation of claim suppression is received within two years of the worker's accident or exposure. For the director to exercise this discretion, the claim must be filed with the department within ninety days of the date the determination of claim suppression is issued.

(6) For the purposes of this section, "claim suppression" has the same meaning as in RCW 51.28.010(4).

Sec. 5116. RCW 51.28.055 and 2004 c 65 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section for claims filed for occupational hearing loss, claims for occupational disease or infection to be valid and compensable must be filed within two years following the date the worker had written notice from a physician or a licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse: (a) Of the existence of his or her occupational disease, and (b) that a claim for disability benefits may be filed. The notice shall also contain a statement that the worker has two years from the date of the notice to file a claim. The physician or licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse shall file the notice with the department. The department shall send a copy to the worker and to the self-insurer if the worker's employer is self-insured. However, a claim is valid if it is filed within two years from the date of death of the worker suffering from an occupational disease.

(2)(a) Except as provided in (b) of this subsection, to be valid and compensable, claims for hearing loss due to occupational noise exposure must be filed within two years of the date of the worker's last injurious exposure to occupational noise in employment covered under this title or within one year of September 10, 2003, whichever is later.

(b) A claim for hearing loss due to occupational noise exposure that is not timely filed under (a) of this subsection can only be allowed for medical aid benefits under chapter 51.36 RCW.

(3) The department may adopt rules to implement this section.

Sec. 5117. RCW 51.36.010 and 2023 c 171 s 9 are each amended to read as follows:

(1) The legislature finds that high quality medical treatment and adherence to occupational health best practices can prevent disability and reduce loss of family income for workers, and lower labor and insurance costs for employers. Injured workers deserve high quality medical care in accordance with current health care best practices. To this end, the department shall establish minimum standards for providers who treat workers from both state fund and self-insured employers. The department shall establish a health care provider network to treat injured workers, and shall accept providers into the network who meet those

minimum standards. The department shall convene an advisory group made up of representatives from or designees of the workers' compensation advisory committee and the industrial insurance medical and chiropractic advisory committees to consider and advise the department related to implementation of this section, including development of best practices treatment guidelines for providers in the network. The department shall also seek the input of various health care provider groups and associations concerning the network's implementation. Network providers must be required to follow the department's evidence-based coverage decisions and treatment guidelines, policies, and must be expected to follow other national treatment guidelines appropriate for their patient. The department, in collaboration with the advisory group, shall also establish additional best practice standards for providers to qualify for a second tier within the network, based on demonstrated use of occupational health best practices. This second tier is separate from and in addition to the centers for occupational health and education established under subsection (5) of this section.

(2)(a) Upon the occurrence of any injury to a worker entitled to compensation under the provisions of this title, he or she shall receive proper and necessary medical and surgical services at the hands of a physician, osteopathic physician, chiropractor, naturopath, podiatric physician, optometrist, dentist, licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, physician assistant, or psychologist in claims solely for mental health conditions, of his or her own choice, if conveniently located, except as provided in (b) of this subsection, and proper and necessary hospital care and services during the period of his or her disability from such injury.

(b) Once the provider network is established in the worker's geographic area, an injured worker may receive care from a nonnetwork provider only for an initial office or emergency room visit. However, the department or self-insurer may limit reimbursement to the department's standard fee for the services. The provider must comply with all applicable billing policies and must accept the department's fee schedule as payment in full.

(c) The department, in collaboration with the advisory group, shall adopt policies for the development, credentialing, accreditation, and continued oversight of a network of health care providers approved to treat injured workers. Health care providers shall apply to the network by completing the department's provider application which shall have the force of a contract with the department to treat injured workers. The advisory group shall recommend minimum network standards for the department to approve a provider's application, to remove a provider from the network, or to require peer review such as, but not limited to:

(i) Current malpractice insurance coverage exceeding a dollar amount threshold, number, or seriousness of malpractice suits over a specific time frame;

(ii) Previous malpractice judgments or settlements that do not exceed a dollar amount threshold recommended by the advisory group, or a specific number or seriousness of malpractice suits over a specific time frame;

(iii) No licensing or disciplinary action in any jurisdiction or loss of treating or admitting privileges by any board, commission, agency, public or private health care payer, or hospital;

(iv) For some specialties such as surgeons, privileges in at least one hospital;

(v) Whether the provider has been credentialed by another health plan that follows national quality assurance guidelines; and

(vi) Alternative criteria for providers that are not credentialed by another health plan.

The department shall develop alternative criteria for providers that are not credentialed by another health plan or as needed to address access to care concerns in certain regions.

(d) Network provider contracts will automatically renew at the end of the contract period unless the department provides written notice of changes in contract provisions or the department or provider provides written notice of contract termination. The industrial insurance medical advisory committee shall develop criteria for removal of a provider from the network to be presented to the department and advisory group for consideration in the development of contract terms.

(e) In order to monitor quality of care and assure efficient management of the provider network, the department shall establish additional criteria and terms for network participation including, but not limited to, requiring compliance with administrative and billing policies.

(f) The advisory group shall recommend best practices standards to the department to use in determining second tier network providers. The department shall develop and implement financial and nonfinancial incentives for network providers who qualify for the second tier. The department is authorized to certify and decertify second tier providers.

(3) The department shall work with self-insurers and the department utilization review provider to implement utilization review for the self-insured community to ensure consistent quality, cost-effective care for all injured workers and employers, and to reduce administrative burden for providers.

(4) The department for state fund claims shall pay, in accordance with the department's fee schedule, for any alleged injury for which a worker files a claim, any initial prescription drugs provided in relation to that initial visit, without regard to whether the worker's claim for benefits is allowed. In all accepted claims, treatment shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him or her, except when the worker returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him or her shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him or her shall cease: PROVIDED, That after any injured worker has returned to his or her work his or her medical and surgical treatment may be continued if, and so long as, such continuation is deemed necessary by the supervisor of industrial insurance to be necessary to his or her more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or her or he or she is placed upon the permanent pension roll: PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely in his or her discretion, may authorize continued medical and surgical treatment for conditions previously accepted by the department when such medical and surgical treatment is deemed

necessary by the supervisor of industrial insurance to protect such worker's life or provide for the administration of medical and therapeutic measures including payment of prescription medications, but not including those controlled substances currently scheduled by the pharmacy quality assurance commission as Schedule I, II, III, or IV substances under chapter 69.50 RCW, which are necessary to alleviate continuing pain which results from the industrial injury. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

The supervisor of industrial insurance, the supervisor's designee, or a self-insurer, in his or her sole discretion, may authorize inoculation or other immunological treatment in cases in which a work-related activity has resulted in probable exposure of the worker to a potential infectious occupational disease. Authorization of such treatment does not bind the department or self-insurer in any adjudication of a claim by the same worker or the worker's beneficiary for an occupational disease.

(5)(a) The legislature finds that the department and its business and labor partners have collaborated in establishing centers for occupational health and education to promote best practices and prevent preventable disability by focusing additional provider-based resources during the first twelve weeks following an injury. The centers for occupational health and education represent innovative accountable care systems in an early stage of development consistent with national health care reform efforts. Many Washington workers do not yet have access to these innovative health care delivery models.

(b) To expand evidence-based occupational health best practices, the department shall establish additional centers for occupational health and education, with the goal of extending access to at least fifty percent of injured and ill workers by December 2013 and to all injured workers by December 2015. The department shall also develop additional best practices and incentives that span the entire period of recovery, not only the first twelve weeks.

(c) The department shall certify and decertify centers for occupational health and education based on criteria including institutional leadership and geographic areas covered by the center for occupational health and education, occupational health leadership and education, mix of participating health care providers necessary to address the anticipated needs of injured workers, health services coordination to deliver occupational health best practices, indicators to measure the success of the center for occupational health and education, and agreement that the center's providers shall, if feasible, treat certain injured workers if referred by the department or a self-insurer.

(d) Health care delivery organizations may apply to the department for certification as a center for occupational health and education. These may include, but are not limited to, hospitals and affiliated clinics and providers, multispecialty clinics, health maintenance organizations, and organized systems of network physicians.

(e) The centers for occupational health and education shall implement benchmark quality indicators of occupational health best practices for individual providers, developed in collaboration with the department. A center for occupational health and education shall remove individual providers who do not consistently meet these quality benchmarks.

(f) The department shall develop and implement financial and nonfinancial incentives for center for occupational health and education providers that are based on progressive and measurable gains in occupational health best practices, and that are applicable throughout the duration of an injured or ill worker's episode of care.

(g) The department shall develop electronic methods of tracking evidence-based quality measures to identify and improve outcomes for injured workers at risk of developing prolonged disability. In addition, these methods must be used to provide systematic feedback to physicians regarding quality of care, to conduct appropriate objective evaluation of progress in the centers for occupational health and education, and to allow efficient coordination of services.

(6) If a provider fails to meet the minimum network standards established in subsection (2) of this section, the department is authorized to remove the provider from the network or take other appropriate action regarding a provider's participation. The department may also require remedial steps as a condition for a provider to participate in the network. The department, with input from the advisory group, shall establish waiting periods that may be imposed before a provider who has been denied or removed from the network may reapply.

(7) The department may permanently remove a provider from the network or take other appropriate action when the provider exhibits a pattern of conduct of low quality care that exposes patients to risk of physical or psychiatric harm or death. Patterns that qualify as risk of harm include, but are not limited to, poor health care outcomes evidenced by increased, chronic, or prolonged pain or decreased function due to treatments that have not been shown to be curative, safe, or effective or for which it has been shown that the risks of harm exceed the benefits that can be reasonably expected based on peer-reviewed opinion.

(8) The department may not remove a health care provider from the network for an isolated instance of poor health and recovery outcomes due to treatment by the provider.

(9) When the department terminates a provider from the network, the department or self-insurer shall assist an injured worker currently under the provider's care in identifying a new network provider or providers from whom the worker can select an attending or treating provider. In such a case, the department or self-insurer shall notify the injured worker that he or she must choose a new attending or treating provider.

(10) The department may adopt rules related to this section.

(11) The department shall report to the workers' compensation advisory committee and to the appropriate committees of the legislature on each December 1st, beginning in 2012 and ending in 2016, on the implementation of the provider network and expansion of the centers for occupational health and education. The reports must include a summary of actions taken, progress toward long-term goals, outcomes of key initiatives, access to care issues, results of disputes or controversies related to new provisions, and whether any changes are needed to further improve the occupational health best practices care of injured workers.

Sec. 5118. RCW 51.36.110 and 2004 c 243 s 6 and 2004 c 65 s 13 are each reenacted and amended to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.52.050, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician, licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW;

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(4) Pursue collection of unpaid overpayments and/or penalties plus interest accrued from health care providers pursuant to RCW 51.32.240(6).

Sec. 5119. RCW 51.48.060 and 2020 c 277 s 5 are each amended to read as follows:

Any physician or licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse who fails, neglects or refuses to file a report with the director, as required by this title, within five days of the date of treatment, showing the condition of the injured worker at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured worker, as required by this title, shall be subject to a civil penalty determined by the director but not to exceed five hundred dollars.

Sec. 5120. RCW 51.52.010 and 2004 c 65 s 15 are each amended to read as follows:

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor, with the advice and consent of the senate, as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active or judicial members of the Washington state bar association, submitted to the governor by the two organizations defined below,

and such member shall be the chairperson of said board. The second member shall be a representative of the majority of workers engaged in employment under this title and selected from a list of not less than three names submitted to the governor by an organization, statewide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers under this title, and appointed from a list of at least three names submitted to the governor by a recognized statewide organization of employers, representing a majority of employers. The initial terms of office of the members of the board shall be for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his or her successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his or her predecessor. All appointments to the board shall be made in conformity with the foregoing plan. In the event a board member becomes incapacitated in excess of thirty days either due to his or her illness or that of an immediate family member as determined by a request for family leave or as certified by the affected member's treating physician or licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, the governor shall appoint an acting member to serve pro tem. Such an appointment shall be made in conformity with the foregoing plan, except that the list of candidates shall be submitted to the governor not more than fifteen days after the affected organizations are notified of the incapacity and the governor shall make the appointment within fifteen days after the list is submitted. The temporary member shall serve until such time as the affected member is able to reassume his or her duties by returning from requested family leave or as determined by the treating physician or licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse or until the affected member's term expires, whichever occurs first. Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the governor may appoint two additional pro-tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively by labor and industry as in the case of regular members. One pro-tem member shall be a representative of labor and one shall be a representative of industry. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Sec. 5121. RCW 68.50.105 and 2023 c 44 s 4 are each amended to read as follows:

(1) Reports and records of autopsies or postmortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced ((~~registered nurse practitioner~~)) practice registered nurse, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries in cases in which it has an interest under RCW 68.50.103,

the secretary of the department of children, youth, and families or his or her designee in cases being reviewed under RCW 74.13.640, or the secretary of the department of social and health services or his or her designee under chapter 74.34 RCW.

(2)(a) Notwithstanding the restrictions contained in this section regarding the dissemination of records and reports of autopsies or postmortems, nor the exemptions referenced under RCW 42.56.240(1), nothing in this chapter prohibits a coroner, medical examiner, or his or her designee, from publicly discussing his or her findings as to any death subject to the jurisdiction of his or her office where actions of a law enforcement officer or corrections officer have been determined to be a proximate cause of the death, except as provided in (b) of this subsection.

(b) A coroner, medical examiner, or his or her designee may not publicly discuss his or her findings outside of formal court or inquest proceedings if there is a pending or active criminal investigation, or a criminal or civil action, concerning a death that has commenced prior to January 1, 2014.

(3) The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or postmortem. For the purposes of this section, the term "family" means the surviving spouse, state registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

Sec. 5122. RCW 69.41.010 and 2024 c 102 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Commission" means the pharmacy quality assurance commission.

(3) "Community-based care settings" include: Community residential programs for persons with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(5) "Department" means the department of health.

(6) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(7) "Dispenser" means a practitioner who dispenses.

(8) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(9) "Distributor" means a person who distributes.

(10) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(11) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization transmitted verbally by telephone nor a facsimile manually signed by the practitioner.

(12) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(13) "Legend drugs" means any drugs which are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(14) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order. A prescription must be hand printed, typewritten, or electronically generated.

(15) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

(16) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(17) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern medicine practitioner to the

extent authorized under chapter 18.06 RCW and the rules adopted under RCW 18.06.010(1)(m), a veterinarian under chapter 18.92 RCW, a registered nurse, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a licensed athletic trainer to the extent authorized under chapter 18.250 RCW, a pharmacist under chapter 18.64 RCW, when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, a licensed dental therapist to the extent authorized under chapter 18.265 RCW, or a licensed midwife to the extent authorized under chapter 18.50 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(18) "Secretary" means the secretary of health or the secretary's designee.

Sec. 5123. RCW 69.41.030 and 2024 c 102 s 2 are each amended to read as follows:

(1) It shall be unlawful for any person to sell or deliver any legend drug, or knowingly possess any legend drug, or knowingly use any legend drug in a public place, except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a licensed midwife to the extent authorized under chapter 18.50 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse under chapter 18.79 RCW when authorized by the board of nursing, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced ((~~registered nurse practitioner~~)) practice registered nurse, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug

wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving knowing possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(c) A violation of this section involving knowing use in a public place is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(d) No person may be charged with both knowing possession and knowing use in a public place under this section relating to the same course of conduct.

(e) In lieu of jail booking and referral to the prosecutor for a violation of this section involving knowing possession, or knowing use in a public place, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(3) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

(4) For the purposes of this section, "use any legend drug" means to introduce the drug into the human body by injection, inhalation, ingestion, or any other means.

Sec. 5124. RCW 69.43.135 and 2011 c 336 s 838 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Iodine matrix" means iodine at a concentration greater than two percent by weight in a matrix or solution.

(b) "Matrix" means something, as a substance, in which something else originates, develops, or is contained.

(c) "Methylsulfonylmethane" means methylsulfonylmethane in its powder form only, and does not include products containing methylsulfonylmethane in other forms such as liquids, tablets, capsules not containing

methylsulfonylmethane in pure powder form, ointments, creams, cosmetics, foods, and beverages.

(2) Any person who knowingly purchases in a thirty-day period or possesses any quantity of iodine in its elemental form, an iodine matrix, or more than two pounds of methylsulfonylmethane is guilty of a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Subsection (2) of this section does not apply to:

(a) A person who possesses iodine in its elemental form or an iodine matrix as a prescription drug, under a prescription issued by a licensed veterinarian, physician, or advanced ((~~registered nurse practitioner~~)) practice registered nurse;

(b) A person who possesses iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane in its powder form and is actively engaged in the practice of animal husbandry of livestock;

(c) A person who possesses iodine in its elemental form or an iodine matrix in conjunction with experiments conducted in a chemistry or chemistry-related laboratory maintained by a:

(i) Public or private secondary school;

(ii) Public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States department of education;

(iii) Manufacturing facility, government agency, or research facility in the course of lawful business activities;

(d) A veterinarian, physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, pharmacist, retail distributor, wholesaler, manufacturer, warehouse operator, or common carrier, or an agent of any of these persons who possesses iodine in its elemental form, an iodine matrix, or methylsulfonylmethane in its powder form in the regular course of lawful business activities; or

(e) A person working in a general hospital who possesses iodine in its elemental form or an iodine matrix in the regular course of employment at the hospital.

(4) Any person who purchases any quantity of iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane must present an identification card or driver's license issued by any state in the United States or jurisdiction of another country before purchasing the item.

(5) The Washington state patrol shall develop a form to be used in recording transactions involving iodine in its elemental form, an iodine matrix, or methylsulfonylmethane. A person who sells or otherwise transfers any quantity of iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane to a person for any purpose authorized in subsection (3) of this section must record each sale or transfer. The record must be made on the form developed by the Washington state patrol and must be retained by the person for at least three years. The Washington state patrol or any local law enforcement agency may request access to the records.

(a) Failure to make or retain a record required under this subsection is a misdemeanor.

(b) Failure to comply with a request for access to records required under this subsection to the Washington state patrol or a local law enforcement agency is a misdemeanor.

Sec. 5125. RCW 69.45.010 and 2020 c 80 s 42 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Commission" means the pharmacy quality assurance commission.

(2) "Controlled substance" means a drug, substance, or immediate precursor of such drug or substance, so designated under or pursuant to chapter 69.50 RCW, the uniform controlled substances act.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(4) "Department" means the department of health.

(5) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) "Distribute" means to deliver, other than by administering or dispensing, a legend drug.

(7) "Drug samples" means any federal food and drug administration approved controlled substance, legend drug, or products requiring prescriptions in this state, which is distributed at no charge to a practitioner by a manufacturer or a manufacturer's representative, exclusive of drugs under clinical investigations approved by the federal food and drug administration.

(8) "Legend drug" means any drug that is required by state law or by regulations of the commission to be dispensed on prescription only or is restricted to use by practitioners only.

(9) "Manufacturer" means a person or other entity engaged in the manufacture or distribution of drugs or devices, but does not include a manufacturer's representative.

(10) "Manufacturer's representative" means an agent or employee of a drug manufacturer who is authorized by the drug manufacturer to possess drug samples for the purpose of distribution in this state to appropriately authorized health care practitioners.

(11) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

(12) "Practitioner" means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a commissioned medical or dental officer in the United States armed forces or the public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse under chapter 18.79 RCW when authorized to prescribe by the ((~~nursing care quality assurance commission~~)) state board of nursing, or a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission.

(13) "Reasonable cause" means a state of facts found to exist that would warrant a reasonably intelligent and prudent person to believe that a person has violated state or federal drug laws or regulations.

(14) "Secretary" means the secretary of health or the secretary's designee.

Sec. 5126. RCW 69.50.101 and 2024 c 62 s 17 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(b) the patient or research subject at the direction and in the presence of the practitioner.

(2) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(3) "Board" means the Washington state liquor and cannabis board.

(4) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis during the growing cycle through harvest and usable cannabis. "Cannabis" does not include hemp or industrial hemp as defined in RCW 15.140.020, or seeds used for licensed hemp production under chapter 15.140 RCW.

(5) "Cannabis concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(6) "Cannabis processor" means a person licensed by the board to process cannabis into cannabis concentrates, useable cannabis, and cannabis-infused products, package and label cannabis concentrates, useable cannabis, and cannabis-infused products for sale in retail outlets, and sell cannabis concentrates, useable cannabis, and cannabis-infused products at wholesale to cannabis retailers.

(7) "Cannabis producer" means a person licensed by the board to produce and sell cannabis at wholesale to cannabis processors and other cannabis producers.

(8)(a) "Cannabis products" means useable cannabis, cannabis concentrates, and cannabis-infused products as defined in this section, including any product intended to be consumed or absorbed inside the body by any means including inhalation, ingestion, or insertion, with any detectable amount of THC.

(b) "Cannabis products" also means any product containing only THC content.

(c) "Cannabis products" does not include cannabis health and beauty aids as defined in RCW 69.50.575 or products approved by the United States food and drug administration.

(9) "Cannabis researcher" means a person licensed by the board to produce, process, and possess cannabis for the purposes of conducting research on cannabis and cannabis-derived drug products.

(10) "Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

(11) "Cannabis-infused products" means products that contain cannabis or cannabis extracts, are intended for human use, are derived from cannabis as defined in subsection (4) of this section, and have a THC concentration no greater than ten percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

(12) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(13) "CBD product" means any product containing or consisting of cannabidiol.

(14) "Commission" means the pharmacy quality assurance commission.

(15) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include hemp or industrial hemp as defined in RCW 15.140.020.

(16)(a) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(b) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(17) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(18) "Department" means the department of health.

(19) "Designated provider" has the meaning provided in RCW 69.51A.010.

(20) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(21) "Dispenser" means a practitioner who dispenses.

(22) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(23) "Distributor" means a person who distributes.

(24) "Drug" means (a) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (b) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (c) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (d) controlled substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. The term does not include devices or their components, parts, or accessories.

(25) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(26) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(27) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(28) "Immediate precursor" means a substance:

(a) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(b) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(c) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(29) "Isomer" means an optical isomer, but in subsection (33)(e) of this section, RCW 69.50.204(1) (l) and (hh), and 69.50.206(2)(d), the term includes any geometrical isomer; in RCW 69.50.204(1) (h) and (pp)((~~,~~)) and 69.50.210(3)((~~[,]~~)), the term includes any positional isomer; and in RCW 69.50.204(1)(ii), 69.50.204(3), and 69.50.208(1)((~~[,]~~)), the term includes any positional or geometric isomer.

(30) "Lot" means a definite quantity of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(31) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product.

(32) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the

preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(a) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(b) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(33) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(b) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(c) Poppy straw and concentrate of poppy straw.

(d) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(e) Cocaine, or any salt, isomer, or salt of isomer thereof.

(f) Cocaine base.

(g) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(h) Any compound, mixture, or preparation containing any quantity of any substance referred to in (a) through (g) of this subsection.

(34) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(35) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(36) "Package" means a container that has a single unit or group of units.

(37) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(38) "Plant" has the meaning provided in RCW 69.51A.010.

(39) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(40) "Practitioner" means:

(a) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57

RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(b) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(c) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her participating physician as defined in RCW 18.71A.010, an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(41) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(42) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(43) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(44) "Recognition card" has the meaning provided in RCW 69.51A.010.

(45) "Retail outlet" means a location licensed by the board for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

(46) "Secretary" means the secretary of health or the secretary's designee.

(47) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (47), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(a) A statement that indicates how the cannabis licensee will work to promote social equity goals in their community;

(b) A description of how the cannabis licensee will meet social equity goals as defined in RCW 69.50.335;

(c) The composition of the workforce the licensee has employed or intends to hire; and

(d) Business plans involving partnerships or assistance to organizations or residents with connections to populations with a history of high rates of enforcement of cannabis prohibition.

(48) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(49) "THC concentration" means percent of tetrahydrocannabinol content of any part of the plant *Cannabis*, or per volume or weight of cannabis product, or the combined percent of tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(50) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(51) "Unit" means an individual consumable item within a package of one or more consumable items in solid, liquid, gas, or any form intended for human consumption.

(52) "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include either cannabis-infused products or cannabis concentrates.

(53) "Youth access" means the level of interest persons under the age of twenty-one may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

Sec. 5127. RCW 69.51A.010 and 2022 c 16 s 116 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Authorization" means a form developed by the department that is completed and signed by a qualifying patient's health care professional and printed on tamper-resistant paper.

(b) An authorization is not a prescription as defined in RCW 69.50.101.

(2) "Cannabis" has the meaning provided in RCW 69.50.101.

(3) "Cannabis concentrates" has the meaning provided in RCW 69.50.101.

(4) "Cannabis processor" has the meaning provided in RCW 69.50.101.

(5) "Cannabis producer" has the meaning provided in RCW 69.50.101.

(6) "Cannabis retailer" has the meaning provided in RCW 69.50.101.

(7) "Cannabis retailer with a medical cannabis endorsement" means a cannabis retailer that has been issued a medical cannabis endorsement by the state liquor and cannabis board pursuant to RCW 69.50.375.

(8) "Cannabis-infused products" has the meaning provided in RCW 69.50.101.

(9) "CBD concentration" means the percent of cannabidiol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of cannabis product.

(10) "Department" means the department of health.

(11) "Designated provider" means a person who is twenty-one years of age or older and:

(a)(i) Is the parent or guardian of a qualifying patient who is under the age of eighteen and holds a recognition card; or

(ii) Has been designated in writing by a qualifying patient to serve as the designated provider for that patient;

(b)(i) Has an authorization from the qualifying patient's health care professional; or

(ii)(A) Has been entered into the medical cannabis authorization database as being the designated provider to a qualifying patient; and

(B) Has been provided a recognition card;

(c) Is prohibited from consuming cannabis obtained for the personal, medical use of the qualifying patient for whom the individual is acting as designated provider;

(d) Provides cannabis to only the qualifying patient that has designated him or her;

(e) Is in compliance with the terms and conditions of this chapter; and

(f) Is the designated provider to only one patient at any one time.

(12) "Health care professional," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW.

(13) "Housing unit" means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building, and which have direct access from the outside of the building or through a common hall.

(14) "Low THC, high CBD" means products determined by the department to have a low THC, high CBD ratio under RCW 69.50.375. Low THC, high CBD products must be inhalable, ingestible, or absorbable.

(15) "Medical cannabis authorization database" means the secure and confidential database established in RCW 69.51A.230.

(16) "Medical use of cannabis" means the manufacture, production, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

(17) "Plant" means a cannabis plant having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system is considered part of the same single plant.

(18) "Public place" has the meaning provided in RCW 70.160.020.

(19) "Qualifying patient" means a person who:

(a)(i) Is a patient of a health care professional;

(ii) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;

(iii) Is a resident of the state of Washington at the time of such diagnosis;

(iv) Has been advised by that health care professional about the risks and benefits of the medical use of cannabis;

(v) Has been advised by that health care professional that they may benefit from the medical use of cannabis;

(vi)(A) Has an authorization from his or her health care professional; or

(B) Has been entered into the medical cannabis authorization database and has been provided a recognition card; and

(vii) Is otherwise in compliance with the terms and conditions established in this chapter.

(b) "Qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this chapter are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

(20) "Recognition card" means a card issued to qualifying patients and designated providers by a cannabis retailer with a medical cannabis endorsement that has entered them into the medical cannabis authorization database.

(21) "Retail outlet" has the meaning provided in RCW 69.50.101.

(22) "Secretary" means the secretary of the department of health.

(23) "Tamper-resistant paper" means paper that meets one or more of the following industry-recognized features:

(a) One or more features designed to prevent copying of the paper;

(b) One or more features designed to prevent the erasure or modification of information on the paper; or

(c) One or more features designed to prevent the use of counterfeit authorization.

(24) "Terminal or debilitating medical condition" means a condition severe enough to significantly interfere with the patient's activities of daily living and ability to function, which can be objectively assessed and evaluated and limited to the following:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders;

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications;

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications;

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications;

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications;

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications;

(g) Posttraumatic stress disorder; or

(h) Traumatic brain injury.

(25) "THC concentration" has the meaning provided in RCW 69.50.101.

(26) "Useable cannabis" has the meaning provided in RCW 69.50.101.

Sec. 5128. RCW 70.02.010 and 2024 c 209 s 31 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Authority" means the Washington state health care authority.

(4) "Commitment" has the same meaning as in RCW 71.05.020.

(5) "Custody" has the same meaning as in RCW 71.05.020.

(6) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(7) "Department" means the department of social and health services.

(8) "Designated crisis responder" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(9) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(10) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(11) "Discharge" has the same meaning as in RCW 71.05.020.

(12) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(13) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(14) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(15) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(16) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(17) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including

a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(18) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policyholders, plan sponsors, or other customers, provided that health care information is not disclosed to such policyholder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited data set for the benefit of the health care provider, health care facility, or third-party payor.

(19) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(20) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(21) "Imminent" has the same meaning as in RCW 71.05.020.

(22) "Indian health care provider" has the same meaning as in RCW 43.71B.010(11).

(23) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained, or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, and all other records regarding the person maintained by the department, by the authority, by behavioral health administrative services organizations and their staff, managed care organizations contracted with the authority under chapter 74.09 RCW and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community behavioral health program as defined in RCW 71.24.025. The term does not include psychotherapy notes.

(24) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(25) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(26) "Legal counsel" has the same meaning as in RCW 71.05.020.

(27) "Local public health officer" has the same meaning as the term "local health officer" as defined in RCW 70.24.017.

(28) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(29) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(30) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of health under chapter 71.05 RCW, whether that person works in a private or public setting.

(31) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(32) "Minor" has the same meaning as in RCW 71.34.020.

(33) "Parent" has the same meaning as in RCW 71.34.020.

(34) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(35) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(36) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(37) "Professional person" has the same meaning as in RCW 71.05.020.

(38) "Psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse" has the same meaning as in RCW 71.05.020.

(39) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of

conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(40) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed 65 cents per page for the first 30 pages and 50 cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed $15. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(41) "Release" has the same meaning as in RCW 71.05.020.

(42) "Resource management services" has the same meaning as in RCW 71.05.020.

(43) "Serious violent offense" has the same meaning as in RCW 9.94A.030.

(44) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(45) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(46) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(47) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

(48) "Tribal public health authority" means a tribe that is responsible for public health matters as a part of its official mandate.

(49) "Tribal public health officer" means the individual appointed as the health officer for the tribe.

(50) "Tribe" has the same meaning as in RCW 71.24.025.

Sec. 5129. RCW 70.02.230 and 2024 c 209 s 32 are each amended to read as follows:

(1) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240,

70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW, or equivalent proceedings in tribal courts, or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health

professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within 72 hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney, including tribal prosecuting attorney, as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor, including tribal prosecutor, must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies, including tribal law enforcement agencies, and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence. Nothing in this section shall be interpreted as a waiver of sovereign immunity by a tribe.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies, including tribal corrections and law enforcement agencies, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator, including an Indian health care provider, under RCW 71.05.585 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the

following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iii);

(iii) Tribal law enforcement officers and tribal prosecuting attorneys who enforce tribal laws or tribal court orders similar to RCW 9.41.040(2)(a)(v) may also receive confidential information in accordance with this subsection;

(iv) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(p) Pursuant to lawful order of a court, including a tribal court;

(q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department;

(t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(u) To a licensed physician or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

(w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (v) of this subsection;

(x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information

regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

(cc) To any person if the conditions in RCW 70.02.205 are met;

(dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450; or

(ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(5).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health

services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings in accordance with RCW 71.05.620. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 5130. RCW 70.24.115 and 2024 c 248 s 4 are each amended to read as follows:

(1) Notwithstanding any other law, a health care provider who diagnoses a case of sexually transmitted chlamydia, gonorrhea, trichomoniasis, or other sexually transmitted infection, as determined by the department or recommended in the most recent federal centers for disease control and prevention guidelines for the prevention or treatment of sexually transmitted diseases, in an individual patient may prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to the individual patient's sexual partner or

partners without examination of that patient's partner or partners or having an established provider and patient relationship with the partner or partners. This practice shall be known as expedited partner therapy.

(2) A health care provider may provide expedited partner therapy as outlined in subsection (1) of this section if all the following requirements are met:

(a) The patient has a confirmed laboratory test result, or direct observation of clinical signs or assessment of clinical data by a health care provider confirming the person has, or is likely to have, a sexually transmitted infection;

(b) The patient indicates that the individual has a partner or partners with whom the patient has engaged in sexual activity within the 60-day period immediately before the diagnosis of a sexually transmitted infection; and

(c) The patient indicates that the partner or partners of the individual are unable or unlikely to seek clinical services in a timely manner.

(3) A prescribing health care provider may prescribe, dispense, furnish, or otherwise provide medication to the diagnosed patient as outlined in subsection (1) of this section for the patient to deliver to the exposed sexual partner or partners of the patient in order to prevent reinfection in the diagnosed patient.

(4) If a health care provider does not have the name of a patient's sexual partner for a drug prescribed under subsection (1) of this section, the prescription shall include the words "expedited partner therapy" or "EPT."

(5) A health care provider shall not be liable in a medical malpractice action or professional disciplinary action if the health care provider's use of expedited partner therapy is in compliance with this section, except in cases of intentional misconduct, gross negligence, or wanton or reckless activity.

(6) The department may adopt rules necessary to implement this section.

(7) For the purpose of this section, "health care provider" means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, or a registered nurse, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or licensed practical nurse under chapter 18.79 RCW.

Sec. 5131. RCW 70.30.061 and 1999 c 172 s 5 are each amended to read as follows:

Any person residing in the state and needing treatment for tuberculosis may apply in person to the local health officer or to any licensed physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or licensed physician assistant for examination and if that health care provider has reasonable cause to believe that the person is suffering from tuberculosis in any form he or she may apply to the local health officer or designee for admission of the person to an appropriate facility for the care and treatment of tuberculosis.

Sec. 5132. RCW 70.41.230 and 2019 c 104 s 1, 2019 c 55 s 15, and 2019 c 49 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (3) of this section, prior to granting or renewing clinical privileges or association of any physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse or hiring a physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse who will provide clinical care under his or her license, a hospital or facility approved pursuant to this chapter shall request from the

physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse and the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse shall provide the following information:

(a) The name of any hospital or facility with or at which the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the hospital may request additional information going back further than five years, and the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse shall use his or her best efforts to comply with such a request for additional information;

(b) Whether the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity listed in (b)(i) through (x) of this subsection, or has ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity listed in (b)(i) through (x) of this subsection in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct:

(i) License to practice any profession in any jurisdiction;

(ii) Other professional registration or certification in any jurisdiction;

(iii) Specialty or subspecialty board certification;

(iv) Membership on any hospital medical staff;

(v) Clinical privileges at any facility, including hospitals, ambulatory surgical centers, or skilled nursing facilities;

(vi) Medicare, medicaid, the food and drug administration, the national institute(([~~s~~]))s of health (office of human research protection), governmental, national, or international regulatory agency, or any public program;

(vii) Professional society membership or fellowship;

(viii) Participation or membership in a health maintenance organization, preferred provider organization, independent practice association, physician-hospital organization, or other entity;

(ix) Academic appointment;

(x) Authority to prescribe controlled substances (drug enforcement agency or other authority);

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse deems appropriate;

(e) A waiver by the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse of any confidentiality provisions

concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse that the information provided by the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse is accurate and complete.

(2) Except as provided in subsection (3) of this section, prior to granting privileges or association to any physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse or hiring a physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse who will provide clinical care under his or her license, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.71.0195.

(3) In lieu of the requirements of subsections (1) and (2) of this section, when granting or renewing credentials and privileges or association of any physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse providing telemedicine or store and forward services, an originating site hospital may rely on a distant site hospital's decision to grant or renew credentials and clinical privileges or association of the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse if the originating site hospital obtains reasonable assurances, through a written agreement with the distant site hospital, that all of the following provisions are met:

(a) The distant site hospital providing the telemedicine or store and forward services is a medicare participating hospital;

(b) Any physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse providing telemedicine or store and forward services at the distant site hospital will be fully credentialed and privileged to provide such services by the distant site hospital;

(c) Any physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse providing telemedicine or store and forward services will hold and maintain a valid license to perform such services issued or recognized by the state of Washington; and

(d) With respect to any distant site physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse who holds current credentials and privileges at the originating site hospital whose patients are receiving the telemedicine or store and forward services, the originating site hospital has evidence of an internal review of the distant site physician's,

physician assistant's, or advanced ((~~registered nurse practitioner's~~)) practice registered nurse's performance of these credentials and privileges and sends the distant site hospital such performance information for use in the periodic appraisal of the distant site physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse. At a minimum, this information must include all adverse events, as defined in RCW 70.56.010, that result from the telemedicine or store and forward services provided by the distant site physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse to the originating site hospital's patients and all complaints the originating site hospital has received about the distant site physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse.

(4)(a) The Washington medical commission or the board of osteopathic medicine and surgery shall be advised within thirty days of the name of any physician or physician assistant denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(b) The ((~~nursing care quality assurance commission~~)) state board of nursing shall be advised within thirty days of the name of any advanced ((~~registered nurse practitioner~~)) practice registered nurse denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(5) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) through (3) of this section shall provide such information concerning the physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(6) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and

the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(7) Hospitals shall be granted access to information held by the Washington medical commission, the board of osteopathic medicine and surgery, and the ((~~nursing care quality assurance commission~~)) state board of nursing pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(8) Violation of this section shall not be considered negligence per se.

Sec. 5133. RCW 70.41.410 and 2023 c 114 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section((~~,~~)) and RCW 70.41.420((~~,~~)) and 70.41.425 unless the context clearly requires otherwise.

(1) "Hospital" has the same meaning as defined in RCW 70.41.020, and also includes state hospitals as defined in RCW 72.23.010.

(2) "Hospital staffing committee" means the committee established by a hospital under RCW 70.41.420.

(3) "Intensity" means the level of patient need for nursing care, as determined by the nursing assessment.

(4) "Nursing assistant-certified" means an individual certified under chapter 18.88A RCW who provides direct care to patients.

(5) "Nursing staff" means registered nurses, licensed practical nurses, nursing assistants-certified, and unlicensed assistive nursing personnel providing direct patient care.

(6) "Patient care staff" means a person who is providing direct care or supportive services to patients but who is not:

(a) Nursing staff as defined in this section;

(b) A physician licensed under chapter 18.71 or 18.57 RCW;

(c) A physician's assistant licensed under chapter 18.71A RCW; or

(d) An advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under RCW 18.79.250, unless working as a direct care registered nurse.

(7) "Patient care unit" means any unit or area of the hospital that provides patient care by registered nurses.

(8) "Reasonable efforts" means that the employer exhausts and documents all of the following but is unable to obtain staffing coverage:

(a) Seeks individuals to consent to work additional time from all available qualified staff who are working;

(b) Contacts qualified employees who have made themselves available to work additional time;

(c) Seeks the use of per diem staff; and

(d) When practical, seeks personnel from a contracted temporary agency when such staffing is permitted by law or an applicable collective bargaining agreement, and when the employer regularly uses a contracted temporary agency.

(9) "Registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

(10) "Skill mix" means the experience of, and number and relative percentages of, nursing and patient care staff.

(11) "Unforeseeable emergent circumstance" means:

(a) Any unforeseen declared national, state, or municipal emergency;

(b) When a hospital disaster plan is activated;

(c) Any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; or

(d) When a hospital is diverting patients to another hospital or hospitals for treatment.

Sec. 5134. RCW 70.47.210 and 2006 c 367 s 7 are each amended to read as follows:

(1) Any schedule of benefits established or renewed by the Washington basic health plan after December 31, 2006, shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of the health care authority to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services.

Sec. 5135. RCW 70.48.135 and 2018 c 41 s 2 are each amended to read as follows:

(1) Jails must make reasonable accommodations for the provision of available midwifery or doula services to inmates who are pregnant or who have given birth in the last six weeks. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and must have access to the inmate's relevant health care information, as defined in RCW 70.02.010, if the inmate authorizes disclosure.

(2) For purposes of this section, the following definitions apply:

(a) "Doula services" are services provided by a trained doula and designed to provide physical, emotional, or informational support to a pregnant woman before, during, and after delivery of a child. Doula services may include, but are not limited to: Support and assistance during labor and childbirth; prenatal and postpartum education; breastfeeding assistance; parenting education; and support in the event that a woman has been or will become separated from her child.

(b) "Midwifery services" means medical aid rendered by a midwife to a woman during prenatal, intrapartum, or postpartum stages or to a woman's newborn up to two weeks of age.

(c) "Midwife" means a midwife licensed under chapter 18.50 RCW or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW.

(3) Nothing in this section requires governing units to establish or provide funding for midwifery or doula services, or prevents the adoption of policy guidelines for the delivery of midwifery or doula services to inmates. Services provided under this section may not supplant health care services routinely provided to the inmate.

Sec. 5136. RCW 70.48.490 and 2009 c 411 s 4 are each amended to read as follows:

Jails may provide for the delivery and administration of medications and medication assistance for inmates in their custody by nonpractitioner jail personnel, subject to the following conditions:

(1) The jail administrator or his or her designee, or chief law enforcement executive or his or her designee, shall enter into an agreement between the jail and a licensed pharmacist, pharmacy, or other licensed practitioner or health care facility to ensure access to pharmaceutical services on a twenty-four hour a day basis, including consultation and dispensing services.

(2) The jail administrator or chief law enforcement executive shall adopt policies which address the designation and training of nonpractitioner jail personnel who may deliver and administer medications or provide medication assistance to inmates as provided in this chapter. The policies must address the administration of prescriptions from licensed practitioners prescribing within the scope of their prescriptive authority, the identification of medication to be delivered and administered or administered through medication assistance, the means of securing medication with attention to the safeguarding of legend drugs, and the means of maintaining a record of the delivery, administration, self-administration, or medication assistance of all medication. The jail administrator or chief law enforcement executive shall designate a physician licensed under chapter 18.71 RCW, or a registered nurse or advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, to train the designated nonpractitioner jail personnel in proper medication procedures and monitor their compliance with the procedures.

(3) The jail administrator or chief law enforcement executive shall consult with one or more pharmacists, and one or more licensed physicians or nurses, in the course of developing the policies described in subsections (1) and (2) of this section. A jail shall provide the Washington association of sheriffs and police chiefs with a copy of the jail's current policies regarding medication management.

(4) The practitioner or nonpractitioner jail personnel delivering, administering, or providing medication assistance is in receipt of (a) for prescription drugs, a written, current, and unexpired prescription, and instructions for administration from a licensed practitioner prescribing within the scope of his or her prescriptive authority for administration of the prescription drug; (b) for nonprescription drugs, a written, current, and unexpired instruction from a licensed practitioner regarding the administration of the nonprescription drug; and (c) for minors under the age of eighteen, a written, current consent from the minor's parent, legal guardian, or custodian consenting to the administration of the medication.

(5) Nonpractitioner jail personnel may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that the medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications.

(6) Nonpractitioner jail personnel shall not include inmates.

(7) All medication is delivered and administered and all medication assistance is provided by a practitioner or nonpractitioner jail personnel pursuant

to the policies adopted in this section, and in compliance with the prescription of a practitioner prescribing within the scope of his or her prescriptive authority, or the written instructions as provided in this section.

(8) The jail administrator or the chief law enforcement executive shall ensure that all nonpractitioner jail personnel authorized to deliver, administer, and provide medication assistance are trained pursuant to the policies adopted in this section prior to being permitted to deliver, administer, or provide medication assistance to an inmate.

Sec. 5137. RCW 70.54.400 and 2020 c 80 s 46 are each amended to read as follows:

(1) For purposes of this section:

(a) "Customer" means an individual who is lawfully on the premises of a retail establishment.

(b) "Eligible medical condition" means:

(i) Crohn's disease, ulcerative colitis, or any other inflammatory bowel disease;

(ii) Irritable bowel syndrome;

(iii) Any condition requiring use of an ostomy device; or

(iv) Any permanent or temporary medical condition that requires immediate access to a restroom.

(c) "Employee restroom" means a restroom intended for employees only in a retail facility and not intended for customers.

(d) "Health care provider" means an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, a physician or surgeon licensed under chapter 18.71 RCW, or a physician assistant licensed under chapter 18.71A RCW.

(e) "Retail establishment" means a place of business open to the general public for the sale of goods or services. Retail establishment does not include any structure such as a filling station, service station, or restaurant of eight hundred square feet or less that has an employee restroom located within that structure.

(2) A retail establishment that has an employee restroom must allow a customer with an eligible medical condition to use that employee restroom during normal business hours if:

(a) The customer requesting the use of the employee restroom provides in writing either:

(i) A signed statement by the customer's health care provider on a form that has been prepared by the department of health under subsection (4) of this section; or

(ii) An identification card that is issued by a nonprofit organization whose purpose includes serving individuals who suffer from an eligible medical condition; and

(b) One of the following conditions are met:

(i) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(ii) Allowing the customer to access the restroom facility does not pose a security risk to the retail establishment or its employees.

(3) A retail establishment that has an employee restroom must allow a customer to use that employee restroom during normal business hours if:

(a)(i) Three or more employees of the retail establishment are working at the time the customer requests use of the employee restroom; and

(ii) The retail establishment does not normally make a restroom available to the public; and

(b)(i) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(ii) Allowing the customer to access the employee restroom does not pose a security risk to the retail establishment or its employees.

(4) The department of health shall develop a standard electronic form that may be signed by a health care provider as evidence of the existence of an eligible medical condition as required by subsection (2) of this section. The form shall include a brief description of a customer's rights under this section and shall be made available for a customer or his or her health care provider to access by computer. Nothing in this section requires the department to distribute printed versions of the form.

(5) Fraudulent use of a form as evidence of the existence of an eligible medical condition is a misdemeanor punishable under RCW 9A.20.010.

(6) For a first violation of this section, the city or county attorney shall issue a warning letter to the owner or operator of the retail establishment, and to any employee of a retail establishment who denies access to an employee restroom in violation of this section, informing the owner or operator of the establishment and employee of the requirements of this section. A retail establishment or an employee of a retail establishment that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(7) A retail establishment is not required to make any physical changes to an employee restroom under this section and may require that an employee accompany a customer or a customer with an eligible medical condition to the employee restroom.

(8) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer or a customer with an eligible medical condition to use an employee restroom if the act or omission meets all of the following:

(a) It is not willful or grossly negligent;

(b) It occurs in an area of the retail establishment that is not accessible to the public; and

(c) It results in an injury to or death of the customer or the customer with an eligible medical condition or any individual other than an employee accompanying the customer or the customer with an eligible medical condition.

Sec. 5138. RCW 70.58A.010 and 2020 c 312 s 729 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means a person who is at least eighteen years of age, or an emancipated minor under chapter 13.64 RCW.

(2) "Amendment" means a change to a certification item on the vital record.

(3) "Authorized representative" means a person permitted to receive a certification who is:

(a) Identified in a notarized statement signed by a qualified applicant; or

(b) An agent identified in a power of attorney as defined in chapter 11.125 RCW.

(4) "Certification" means the document, in either paper or electronic format, containing all or part of the information contained in the original vital record from which the document is derived, and is issued from the central vital records system. A certification includes an attestation by the state or local registrar to the accuracy of information, and has the full force and effect of the original vital record.

(5) "Certification item" means any item of information that appears on certifications.

(6) "Coroner" means the person elected or appointed in a county under chapter 36.16 RCW to serve as the county coroner and fulfill the responsibilities established under chapter 36.24 RCW.

(7) "Cremated remains" has the same meaning as "cremated human remains" in chapter 68.04 RCW.

(8) "Delayed report of live birth" means the report submitted to the department for the purpose of registering the live birth of a person born in state that was not registered within one year of the date of live birth.

(9) "Department" means the department of health.

(10) "Domestic partner" means a party to a state registered domestic partnership established under chapter 26.60 RCW.

(11) "Facility" means any licensed establishment, public or private, located in state, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment; or nursing, custodial, or domiciliary care. The term also includes establishments to which persons are committed by law including, but not limited to:

(a) Mental illness detention facilities designated to assess, diagnose, and treat individuals detained or committed, under chapter 71.05 RCW;

(b) City and county jails;

(c) State department of corrections facilities; and

(d) Juvenile correction centers governed by Title 72 RCW.

(12) "Fetal death" means any product of conception that shows no evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles after complete expulsion or extraction from the individual who gave birth that is not an induced termination of pregnancy and:

(a) Has completed twenty or more weeks of gestation as calculated from the date the last menstrual period of the individual who gave birth began, to the date of expulsion or extraction; or

(b) Weighs three hundred fifty grams or more, if weeks of gestation are not known.

(13) "Final disposition" means the burial, interment, entombment, cremation, removal from the state, or other manner of disposing of human remains as authorized under chapter 68.50 RCW.

(14) "Funeral director" means a person licensed under chapter 18.39 RCW as a funeral director.

(15) "Funeral establishment" means a place of business licensed under chapter 18.39 RCW as a funeral establishment.

(16) "Government agencies" include state boards, commissions, committees, departments, educational institutions, or other state agencies which are created by or pursuant to statute, other than courts and the legislature; county or city agencies, United States federal agencies, and federally recognized tribes and tribal organizations.

(17) "Human remains" means the body of a deceased person, includes the body in any stage of decomposition, and includes cremated human remains, but does not include human remains that are or were at any time under the jurisdiction of the state physical anthropologist under chapter 27.44 RCW.

(18) "Individual" means a natural person.

(19) "Induced termination of pregnancy" means the purposeful interruption of an intrauterine pregnancy with an intention other than to produce a live-born infant, and which does not result in a live birth.

(20) "Informational copy" means a birth or death record issued from the central vital records system, containing all or part of the information contained in the original vital record from which the document is derived, and indicating it cannot be used for legal purposes on its face.

(21) "Legal guardian" means a person who serves as a guardian for the purpose of either legal or custodial matters, or both, relating to the person for whom the guardian is appointed. The term legal guardian includes, but is not limited to, guardians appointed pursuant to chapters 11.130 and 13.36 RCW.

(22) "Legal representative" means a licensed attorney representing either the subject of the record or qualified applicant.

(23) "Live birth" means the complete expulsion or extraction of a product of human conception from the individual who gave birth, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(24) "Local health officer" has the same meaning as in chapter 70.05 RCW.

(25) "Medical certifier" for a death or fetal death means an individual required to attest to the cause of death information provided on a report of death or fetal death. Each individual certifying cause of death or fetal death may certify cause of death only as permitted by that individual's professional scope of practice. These individuals include:

(a) A physician, physician's assistant, or an advanced ((~~registered nurse practitioner~~)) practice registered nurse last in attendance at death or who treated the decedent through examination, medical advice, or medications within the twelve months preceding the death;

(b) A midwife, only in cases of fetal death; and

(c) A physician performing an autopsy, when the decedent was not treated within the last twelve months and the person died a natural death.

(26) "Medical examiner" means the person appointed under chapter 36.24 RCW to fulfill the responsibilities established under chapter 36.24 RCW.

(27) "Midwife" means a person licensed to practice midwifery pursuant to chapter 18.50 RCW.

(28) "Physician" means a person licensed to practice medicine, naturopathy, or osteopathy pursuant to Title 18 RCW.

(29) "Registration" or "register" means the process by which a report is approved and incorporated as a vital record into the vital records system.

(30) "Registration date" means the month, day, and year a report is incorporated into the vital records system.

(31) "Report" means an electronic or paper document containing information related to a vital life event for the purpose of registering the vital life event.

(32) "Sealed record" means the original record of a vital life event and the evidence submitted to support a change to the original record.

(33) "Secretary" means the secretary of the department of health.

(34) "State" means Washington state unless otherwise specified.

(35) "State registrar" means the person appointed by the secretary to administer the vital records system under RCW 70.58A.030.

(36) "Territory of the United States" means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(37) "Vital life event" means a birth, death, fetal death, marriage, dissolution of marriage, dissolution of domestic partnership, declaration of invalidity of marriage, declaration of invalidity of domestic partnership, and legal separation.

(38) "Vital record" or "record" means a report of a vital life event that has been registered and supporting documentation.

(39) "Vital records system" means the statewide system created, operated, and maintained by the department under this chapter.

(40) "Vital statistics" means the aggregated data derived from vital records, including related reports, and supporting documentation.

Sec. 5139. RCW 70.122.051 and 2006 c 108 s 6 are each amended to read as follows:

(1) For the purposes of this section, "provider" means a physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, health care provider acting under the direction of a physician or an advanced ((~~registered nurse practitioner~~)) practice registered nurse, or health care facility, as defined in this chapter or in chapter 71.32 RCW, and its personnel.

(2) Any provider who participates in good faith in the withholding or withdrawal of life-sustaining treatment from a qualified patient in accordance with the requirements of this chapter, shall be immune from legal liability, including civil, criminal, or professional conduct sanctions, unless otherwise negligent.

(3) The establishment of a health care declarations registry does not create any new or distinct obligation for a provider to determine whether a patient has a health care declaration.

(4) A provider is not subject to civil or criminal liability or sanctions for unprofessional conduct under the uniform disciplinary act, chapter 18.130 RCW, when in good faith and without negligence:

(a) The provider provides, does not provide, withdraws, or withholds treatment to a patient in the absence of actual knowledge of the existence of a health care declaration stored in the health care declarations registry established in RCW 70.122.130;

(b) The provider provides, does not provide, withdraws, or withholds treatment pursuant to a health care declaration stored in the health care

declarations registry established in RCW 70.122.130 in the absence of actual knowledge of the revocation of the declaration;

(c) The provider provides, does not provide, withdraws, or withholds treatment according to a health care declaration stored in the health care declarations registry established in RCW 70.122.130 in good faith reliance upon the validity of the health care declaration and the declaration is subsequently found to be invalid; or

(d) The provider provides, does not provide, withdraws, or withholds treatment according to the patient's health care declaration stored in the health care declarations registry established in RCW 70.122.130.

(5) Except for acts of gross negligence, willful misconduct, or intentional wrongdoing, the department of health is not subject to civil liability for any claims or demands arising out of the administration or operation of the health care declarations registry established in RCW 70.122.130.

Sec. 5140. RCW 70.122.130 and 2016 c 209 s 406 are each amended to read as follows:

(1) The department of health shall establish and maintain a statewide health care declarations registry containing the health care declarations identified in subsection (2) of this section as submitted by residents of Washington. The department shall digitally reproduce and store health care declarations in the registry. The department may establish standards for individuals to submit digitally reproduced health care declarations directly to the registry, but is not required to review the health care declarations that it receives to ensure they comply with the particular statutory requirements applicable to the document. The department may contract with an organization that meets the standards identified in this section.

(2)(a) An individual may submit any of the following health care declarations to the department of health to be digitally reproduced and stored in the registry:

(i) A directive, as defined by this chapter;

(ii) A durable power of attorney for health care, as authorized in chapter 11.125 RCW;

(iii) A mental health advance directive, as defined by chapter 71.32 RCW; or

(iv) A form adopted pursuant to the department of health's authority in RCW 43.70.480.

(b) Failure to submit a health care declaration to the department of health does not affect the validity of the declaration.

(c) Failure to notify the department of health of a valid revocation of a health care declaration does not affect the validity of the revocation.

(d) The entry of a health care directive in the registry under this section does not:

(i) Affect the validity of the document;

(ii) Take the place of any requirements in law necessary to make the submitted document legal; or

(iii) Create a presumption regarding the validity of the document.

(3) The department of health shall prescribe a procedure for an individual to revoke a health care declaration contained in the registry.

(4) The registry must:

(a) Be maintained in a secure database that is accessible through a website maintained by the department of health;

(b) Send annual electronic messages to individuals that have submitted health care declarations to request that they review the registry materials to ensure that it is current;

(c) Provide individuals who have submitted one or more health care declarations with access to their documents and the ability to revoke their documents at all times; and

(d) Provide the personal representatives of individuals who have submitted one or more health care declarations to the registry, attending physicians, advanced ((~~registered nurse practitioners~~)) practice registered nurses, health care providers licensed by a disciplining authority identified in RCW 18.130.040 who is acting under the direction of a physician or an advanced ((~~registered nurse practitioner~~)) practice registered nurse, and health care facilities, as defined in this chapter or in chapter 71.32 RCW, access to the registry at all times.

(5) In designing the registry and website, the department of health shall ensure compliance with state and federal requirements related to patient confidentiality.

(6) The department shall provide information to health care providers and health care facilities on the registry website regarding the different federal and Washington state requirements to ascertain and document whether a patient has an advance directive.

(7) The department of health may accept donations, grants, gifts, or other forms of voluntary contributions to support activities related to the creation and maintenance of the health care declarations registry and statewide public education campaigns related to the existence of the registry. All receipts from donations made under this section, and other contributions and appropriations specifically made for the purposes of creating and maintaining the registry established under this section and statewide public education campaigns related to the existence of the registry, shall be deposited into the general fund. These moneys in the general fund may be spent only after appropriation.

(8) The department of health may adopt rules as necessary to implement chapter 108, Laws of 2006.

(9) By December 1, 2008, the department shall report to the house and senate committees on health care the following information:

(a) Number of participants in the registry;

(b) Number of health care declarations submitted by type of declaration as defined in this section;

(c) Number of health care declarations revoked and the method of revocation;

(d) Number of providers and facilities, by type, that have been provided access to the registry;

(e) Actual costs of operation of the registry.

Sec. 5141. RCW 70.128.120 and 2021 c 219 s 6 are each amended to read as follows:

Each adult family home provider, applicant, and each resident manager shall have the following minimum qualifications, except that only applicants are required to meet the provisions of subsections (10) and (11) of this section:

(1) Twenty-one years of age or older;

(2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 or any English or translated government documentation of the following:

(a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;

(b) A foreign college, foreign university, or United States community college two-year diploma;

(c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;

(d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;

(e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;

(3) Good moral and responsible character and reputation;

(4) Literacy and the ability to communicate in the English language;

(5) Management and administrative ability to carry out the requirements of this chapter;

(6) Satisfactory completion of department-approved basic training and continuing education training as required by RCW 74.39A.074, and in rules adopted by the department;

(7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;

(8) Not be disqualified by a department background check;

(9) For those applying to be licensed as providers, and for resident managers whose employment begins after August 24, 2011, at least one thousand hours in the previous sixty months of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home. The applicant or resident manager must have credible evidence of the successful, direct caregiving experience or, currently hold one of the following professional licenses: Physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; physician assistant licensed under chapter 18.71A RCW; registered nurse, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or licensed practical nurse licensed under chapter 18.79 RCW;

(10) For applicants, proof of financial solvency, as defined in rule; and

(11) Applicants must successfully complete an adult family home administration and business planning class, prior to being granted a license. The class must be a minimum of forty-eight hours of classroom time and approved by the department. The department shall promote and prioritize bilingual capabilities within available resources and when materials are available for this purpose. Under exceptional circumstances, such as the sudden and unexpected

death of a provider, the department may consider granting a license to an applicant who has not completed the class but who meets all other requirements. If the department decides to grant the license due to exceptional circumstances, the applicant must have enrolled in or completed the class within four months of licensure.

Sec. 5142. RCW 70.180.020 and 1994 c 103 s 1 are each amended to read as follows:

The department shall establish or contract for a health professional temporary substitute resource pool. The purpose of the pool is to provide short-term physician, physician assistant, pharmacist, and advanced ((~~registered nurse practitioner~~)) practice registered nurse personnel to rural communities where these health care providers:

(1) Are unavailable due to provider shortages;

(2) Need time off from practice to attend continuing education and other training programs; and

(3) Need time off from practice to attend to personal matters or recover from illness.

The health professional temporary substitute resource pool is intended to provide short-term assistance and should complement active health provider recruitment efforts by rural communities where shortages exist.

Sec. 5143. RCW 70.180.040 and 1994 c 103 s 3 are each amended to read as follows:

(1) Requests for a temporary substitute health care professional may be made to the department by the certified health plan, local rural hospital, public health department or district, community health clinic, local practicing physician, physician assistant, pharmacist, or advanced ((~~registered nurse practitioner~~)) practice registered nurse, or local city or county government.

(2) The department may provide directly or contract for services to:

(a) Establish a manner and form for receiving requests;

(b) Minimize paperwork and compliance requirements for participant health care professionals and entities requesting assistance; and

(c) Respond promptly to all requests for assistance.

(3) The department may apply for, receive, and accept gifts and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts to operate the pool. The department shall make available upon request to the appropriate legislative committees information concerning the source, amount, and use of such gifts or payments.

Sec. 5144. RCW 70.245.010 and 2023 c 38 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Attending qualified medical provider" means the qualified medical provider who has primary responsibility for the care of the patient and treatment of the patient's terminal disease.

(3) "Competent" means that, in the opinion of a court or in the opinion of the patient's attending qualified medical provider, consulting qualified medical

provider, psychiatrist, or psychologist, a patient has the ability to make and communicate an informed decision to health care providers, including communication through persons familiar with the patient's manner of communicating if those persons are available.

(4) "Consulting qualified medical provider" means a qualified medical provider who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient's disease.

(5) "Counseling" means one or more consultations as necessary between a state licensed psychiatrist, psychologist, independent clinical social worker, advanced social worker, mental health counselor, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse and a patient for the purpose of determining that the patient is competent and not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.

(6) "Health care provider" means a person licensed, certified, or otherwise authorized or permitted by law to administer health care or dispense medication in the ordinary course of business or practice of a profession, and includes a health care facility.

(7) "Informed decision" means a decision by a qualified patient, to request and obtain a prescription for medication that the qualified patient may self-administer to end his or her life in a humane and dignified manner, that is based on an appreciation of the relevant facts and after being fully informed by the attending qualified medical provider of:

(a) His or her medical diagnosis;

(b) His or her prognosis;

(c) The potential risks associated with taking the medication to be prescribed;

(d) The probable result of taking the medication to be prescribed; and

(e) The feasible alternatives including, but not limited to, comfort care, hospice care, and pain control.

(8) "Medically confirmed" means the medical opinion of the attending qualified medical provider has been confirmed by a consulting qualified medical provider who has examined the patient and the patient's relevant medical records.

(9) "Patient" means a person who is under the care of an attending qualified medical provider.

(10) "Qualified medical provider" means a physician licensed under chapter 18.57 or 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW.

(11) "Qualified patient" means a competent adult who is a resident of Washington state and has satisfied the requirements of this chapter in order to obtain a prescription for medication that the qualified patient may self-administer to end his or her life in a humane and dignified manner.

(12) "Self-administer" means a qualified patient's act of ingesting medication to end his or her life in a humane and dignified manner.

(13) "Terminal disease" means an incurable and irreversible disease that has been medically confirmed and will, within reasonable medical judgment, produce death within six months.

Sec. 5145. RCW 71.05.148 and 2024 c 209 s 9 are each amended to read as follows:

(1) A person is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence pursuant to a petition filed under this section that:

(a) The person has a behavioral health disorder;

(b) Based on a clinical determination and in view of the person's treatment history and current behavior, at least one of the following is true:

(i) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating; or

(ii) The person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the person or to others;

(c) The person has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the person, or the person's receipt of services in a forensic or other mental health unit of a state or tribal correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the person's incarceration in a state, tribal, or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the person or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the person's recovery and stability; and

(e) The person will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that a person is in need of assisted outpatient treatment:

(a) The director of a hospital where the person is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the person or the director's designee;

(c) The person's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a corrections facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the person, unless the person refuses an interview, to determine whether the person will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and the basis for the opinion, from personal observation or investigation, that the person is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or the person's treating mental health professional or substance use disorder professional, who has examined the person no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the person within the same period but has not been successful in obtaining the person's cooperation, and who is willing to testify to the reasons they believe that the person meets the criteria for assisted outpatient treatment. If the declaration is provided by the person's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse who certifies that they have reviewed the declaration;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the person is detained in a state hospital, inpatient treatment facility, jail, or correctional facility at the time the petition is filed, the anticipated release date of the person and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the respondent is hospitalized at the time of filing of the petition, before discharge of the respondent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the respondent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the respondent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The respondent shall be represented by counsel at all stages of the proceedings.

(e) If the respondent fails to appear at the hearing after notice, the court may conduct the hearing in the respondent's absence; provided that the respondent's counsel is present.

(f) If the respondent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the respondent. The examination of the respondent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the respondent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the respondent to a provider for examination by a qualified professional. A respondent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours.

(7) If the petition involves a person whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the petitioner or behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible, but before the hearing and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The notice to the tribe or Indian health care provider must include a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene. The court clerk shall provide copies of any court orders necessary for the petitioner or the behavioral health administrative services organization to provide notice to the tribe or Indian health care provider under this section.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.05.240.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

Sec. 5146. RCW 71.05.154 and 2017 3rd sp.s. c 14 s 12 are each amended to read as follows:

If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated crisis responder conducting the evaluation shall take serious consideration of observations and opinions by an examining emergency room physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant in determining whether detention under this chapter is appropriate. The

designated crisis responder must document his or her consultation with this professional, if the professional is available, or his or her review of the professional's written observations or opinions regarding whether detention of the person is appropriate.

Sec. 5147. RCW 71.05.210 and 2021 c 264 s 7 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, at any time during the involuntary treatment hold and following the initial examination and evaluation, the mental health professional or substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement for the remainder of the current commitment period without any need for further court review.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment.

Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 5148. RCW 71.05.215 and 2024 c 62 s 20 are each amended to read as follows:

(1) A person found to be gravely disabled or to present a likelihood of serious harm as a result of a behavioral health disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The authority shall adopt rules to carry out the purposes of this chapter. These rules shall include:

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician or physician assistant in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW 71.05.217, the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the attempt by the physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

Sec. 5149. RCW 71.05.217 and 2024 c 209 s 20 and 2024 c 62 s 21 are each reenacted and amended to read as follows:

(1) Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To have the right to individualized care and adequate treatment;

(h) To discuss treatment plans and decisions with professional persons;

(i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

(i) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

(ii) The court shall make specific findings of fact concerning: (A) The existence of one or more compelling state interests; (B) the necessity and effectiveness of the treatment; and (C) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

(iii) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: (A) To be represented by an attorney; (B) to present evidence; (C) to cross-examine witnesses; (D) to have the rules of evidence enforced; (E) to remain silent; (F) to view and copy all petitions and reports in the court file; and (G) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW

18.71A.010, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

(iv) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

(v) Any person detained pursuant to RCW 71.05.320(4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

(vi) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

(A) A person presents an imminent likelihood of serious harm;

(B) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

(C)(I) In the opinion of the physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

(II) If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(l) Not to have psychosurgery performed on him or her under any circumstances;

(m) To not be denied access to treatment by cultural or spiritual means through practices that are in accordance with a tribal or cultural tradition in addition to the treatment otherwise proposed.

(2) Every person involuntarily detained or committed under the provisions of this chapter is entitled to all the rights set forth in this chapter and retains all rights not denied him or her under this chapter except as limited by chapter 9.41 RCW.

(3) No person may be presumed incompetent as a consequence of receiving evaluation or treatment for a behavioral health disorder. Competency may not be determined or withdrawn except under the provisions of chapter 10.77 RCW.

(4) Subject to RCW 71.05.745 and related regulations, persons receiving evaluation or treatment under this chapter must be given a reasonable choice of an available physician, physician assistant, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or other professional person qualified to provide such services.

(5) Whenever any person is detained under this chapter, the person must be advised that unless the person is released or voluntarily admits himself or herself for treatment within 120 hours of the initial detention, a judicial hearing must be held in a superior court within 120 hours to determine whether there is probable cause to detain the person for up to an additional 14 days based on an allegation that because of a behavioral health disorder the person presents a likelihood of serious harm or is gravely disabled, and that at the probable cause hearing the person has the following rights:

(a) To communicate immediately with an attorney; to have an attorney appointed if the person is indigent; and to be told the name and address of the attorney that has been designated;

(b) To remain silent, and to know that any statement the person makes may be used against him or her;

(c) To present evidence on the person's behalf;

(d) To cross-examine witnesses who testify against him or her;

(e) To be proceeded against by the rules of evidence;

(f) To have the court appoint a reasonably available independent professional person to examine the person and testify in the hearing, at public expense unless the person is able to bear the cost;

(g) To view and copy all petitions and reports in the court file; and

(h) To refuse psychiatric medications, including antipsychotic medication beginning 24 hours prior to the probable cause hearing.

(6) The judicial hearing described in subsection (5) of this section must be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(7)(a) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced ((~~registered nurse practitioners~~)) practice registered nurses are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(8) Nothing contained in this chapter prohibits the patient from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

(10) The rights set forth under this section apply equally to 90-day or 180-day hearings under RCW 71.05.310.

Sec. 5150. RCW 71.05.230 and 2022 c 210 s 11 are each amended to read as follows:

A person detained for one hundred twenty hours of evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by a behavioral health disorder and results in: (a) A likelihood of serious harm; or (b) the person being gravely disabled; and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse; and

(B) One physician, physician assistant, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced ((~~registered nurse practitioner~~)) practice registered nurse instead of a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney, and his or her guardian, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either 90 days of less restrictive alternative treatment or 90 days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 5151. RCW 71.05.290 and 2023 c 453 s 23 are each amended to read as follows:

(1) At any time during a person's 14-day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse; and

(B) One physician, physician assistant, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced ((~~registered nurse practitioner~~)) practice registered nurse instead of a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(7), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for 180-day treatment under RCW 71.05.280(3), or for 90-day treatment under RCW 71.05.280 (1), (2), or (4). No petition for initial detention or 14-day detention is required before such a petition may be filed.

Sec. 5152. RCW 71.05.300 and 2023 c 453 s 24 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. The clerk shall set a trial setting date as provided in RCW 71.05.310 on the next judicial day after the date of filing the petition and notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health administrative services organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health administrative services organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) The attorney for the detained person shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, psychologist, psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(7), the appointed professional person under this section shall be a developmental disabilities professional.

Sec. 5153. RCW 71.05.585 and 2024 c 62 s 22 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation, a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

(a) Medication management;
(b) Psychotherapy;
(c) Nursing;
(d) Substance use disorder counseling;
(e) Residential treatment;
(f) Partial hospitalization;
(g) Intensive outpatient treatment;
(h) Support for housing, benefits, education, and employment; and
(i) Periodic court review.

(3) If the person was provided with involuntary medication under RCW 71.05.215 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 5154. RCW 71.12.540 and 2016 c 155 s 11 are each amended to read as follows:

The authorities of each establishment as defined in this chapter shall place on file in the office of the establishment the recommendations made by the department of health as a result of such visits, for the purpose of consultation by such authorities, and for reference by the department representatives upon their visits. Every such establishment shall keep records of every person admitted thereto as follows and shall furnish to the department, when required, the following data: Name, age, sex, marital status, date of admission, voluntary or

other commitment, name of physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, diagnosis, and date of discharge.

Sec. 5155. RCW 71.32.020 and 2021 c 287 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Behavioral health disorder" means a mental disorder, a substance use disorder, or a co-occurring mental health and substance use disorder.

(4) "Capacity" means that a person has not been found to be incapacitated pursuant to this chapter or subject to a guardianship under RCW 11.130.265.

(5) "Court" means a superior court under chapter 2.08 RCW.

(6) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community behavioral health service delivery system, as defined in RCW 71.24.025.

(7) "Health care provider" means an osteopathic physician licensed under chapter 18.57 RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under RCW 18.79.050.

(8) "Incapacitated" means a person who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be subject to a guardianship under RCW 11.130.265.

(9) "Informed consent" means consent that is given after a person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(10) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(11) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(12) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(13) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(14) "Principal" means a person who has executed a mental health advance directive.

(15) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(16) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(17) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

Sec. 5156. RCW 71.32.110 and 2024 c 62 s 23 are each amended to read as follows:

(1) For the purposes of this chapter, a principal, agent, professional person, or health care provider may seek a determination whether the principal is incapacitated or has regained capacity.

(2)(a) For the purposes of this chapter, no adult may be declared an incapacitated person except by:

(i) A court, if the request is made by the principal or the principal's agent;

(ii) One mental health professional or substance use disorder professional and one health care provider; or

(iii) Two health care providers.

(b) One of the persons making the determination under (a)(ii) or (iii) of this subsection must be a psychiatrist, physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, psychologist, or a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse.

(3) When a professional person or health care provider requests a capacity determination, he or she shall promptly inform the principal that:

(a) A request for capacity determination has been made; and

(b) The principal may request that the determination be made by a court.

(4) At least one mental health professional, substance use disorder professional, or health care provider must personally examine the principal prior to making a capacity determination.

(5)(a) When a court makes a determination whether a principal has capacity, the court shall, at a minimum, be informed by the testimony of one mental health professional or substance use disorder professional familiar with the principal and shall, except for good cause, give the principal an opportunity to appear in court prior to the court making its determination.

(b) To the extent that local court rules permit, any party or witness may testify telephonically.

(6) When a court has made a determination regarding a principal's capacity and there is a subsequent change in the principal's condition, subsequent

determinations whether the principal is incapacitated may be made in accordance with any of the provisions of subsection (2) of this section.

Sec. 5157. RCW 71.32.140 and 2024 c 62 s 24 are each amended to read as follows:

(1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient behavioral health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted, may only be admitted into inpatient behavioral health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient behavioral health treatment under his or her directive if, prior to admission, a member of the treating facility's professional staff who is a physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider, mental health professional, or substance use disorder professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's, physician assistant's, or psychiatric advanced ((~~registered nurse practitioner's~~)) practice registered nurse's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, the admitting physician assistant is not working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, or the advanced ((~~registered nurse practitioner~~)) practice registered nurse is not a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, the principal shall receive a complete behavioral health assessment by a mental health professional or substance use disorder professional within 24 hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time, is admitted for family-initiated treatment under chapter 71.34 RCW, or is detained under the involuntary treatment provisions of chapter 71.05 or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional or substance use disorder professional and one health care provider to be incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than 14

days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter 71.05 or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient behavioral health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge. Nothing in this subsection shall be construed to prevent detention and evaluation for civil commitment under chapter 71.05 RCW.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

Sec. 5158. RCW 71.32.250 and 2024 c 62 s 25 are each amended to read as follows:

(1) If a principal who is a resident of a long-term care facility is admitted to inpatient behavioral health treatment pursuant to his or her directive, the principal shall be allowed to be readmitted to the same long-term care facility as if his or her inpatient admission had been for a physical condition on the same basis that the principal would be readmitted under state or federal statute or rule when:

(a) The treating facility's professional staff determine that inpatient behavioral health treatment is no longer medically necessary for the resident. The determination shall be made in writing by a psychiatrist, physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, or a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or (i) one physician and a mental health professional or substance use disorder professional; (ii) one physician assistant and a mental health professional or substance use disorder professional; or (iii) one psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse and a mental health professional or substance use disorder professional; or

(b) The person's consent to admission in his or her directive has expired.

(2)(a) If the long-term care facility does not have a bed available at the time of discharge, the treating facility may discharge the resident, in consultation with the resident and agent if any, and in accordance with a medically appropriate discharge plan, to another long-term care facility.

(b) This section shall apply to inpatient behavioral health treatment admission of long-term care facility residents, regardless of whether the admission is directly from a facility, hospital emergency room, or other location.

(c) This section does not restrict the right of the resident to an earlier release from the inpatient treatment facility. This section does not restrict the right of a long-term care facility to initiate transfer or discharge of a resident who is

readmitted pursuant to this section, provided that the facility has complied with the laws governing the transfer or discharge of a resident.

(3) The joint legislative audit and review committee shall conduct an evaluation of the operation and impact of this section. The committee shall report its findings to the appropriate committees of the legislature by December 1, 2004.

Sec. 5159. RCW 71.32.260 and 2021 c 287 s 19 and 2021 c 215 s 159 are each reenacted and amended to read as follows:

The directive shall be in substantially the following form:

Mental Health Advance Directive of (client name)
With Appointment of (agent name) as
Agent for Mental Health Decisions

PART I.
STATEMENT OF INTENT TO CREATE A MENTAL HEALTH ADVANCE DIRECTIVE

I, (Client name), being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care.

PART II.
MY CARE NEEDS - WHAT WORKS FOR ME

In order to assist in carrying out my directive I would like my providers and my agent to know the following information:

I have been diagnosed with (client illnesses both mental health and physical diagnoses) for which I take (list medications).

I am also on the following other medications: (list any other medications for other conditions).

The best treatment method for my illness is (give general overview of what works best for client).

I have/do not have a history of substance abuse. My preferences and treatment options around medication management related to substance abuse are:

PART III.
WHEN THIS DIRECTIVE IS EFFECTIVE

(*You must complete this part for your directive to be valid.)*

I intend that this directive become effective (YOU MUST CHOOSE ONLY ONE):

. . . . . Immediately upon my signing of this directive.

. . . . . If I become incapacitated.

. . . . . When the following circumstances, symptoms, or behaviors occur:

PART IV.
DURATION OF THIS DIRECTIVE

(You must complete this part for your directive to be valid.)

I want this directive to (YOU MUST CHOOSE ONLY ONE):

. . . . . Remain valid and in effect for an indefinite period of time.

. . . . . Automatically expire . . . . . years from the date it was created.

PART V.
WHEN I MAY REVOKE THIS DIRECTIVE

(You must complete this part for this directive to be valid.)

I intend that I be able to revoke this directive (YOU MUST CHOOSE ONLY ONE):

. . . . . Only when I have capacity.

I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

. . . . . Even if I am incapacitated.

I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

PART VI.
PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS, PHYSICIAN ASSISTANTS, OR ADVANCED ((~~REGISTERED NURSE PRACTITIONERS~~)) PRACTICE REGISTERED NURSES

A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Advanced ((~~Registered Nurse Practitioner(s)~~)) Practice Registered Nurse(s) to be Involved in My Treatment

I would like the physician(s), physician assistant(s), or advanced ((~~registered nurse practitioner(s)~~)) practice registered nurse(s) named below to be involved in my treatment decisions:

I do not wish to be treated by

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

C. Preferences and Instructions About Medications for Psychiatric Treatment (check all that apply)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the following medications:

. . . . . I do not consent, and I do not authorize my agent (if appointed) to

consent, to the administration of the following medications:
. . . . . I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include:
and these side effects can be eliminated by dosage adjustment or other means
. . . . . I am willing to try any other medication the hospital doctor, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse recommends.
. . . . . I am willing to try any other medications my outpatient doctor, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse recommends.
. . . . . I do not want to try any other medications.
Medication Allergies.
I have allergies to, or severe side effects from, the following:
Other Medication Preferences or Instructions
. . . . . I have the following other preferences or instructions about medications:

D. Preferences and Instructions About Hospitalization and Alternatives
(check all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)
. . . . . In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.
. . . . . I would also like the interventions below to be tried before hospitalization is considered:
. . . . . Calling someone or having someone call me when needed.
Name: Telephone/text: Email:
. . . . . Staying overnight with someone
Name: Telephone/text: Email:
. . . . . Having a mental health service provider come to see me.
. . . . . Going to a crisis triage center or emergency room.
. . . . . Staying overnight at a crisis respite (temporary) bed.
. . . . . Seeing a service provider for help with psychiatric medications.
. . . . . Other, specify:

Authority to Consent to Inpatient Treatment
I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for ..... days (not to exceed 14 days).
(Sign one): . . . . . .

. . . . . If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse

. . . . . .
(Signature)
Or
. . . . . Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)
. . . . . .
(Signature)
. . . . . I do not consent, or authorize my agent (if appointed) to consent, to inpatient treatment
. . . . . .
(Signature)
Hospital Preferences and Instructions
If hospitalization is required, I prefer the following hospitals:
I do not consent to be admitted to the following hospitals:

E. Preferences and Instructions About Preemergency

I would like the interventions below to be tried before use of seclusion or restraint is considered (check all that apply):
. . . . . "Talk me down" one-on-one
. . . . . More medication
. . . . . Time out/privacy
. . . . . Show of authority/force
. . . . . Shift my attention to something else
. . . . . Set firm limits on my behavior
. . . . . Help me to discuss/vent feelings
. . . . . Decrease stimulation
. . . . . Offer to have neutral person settle dispute
. . . . . Other:

F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (choose "1" for first choice, "2" for second choice, and so on):
. . . . . Seclusion
. . . . . Seclusion and physical restraint (combined)
. . . . . Medication by injection
. . . . . Medication in pill or liquid form
In the event that my attending physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part VI C. of this form. The preferences and instructions I express

in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)

My wishes regarding electroconvulsive therapy are (sign one):

. . . . . .I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

. . . . . .

(Signature)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

. . . . . .

(Signature)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

. . . . . .

(Signature)

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name: . . . . . .

Name: . . . . . .

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:

In case of emergency, please contact:

Name: . . . . . Address: . . . . . .
Work telephone: . . . . . Home telephone: . . . . . .
Physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse: . . . . . Address: . . . . . Email: . . . . . .
Telephone: . . . . . .

The following may help me to avoid a hospitalization:

I generally react to being hospitalized as follows:

Staff of the hospital or crisis unit can help me by doing the following:

J. Refusal of Treatment

I do not consent to any mental health treatment.

. . . . . .

(Signature)

PART VII.
DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)

(*Fill out this part only if you wish to appoint an agent or nominate a guardian.*)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

HIPAA Release Authority. In addition to the other powers granted by this document, I grant to my Attorney-in-Fact the power and authority to serve as my personal representative for all purposes under the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended from time to time, and its regulations. My Attorney-in-Fact will serve as my "HIPAA personal representative" and will exercise this authority at any time that my Attorney-in-Fact is exercising authority under this document.

A. Designation of an Agent

Name: . . . . . Address: . . . . . .
Work phone: . . . . . Home/cell phone: . . . . . .
Relationship: . . . . . Email: . . . . . .

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: . . . . . Address: . . . . . .
Work phone: . . . . . Home phone: . . . . . .
Relationship: . . . . . Email: . . . . . .

C. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

D. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:

E. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** my then-serving agent (or name someone else) **as my guardian**:

Name and contact information (if someone
other than agent or alternate):

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

PART VIII.
OTHER DOCUMENTS

(*Initial all that apply*)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

. . . . . Health care power of attorney (chapter 11.125 RCW)

. . . . . "Living will" (Health care directive; chapter 70.122 RCW)

. . . . . I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

PART IX.
NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS

(*Fill out this part only if you wish to provide nontreatment instructions.*)

I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible if I am admitted to a mental health facility:

Name: . . . . . Address: . . . . . .
Day telephone: . . . . . Evening telephone: . . . . . .
Name: . . . . . Address: . . . . . .
Day telephone: . . . . . Evening telephone: . . . . . .
Name: . . . . . Address: . . . . . .
Day telephone: . . . . . Evening telephone: . . . . . .

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

C. Additional Preferences and Instructions:

PART X.
SIGNATURE

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

In witness of this, I have signed on this . . . . . day of . . . . . ., 20. . . .
Signature: . . . . . .

STATE OF WASHINGTON)
) ss.
COUNTY OF . . . . .)

I certify that I know or have satisfactory evidence that (client name) is the person who appeared before me, and said person acknowledged that he or she signed this Durable Power of Attorney and acknowledged it to be his or her free and voluntary act for the uses and purposes mentioned in this instrument.
SUBSCRIBED and SWORN to before me this . . . . . day of . . . . . ., 20. . . .
. . . . . .
SIGNATURE OF NOTARY

. . . . . .
PRINT NAME OF NOTARY

NOTARY PUBLIC for the State of Washington at . . . . . .
My commission expires . . . . . .
OR have two witnesses:
Name: . . . . . .

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

(A) A person designated to make medical decisions on the principal's behalf;

(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 7.105.010;

(E) An incapacitated person;

(F) A person who would benefit financially if the principal undergoes mental health treatment; or

(G) A minor.

Witness 1 Signature: . . . . . Date: . . . . . .
Printed Name: . . . . . Address: . . . . . .
Telephone: . . . . . .
Witness 2 Signature: . . . . . Date: . . . . . .
Printed Name: . . . . . Address: . . . . . .
Telephone: . . . . . .

PART XI.
RECORD OF DIRECTIVE

I have given a copy of this directive to the following persons:

Name: . . . . . Address: . . . . . .
Day telephone: . . . . . Evening telephone: . . . . . .
Name: . . . . . Address: . . . . . .
Day telephone: . . . . . Evening telephone: . . . . . .

DO NOT FILL OUT PART XII UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

PART XII.
REVOCATION OF THIS DIRECTIVE

(Initial any that apply):

. . . . . I am revoking the following part(s) of this directive (specify):

Date: . . . . . .

. . . . . I am revoking all of this directive.

By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

. . . . . .
(Signature)
Printed Name: . . . . . .

DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

Sec. 5160. RCW 71.34.720 and 2021 c 264 s 34 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, at any time during the involuntary treatment hold and following the initial examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement for the remainder of the current commitment period without any need for further court review.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed one hundred twenty hours from the time of provisional acceptance. The computation of such one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 5161. RCW 71.34.730 and 2020 c 302 s 89 and 2020 c 185 s 5 are each reenacted and amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial one hundred twenty hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is being detained.

(a) A petition for a fourteen-day commitment shall be signed by:

(i) One physician, physician assistant, or psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse; and

(ii) One physician, physician assistant, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or mental health professional.

(b) If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced ((~~registered nurse practitioner~~)) practice registered nurse instead of a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse. The person signing the petition must have examined the minor, and the petition must contain the following:

(i) The name and address of the petitioner;

(ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(vii) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(viii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(c) A copy of the petition shall be personally served on the minor by the petitioner or petitioner's designee. A copy of the petition shall be provided to the minor's attorney and the minor's parent.

Sec. 5162. RCW 71.34.750 and 2024 c 62 s 29 are each amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by: (a) Two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced ((~~registered nurse practitioners~~)) practice registered nurses, one of whom shall be a child and adolescent or family psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse. If the petition is for substance use disorder treatment, the petition may be signed by a substance use disorder professional instead of a mental health professional and by an advanced ((~~registered nurse practitioner~~)) practice registered nurse instead of a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or two physician assistants, one of whom must be supervised by or collaborating with a child psychiatrist; (b) one children's mental health specialist and either an examining physician, physician assistant, or a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse; or (c) two among an examining physician, physician assistant, and a psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, one of which needs to be a child psychiatrist, a physician assistant supervised by or collaborating with a child psychiatrist, or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. If the hearing is not commenced within thirty days after the filing of the petition, including extensions of time requested by the detained

person or his or her attorney or the court in the administration of justice under RCW 71.34.735, the minor must be released. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

(a) Is suffering from a mental disorder or substance use disorder;

(b) Presents a likelihood of serious harm or is gravely disabled; and

(c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) In determining whether an inpatient or less restrictive alternative commitment is appropriate, great weight must be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (a) Repeated hospitalizations; or (b) repeated peace officer interventions resulting in juvenile charges. Such evidence may be used to provide a factual basis for concluding that the minor would not receive, if released, such care as is essential for his or her health or safety.

(8)(a) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the director for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

(b) If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(9) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least three days prior to the expiration of the previous one hundred eighty-day commitment order.

Sec. 5163. RCW 71.34.755 and 2024 c 62 s 30 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation, a substance use disorder evaluation, or both;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan;

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance use disorder counseling;

(e) Residential treatment;

(f) Partial hospitalization;

(g) Intensive outpatient treatment;

(h) Support for housing, benefits, education, and employment; and

(i) Periodic court review.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a psychiatrist who is acting as a participating physician as defined in RCW 18.71A.010, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) A care coordinator may disclose information and records related to mental health services pursuant to RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment.

(7) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 5164. RCW 71.34.770 and 2016 c 155 s 22 are each amended to read as follows:

(1) The professional person in charge of the inpatient treatment facility may authorize release for the minor under such conditions as appropriate. Conditional

release may be revoked pursuant to RCW 71.34.780 if leave conditions are not met or the minor's functioning substantially deteriorates.

(2) Minors may be discharged prior to expiration of the commitment period if the treating physician, physician assistant, psychiatric advanced ((~~registered nurse practitioner~~)) practice registered nurse, or professional person in charge concludes that the minor no longer meets commitment criteria.

Sec. 5165. RCW 71.34.815 and 2024 c 209 s 10 are each amended to read as follows:

(1) An adolescent is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence in response to a petition filed under this section that:

(a) The adolescent has a behavioral health disorder;

(b) Based on a clinical determination and in view of the adolescent's treatment history and current behavior, at least one of the following is true:

(i) The adolescent is unlikely to survive safely in the community without supervision and the adolescent's condition is substantially deteriorating; or

(ii) The adolescent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the adolescent or to others;

(c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state, local, or tribal correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the adolescent's incarceration in a state, local, or tribal correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the adolescent or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the adolescent's recovery and stability; and

(e) The adolescent will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that an adolescent is in need of assisted outpatient treatment:

(a) The director of a hospital where the adolescent is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the adolescent or the director's designee;

(c) The adolescent's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a juvenile detention or rehabilitation facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the adolescent is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the adolescent, unless the adolescent refuses an interview, to determine whether the adolescent will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the adolescent's condition was made known and the basis for the opinion, from personal observation or investigation, that the adolescent is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse, or the adolescent's treating mental health professional or substance use disorder professional, who has examined the adolescent no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the adolescent within the same period but has not been successful in obtaining the adolescent's cooperation, and who is willing to testify to the reasons they believe that the adolescent meets the criteria for assisted outpatient treatment. If the declaration is provided by the adolescent's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced ((~~registered nurse practitioner~~)) practice registered nurse who certifies that they have reviewed the declaration;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the adolescent is detained in a state hospital, inpatient treatment facility, or juvenile detention or rehabilitation facility at the time the petition is filed, the anticipated release date of the adolescent and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the adolescent is hospitalized at the time of filing of the petition, before discharge of the adolescent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the adolescent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the adolescent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The adolescent shall be represented by counsel at all stages of the proceedings.

(e) If the adolescent fails to appear at the hearing after notice, the court may conduct the hearing in the adolescent's absence; provided that the adolescent's counsel is present.

(f) If the adolescent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the adolescent. The examination of the adolescent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the adolescent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the adolescent to a provider for examination by a qualified professional. An adolescent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours. All papers in the court file must be provided to the adolescent's designated attorney.

(7) If the petition involves an adolescent whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the petitioner or behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible, but before the hearing and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The notice to the tribe or Indian health care provider must include a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene. The court clerk shall provide copies of any court orders necessary for the petitioner or the behavioral health administrative services organization to provide notice to the tribe or Indian health care provider under this section.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.34.740.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

Sec. 5166. RCW 72.09.588 and 2018 c 41 s 1 are each amended to read as follows:

(1) The department must make reasonable accommodations for the provision of available midwifery or doula services to inmates who are pregnant or who have given birth in the last six weeks. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and must have access to the inmate's relevant health care information, as defined in RCW 70.02.010, if the inmate authorizes disclosure.

(2) For purposes of this section, the following definitions apply:

(a) "Doula services" are services provided by a trained doula and designed to provide physical, emotional, or informational support to a pregnant woman before, during, and after delivery of a child. Doula services may include, but are not limited to: Support and assistance during labor and childbirth; prenatal and postpartum education; breastfeeding assistance; parenting education; and support in the event that a woman has been or will become separated from her child.

(b) "Midwifery services" means medical aid rendered by a midwife to a woman during prenatal, intrapartum, or postpartum stages or to a woman's newborn up to two weeks of age.

(c) "Midwife" means a midwife licensed under chapter 18.50 RCW or an advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under chapter 18.79 RCW.

(3) Nothing in this section requires the department to establish or provide funding for midwifery or doula services, or prevents the department from adopting policy guidelines for the delivery of midwifery or doula services to inmates. Services provided under this section may not supplant health care services routinely provided to the inmate.

Sec. 5167. RCW 74.09.010 and 2023 c 51 s 33 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Bidirectional integration" means integrating behavioral health services into primary care settings and integrating primary care services into behavioral health settings.

(3) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(4) "Chronic care management" means the health care management within a health home of persons identified with, or at high risk for, one or more chronic conditions. Effective chronic care management:

(a) Actively assists patients to acquire self-care skills to improve functioning and health outcomes, and slow the progression of disease or disability;

(b) Employs evidence-based clinical practices;

(c) Coordinates care across health care settings and providers, including tracking referrals;

(d) Provides ready access to behavioral health services that are, to the extent possible, integrated with primary care; and

(e) Uses appropriate community resources to support individual patients and families in managing chronic conditions.

(5) "Chronic condition" means a prolonged condition and includes, but is not limited to:

(a) A mental health condition;

(b) A substance use disorder;

(c) Asthma;

(d) Diabetes;

(e) Heart disease; and

(f) Being overweight, as evidenced by a body mass index over twenty-five.

(6) "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee.

(7) "Department" means the department of social and health services.

(8) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(9) "Director" means the director of the Washington state health care authority.

(10) "Full benefit dual eligible beneficiary" means an individual who, for any month: Has coverage for the month under a medicare prescription drug plan or medicare advantage plan with part D coverage; and is determined eligible by the state for full medicaid benefits for the month under any eligibility category in the state's medicaid plan or a section 1115 demonstration waiver that provides pharmacy benefits.

(11) "Health home" or "primary care health home" means coordinated health care provided by a licensed primary care provider coordinating all medical care services, and a multidisciplinary health care team comprised of clinical and nonclinical staff. The term "coordinating all medical care services" shall not be construed to require prior authorization by a primary care provider in order for a patient to receive treatment for covered services by an optometrist licensed under chapter 18.53 RCW. Primary care health home services shall include those services defined as health home services in 42 U.S.C. Sec. 1396w-4 and, in addition, may include, but are not limited to:

(a) Comprehensive care management including, but not limited to, chronic care treatment and management;

(b) Extended hours of service;

(c) Multiple ways for patients to communicate with the team, including electronically and by phone;

(d) Education of patients on self-care, prevention, and health promotion, including the use of patient decision aids;

(e) Coordinating and assuring smooth transitions and follow-up from inpatient to other settings;

(f) Individual and family support including authorized representatives;

(g) The use of information technology to link services, track tests, generate patient registries, and provide clinical data; and

(h) Ongoing performance reporting and quality improvement.

(12) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(13) "Managed care organization" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any other entity or combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act.

(14) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(15) "Medical care services" means the limited scope of care financed by state funds and provided to persons who are not eligible for medicaid under RCW 74.09.510 and who are eligible for the aged, blind, or disabled assistance program authorized in RCW 74.62.030 or the essential needs and housing support program pursuant to RCW 74.04.805.

(16) "Multidisciplinary health care team" means an interdisciplinary team of health professionals which may include, but is not limited to, medical specialists, nurses, pharmacists, nutritionists, dieticians, social workers, behavioral and mental health providers including substance use disorder prevention and treatment providers, doctors of chiropractic, physical therapists, licensed complementary and alternative medicine practitioners, home care and other long-term care providers, and physicians' assistants.

(17) "Nursing home" means nursing home as defined in RCW 18.51.010.

(18) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

(19) "Primary care behavioral health" means a health care integration model in which behavioral health care is colocated, collaborative, and integrated within a primary care setting.

(20) "Primary care provider" means a general practice physician, family practitioner, internist, pediatrician, osteopathic physician, naturopath, physician assistant, and advanced ((~~registered nurse practitioner~~)) practice registered nurse licensed under Title 18 RCW.

(21) "Secretary" means the secretary of social and health services.

(22) "Whole-person care in behavioral health" means a health care integration model in which primary care services are integrated into a behavioral health setting either through colocation or community-based care management.

Sec. 5168. RCW 74.09.725 and 2011 1st sp.s. c 15 s 46 are each amended to read as follows:

The authority shall provide coverage for prostate cancer screening under this chapter, provided that the screening is delivered upon the recommendation of the patient's physician, advanced ((~~registered nurse practitioner~~)) practice registered nurse, or physician assistant.

Sec. 5169. RCW 74.42.010 and 2020 c 80 s 56 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services and the department's employees.

(2) "Direct care staff" means the staffing domain identified and defined in the center((~~[s]~~))s for medicare and medicaid services' five-star quality rating system and as reported through the center((~~[s]~~))s for medicare and medicaid services' payroll-based journal. For purposes of calculating hours per resident day minimum staffing standards for facilities with sixty-one or more licensed beds, the director of nursing services classification (job title code five), as identified in the centers for medicare and medicaid services' payroll-based journal, shall not be used. For facilities with sixty or fewer beds the director of nursing services classification (job title code five) shall be included in calculating hours per resident day minimum staffing standards.

(3) "Facility" refers to a nursing home as defined in RCW 18.51.010.

(4) "Geriatric behavioral health worker" means a person with a bachelor's or master's degree in social work, behavioral health, or other related areas, or a person who has received specialized training devoted to mental illness and treatment of older adults.

(5) "Licensed practical nurse" means a person licensed to practice practical nursing under chapter 18.79 RCW.

(6) "Medicaid" means Title XIX of the Social Security Act enacted by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79 Stat. 343), as amended.

(7) "Nurse practitioner" means a person licensed to practice advanced practice registered nursing under chapter 18.79 RCW.

(8) "Nursing care" means that care provided by a registered nurse, an advanced ((~~registered nurse practitioner~~)) practice registered nurse, a licensed practical nurse, or a nursing assistant in the regular performance of their duties.

(9) "Physician" means a person practicing pursuant to chapter 18.57 or 18.71 RCW, including, but not limited to, a physician employed by the facility as provided in chapter 18.51 RCW.

(10) "Physician assistant" means a person practicing pursuant to chapter 18.71A RCW.

(11) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience specified by the department.

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience.

(c) A mental health professional as defined in chapter 71.05 RCW.

(d) An intellectual disabilities professional who is a qualified therapist or a therapist approved by the department and has specialized training or one year experience in treating or working with persons with intellectual or developmental disabilities.

(e) An occupational therapist who is a graduate of a program in occupational therapy or who has equivalent education or training.

(f) A physical therapist as defined in chapter 18.74 RCW.

(g) A social worker as defined in RCW 18.320.010(2).

(h) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has equivalent education and clinical experience.

(12) "Registered nurse" means a person licensed to practice registered nursing under chapter 18.79 RCW.

(13) "Resident" means an individual residing in a nursing home, as defined in RCW 18.51.010.

Sec. 5170. RCW 74.42.380 and 1994 sp.s. c 9 s 753 are each amended to read as follows:

(1) The facility shall have a director of nursing services. The director of nursing services shall be a registered nurse or an advanced ((~~registered nurse practitioner~~)) practice registered nurse.

(2) The director of nursing services is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Permitting only licensed personnel to administer medications: PROVIDED, That nothing herein shall be construed as prohibiting graduate nurses or student nurses from administering medications when permitted to do so under chapter 18.79 RCW and rules adopted under it: PROVIDED FURTHER, That nothing herein shall be construed as prohibiting persons certified under chapter 18.135 RCW from practicing pursuant to the delegation and supervision requirements of chapter 18.135 RCW and rules adopted under it; and

(c) Insuring that the licensed practical nurses and the registered nurses comply with chapter 18.79 RCW, and persons certified under chapter 18.135 RCW comply with the provisions of that chapter and rules adopted under it.

NEW SECTION. **Sec. 5171.** Sections 5004, 5005, 5006, 5010, 5012, 5013, 5014, 5016, 5017, 5018, 5019, 5020, 5024, 5029, 5030, 5043, 5044, 5045, 5047, 5048, 5049, 5051, 5052, 5053, and 5055 of this act expire June 30, 2027.

NEW SECTION. **Sec. 5172.** Sections 5058 through 5170 of this act take effect June 30, 2027.

Passed by the House March 5, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 59

[House Bill 1341]

MEDICAL CANNABIS AUTHORIZATION DATABASE—USE TO VERIFY EXCISE TAX EXEMPTIONS

AN ACT Relating to allowing the liquor and cannabis board to verify excise tax exemptions through the medical cannabis authorization database; and amending RCW 69.51A.230.

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

Sec. 1. RCW 69.51A.230 and 2022 c 16 s 127 are each amended to read as follows:

(1) The department must contract with an entity to create, administer, and maintain a secure and confidential medical cannabis authorization database that allows:

(a) A cannabis retailer with a medical cannabis endorsement to add a qualifying patient or designated provider and include the amount of cannabis concentrates, useable cannabis, cannabis-infused products, or plants for which the qualifying patient is authorized under RCW 69.51A.210;

(b) Persons authorized to prescribe or dispense controlled substances to access health care information on their patients for the purpose of providing medical or pharmaceutical care for their patients;

(c) A qualifying patient or designated provider to request and receive his or her own health care information or information on any person or entity that has queried their name or information;

(d) Appropriate local, state, tribal, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation of suspected cannabis-related activity that may be illegal under Washington state law to confirm the validity of the recognition card of a qualifying patient or designated provider;

(e) A cannabis retailer holding a medical cannabis endorsement to confirm the validity of the recognition card of a qualifying patient or designated provider;

(f) The department of revenue to verify tax exemptions under chapters 82.08 and 82.12 RCW;

(g) The liquor and cannabis board to verify excise tax exemptions under RCW 69.50.535;

(h) The department and the health care professional's disciplining authorities to monitor authorizations and ensure compliance with this chapter and chapter 18.130 RCW by their licensees; and

((~~(h)~~)) (i) Authorizations to expire six months or one year after entry into the medical cannabis authorization database, depending on whether the authorization is for a minor or an adult.

(2) A qualifying patient and his or her designated provider, if any, may be placed in the medical cannabis authorization database at a cannabis retailer with a medical cannabis endorsement. After a qualifying patient or designated provider is placed in the medical cannabis authorization database, he or she must be provided with a recognition card that contains identifiers required in subsection (3) of this section.

(3) The recognition card requirements must be developed by the department in rule and include:

(a) A randomly generated and unique identifying number;

(b) For designated providers, the unique identifying number of the qualifying patient whom the provider is assisting;

(c) A photograph of the qualifying patient's or designated provider's face taken by an employee of the cannabis retailer with a medical cannabis endorsement at the same time that the qualifying patient or designated provider is being placed in the medical cannabis authorization database in accordance with rules adopted by the department;

(d) The amount of cannabis concentrates, useable cannabis, cannabis-infused products, or plants for which the qualifying patient is authorized under RCW 69.51A.210;

(e) The effective date and expiration date of the recognition card;

(f) The name of the health care professional who authorized the qualifying patient or designated provider; and

(g) For the recognition card, additional security features as necessary to ensure its validity.

(4)(a) For qualifying patients who are eighteen years of age or older and their designated providers, recognition cards are valid for one year from the date the health care professional issued the authorization. For qualifying patients who are under the age of eighteen and their designated providers, recognition cards are valid for six months from the date the health care professional issued the authorization. Qualifying patients may not be reentered into the medical cannabis authorization database until they have been reexamined by a health care professional and determined to meet the definition of qualifying patient. After reexamination, a cannabis retailer with a medical cannabis endorsement must reenter the qualifying patient or designated provider into the medical cannabis authorization database and a new recognition card will then be issued in accordance with department rules.

(b) A qualifying patient's registration in the medical cannabis authorization database and his or her recognition card may be renewed by a qualifying patient's designated provider without the physical presence of the qualifying patient at the retailer if the authorization from the health care professional indicates that the qualifying patient qualifies for a compassionate care renewal, as provided in RCW 69.51A.030. A qualifying patient receiving renewals under the compassionate care renewal provisions is exempt from the photograph requirements under subsection (3)(c) of this section.

(5) If a recognition card is lost or stolen, a cannabis retailer with a medical cannabis endorsement, in conjunction with the database administrator, may issue a new card that will be valid for six months to one year if the patient is reexamined by a health care professional and determined to meet the definition of qualifying patient and depending on whether the patient is under the age of eighteen or eighteen years of age or older as provided in subsection (4) of this section. If a reexamination is not performed, the expiration date of the replacement recognition card must be the same as the lost or stolen recognition card.

(6) The database administrator must remove qualifying patients and designated providers from the medical cannabis authorization database upon expiration of the recognition card. Qualifying patients and designated providers may request to remove themselves from the medical cannabis authorization database before expiration of a recognition card and health care professionals may request to remove qualifying patients and designated providers from the medical cannabis authorization database if the patient or provider no longer qualifies for the medical use of cannabis. The database administrator must retain database records for at least five calendar years to permit the state liquor and cannabis board and the department of revenue to verify eligibility for tax exemptions.

(7) During development of the medical cannabis authorization database, the database administrator must consult with the department, stakeholders, and persons with relevant expertise to include, but not be limited to, qualifying patients, designated providers, health care professionals, state and local law enforcement agencies, and the University of Washington computer science and engineering security and privacy research lab or a certified cybersecurity firm, vendor, or service.

(8) The medical cannabis authorization database must meet the following requirements:

(a) Any personally identifiable information included in the database must be nonreversible, pursuant to definitions and standards set forth by the national institute of standards and technology;

(b) Any personally identifiable information included in the database must not be susceptible to linkage by use of data external to the database;

(c) The database must incorporate current best differential privacy practices, allowing for maximum accuracy of database queries while minimizing the chances of identifying the personally identifiable information included therein; and

(d) The database must be upgradable and updated in a timely fashion to keep current with state of the art privacy and security standards and practices.

(9)(a) Personally identifiable information of qualifying patients and designated providers included in the medical cannabis authorization database is confidential and exempt from public disclosure, inspection, or copying under chapter 42.56 RCW.

(b) Information contained in the medical cannabis authorization database may be released in aggregate form, with all personally identifiable information redacted, for the purpose of statistical analysis and oversight of agency performance and actions.

(c) Information contained in the medical cannabis authorization database shall not be shared with the federal government or its agents unless the particular qualifying patient or designated provider is convicted in state court for violating this chapter or chapter 69.50 RCW.

(10) The department must charge a one dollar fee for each initial and renewal recognition card issued by a cannabis retailer with a medical cannabis endorsement. The cannabis retailer with a medical cannabis endorsement shall collect the fee from the qualifying patient or designated provider at the time that he or she is entered into the database and issued a recognition card. The department shall establish a schedule for cannabis retailers with a medical cannabis endorsement to remit the fees collected. Fees collected under this subsection shall be deposited into the dedicated cannabis account created under RCW 69.50.530.

(11) If the database administrator fails to comply with this section, the department may cancel any contracts with the database administrator and contract with another database administrator to continue administration of the database. A database administrator who fails to comply with this section is subject to a fine of up to five thousand dollars in addition to any penalties established in the contract. Fines collected under this section must be deposited into the health professions account created under RCW 43.70.320.

(12) The department may adopt rules to implement this section.

Passed by the House March 10, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 60

[Engrossed Substitute House Bill 1385]

BACKGROUND CHECKS—NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

AN ACT Relating to the fingerprint background check on national child protection act and volunteers for children's act program; amending RCW 43.43.830; and adding a new section to chapter 43.43 RCW.

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

Sec. 1. RCW 43.43.830 and 2019 c 271 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout ((~~RCW 43.43.830~~)) this section and RCW 43.43.832 through 43.43.845.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

(2) "Applicant" means:

(a) Any prospective employee, volunteer, or contractor who will or may have supervised or unsupervised access to children ((~~under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with~~)), the elderly, or individuals with disabilities during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(3) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(4) "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

(5) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

(((~~(5)~~))) (6) "Client" or "resident" means a child, person with developmental disabilities, or vulnerable adult applying for housing assistance from a business or organization.

(((~~(6)~~))) (7) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(((~~(7)~~))) (8) "Covered individual" means an individual:

(a) Who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity; and

(b) Who:

(i) Is employed by, volunteers with, or contracts with, or seeks to be employed by or volunteer or contract with a qualified entity; or

(ii) Owns or operates or seeks to own or operate, a qualified entity.

(9) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; fourth degree assault (if a violation of RCW 9A.36.041(3)); first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; hate crime; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; commercial sexual abuse of a minor; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault;

violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(((~~(8)~~))) (10) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(((~~(9)~~))) (11) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(((~~(10)~~))) (12) "Elderly" means a person 60 years of age or older;

(13) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

(((~~(11)~~))) (14) "Health care facility" means a nursing home licensed under chapter 18.51 RCW, an assisted living facility licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(((~~(12)~~))) (15) "Individuals with disabilities" means persons with the functional, mental, or physical inability to care for themselves, individuals with developmental disabilities, or individuals subject to a conservatorship or guardianship.

(16) "Peer counselor" means a nonprofessional person who has equal standing with another person, providing advice on a topic about which the nonprofessional person is more experienced or knowledgeable, and who is a counselor for a peer counseling program that contracts with or is otherwise approved by the department, another state or local agency, or the court.

(((~~(13)~~))) (17) "Qualified entity" means a business or organization, whether public, private, for profit, not for profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services.

(18) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children ((~~or developmentally disabled persons or vulnerable adults~~)), the elderly, or individuals with disabilities to which the applicant has access during the course of his or her employment or involvement with the qualified entity, business, or organization.

With regard to peer counselors, "unsupervised" does not include incidental contact with children under age sixteen at the location at which the peer counseling is taking place. "Incidental contact" means minor or casual contact with a child in an area accessible to and within visual or auditory range of others. It could include passing a child while walking down a hallway but would not include being alone with a child for any period of time in a closed room or office.

(((~~(14)~~))) (19) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43 RCW to read as follows:

(1) In order to facilitate the authorized interstate exchange of criminal history information for noncriminal justice purposes of background checks for the licensing and screening of employees and volunteers under the national child protection act of 1993, as amended, 34 U.S.C. Sec. 40102, and to implement the national crime prevention and privacy compact, 34 U.S.C. Sec. 40316, the Washington state patrol shall execute the compact on behalf of the state.

(2) The Washington state patrol is the repository of criminal history records for purposes of the compact and shall do all things necessary or incidental to carrying out the compact.

(3) The chief, or the chief's designee, is the state's compact officer and shall administer the compact within the state. The Washington state patrol may establish procedures for the cooperative exchange of criminal history records between the state and federal government for use in noncriminal justice cases.

(4) The state's ratification of the compact remains in effect until legislation is enacted which specifically renounces the compact.

(5) Authorized qualified entities and federally recognized tribes are authorized to conduct a state and national fingerprint-based criminal history record check on applicants and covered individuals for noncriminal justice purposes for any employment, licensing, or volunteering purpose which provides care to children, the elderly, or individuals with disabilities.

(6) Fingerprints must be searched by the Washington state patrol prior to being forwarded to the federal bureau of investigation for a national search.

(7) In order to participate in this program:

(a) Qualified entities and federally recognized tribes must notify the applicant or covered individual that:

(i) They have the right to obtain a copy of their own state and federal criminal history record from the qualified entity or federally recognized tribe that conducted the fingerprint check within a specified amount of time determined by the qualified entity or federally recognized tribe;

(ii) They have the right to appeal the results of the criminal history record to challenge the accuracy or completion of information in the criminal history record.

(b) Qualified entities and federally recognized tribes are obligated to:

(i) Seek approval from the Washington state patrol before submitting a request for screening under this section;

(ii) Submit fingerprints on each applicant and covered individual when requesting criminal history record information under this section;

(iii) Maintain a signed waiver for each applicant and covered individual allowing the release of the state and national criminal history record information to the qualified entity or federally recognized tribe;

(iv) Ensure the applicant or covered individual is provided notification that the results of the state and federal criminal history records check are handled in a manner that protects the applicant or covered individual's privacy;

(v) Provide applicants and covered individuals the opportunity to challenge the accuracy of the information in the state and federal bureau of investigation's criminal history record, if one exists, if using the record to make a determination

of the applicant or covered individual's suitability for employment, licensing, or volunteering purposes;

(vi) Advise the applicant or covered individual the procedures for obtaining a change, correction, or updating the federal criminal history record are set forth under 28 C.F.R. Sec. 16.34; and

(vii) Use the state and federal criminal history record information only for the purpose of screening employees, contractor, and volunteers or persons applying to be an employee, contractor, or volunteer with a qualified entity or federally recognized tribe.

(8) Qualified entities or federally recognized tribes must not deny employment, licenses, or volunteer positions based on information in the criminal history record until the applicant or covered individual has been afforded a reasonable time to correct or complete the record or has declined to do so.

(9) The Washington state patrol shall by rule establish fees for submission of fingerprints from and dissemination of records to qualified entities or federally recognized tribes under this section. The revenue from the fees shall cover, as nearly as practicable, the direct and indirect costs to the Washington state patrol of processing the submissions and disseminating the records. The cost of record checks must also include the fee the federal bureau of investigation charges for the criminal history background checks.

(10) A qualified entity or federally recognized tribe is not liable for damages solely for failing to obtain the information authorized under this section with respect to an employee, contractor, or volunteer. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision is not liable for damages for providing information requested under this section.

(11) The Washington state patrol has authority to adopt rules to implement this section.

Passed by the House March 5, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 61

[Engrossed Substitute House Bill 1414]

STATEWIDE CAREER AND TECHNICAL EDUCATION TASK FORCE—MODIFICATION

AN ACT Relating to improving access to career opportunities for students who are participating in or who have completed preparatory secondary career and technical education programs; amending 2024 c 234 s 3 (uncodified); creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** The legislature finds that the state, in partnership with employers and the public school system, has developed and invested in career and technical education programs for high school students. These programs have been developed and expanded with the intent of providing 16 and 17 year old students with hands-on work experience, coupled with education and training to work in various industries throughout our state. Many of these

programs are designed to allow students to begin working in the field during or upon completion of the program; however, some state agencies have enacted rules that place age restrictions on when a student can start a program, test for a license or certification, or work in a profession for which they have been issued a certification or license. These restrictions are not required by federal law, are inconsistent with many other state laws, and are barriers to 16 and 17 year old students being able to begin coursework, or work in a profession following completion of required education, training, or certification or licensure.

Therefore, the legislature intends to direct the office of the superintendent of public instruction to, through an expanded statewide career and technical education task force, to review existing laws, rules, and state agencies' policies, and develop recommendations for changes to such laws, rules, and policies to improve access to career opportunities for 16 and 17 year old students who are participating in or who have completed preparatory secondary career and technical education programs.

Sec. 2. 2024 c 234 s 3 (uncodified) is amended to read as follows:

(1) The statewide career and technical education task force is established in the office of the superintendent of public instruction. The members of the task force are as follows:

(a) The superintendent of public instruction or the superintendent's designee;

(b) Two representatives from a statewide organization representing career and technical education, at least one of whom must be a career and technical education core plus classroom instructor;

(c) A representative of career and technical education core plus aerospace and advanced manufacturing selected by an organization representing aerospace or advanced industrial manufacturers;

(d) A representative of career and technical education core plus construction selected by an organization representing general contractors;

(e) A representative of career and technical education core plus maritime selected by an organization representing maritime interests;

(f) A representative of school district career and technical education directors;

(g) A representative of worksite learning coordinators;

(h) A representative from the state board for community and technical colleges selected by the state board for community and technical colleges;

((~~(g)~~)) (i) A representative from a skill center as selected by the Washington state skill center association;

((~~(h)~~)) (j) A representative from the allied health industry; ((~~and~~

~~(i)~~)) (k) A representative from the workforce training and education coordinating board selected by the workforce training and education coordinating board;

(l) A representative from the department of labor and industries;

(m) A representative from an association that provides support and leadership to educators in career and technical education programs;

(n) A representative from career connect Washington and the career connected learning cross-agency work group established under RCW 28C.30.030;

(o) At least one representative of businesses and employer associations and organizations interested in removing barriers to youth employment;

(p) At least one representative of labor organizations in relevant trades interested in removing barriers to youth employment; and

(q) At least one representative of other interested entities, groups, and interests identified by the office of the superintendent of public instruction.

(2) The superintendent of public instruction or the superintendent's designee shall chair the task force, and staff support for the task force must be provided by the office of the superintendent of public instruction. Meetings of the task force must be held remotely by teleconference or videoconference.

(3) The task force shall develop recommendations for:

(a) Expanding and strengthening the accessibility, stability, and uniformity of secondary work-integrated learning opportunities, including career and technical education, career connected learning, regional apprenticeship programs, career and technical education core plus programs, work-based learning, internships and externships, and other types of work-integrated learning. Recommendations required by this subsection (3)(a) should address governance, operations, and codification, and must be in the form of draft legislation. The legislature does not intend for recommendations required by this subsection (3)(a) to modify the operation of career and technical education core plus programs established prior to January 1, 2024;

(b) The successful administration and operation of career and technical education core plus programs through appropriate collaboration with industry sector leadership from program areas to inform the administration and continual improvement of the programs, review data outcomes, recommend program improvements, ensure that the programs reflect applicable industry competencies, and identify appropriate program credentials; and

(c) A career and technical education core plus model framework that can be used to guide the expansion, establishment, and operation of career and technical education core plus programs. In making recommendations in accordance with this subsection (3)(c), the task force must consider, at a minimum, the following:

(i) Curricula and instructional hours that lead or articulate to industry-recognized nondegree credentials;

(ii) Curricula provided without cost to educators;

(iii) Academic course equivalencies;

(iv) Courses and course sequencing;

(v) The development, maintenance, and expansion of industry, labor, and community partnerships;

(vi) Program credentials;

(vii) Training and professional development for educators and counselors;

(viii) Alignment with postsecondary education and training programs;

(ix) The promotion of student, family, and community awareness of career and technical education core plus programs, including instructional offerings and potential work placement opportunities; and

(x) The development and expansion of a cohort of employers willing to hire and place students that have successfully completed career and technical education core plus programs; and

(d) Changes to relevant laws, rules, and policies necessary to improve students' access to sustained interactions with industry and community

professionals and provide firsthand engagement with the tasks required for the various career fields, while also maintaining appropriate protections for the safety and welfare of minors. In developing recommendations for this subsection (3)(d), the task force shall:

(i) Identify barriers preventing the training, certification, or employment of minors who are participating in or who have completed a preparatory secondary career and technical education program;

(ii) Assess categories of work from which the department of labor and industries has prohibited minors from engaging, but where minors are receiving or have received training through preparatory secondary career and technical education programs;

(iii) Assess categories of work from which the department of labor and industries has prohibited minors from engaging, but where minors have received professional licenses or certifications from a state agency or other regulatory authority;

(iv) Examine agency rules imposing age restrictions on when a minor can start training, test for or receive a license or certification, or work in a profession for which the minor is participating in or has completed a preparatory secondary career and technical education program;

(v) Assess other agency restrictions on the working hours and schedules of minors who are participating in or who have completed a preparatory secondary career and technical education program; and

(vi) Assess the requirements and procedures for school districts to receive approval to deliver career and technical education under RCW 28A.700.010, including whether said requirements or procedures account for relevant age restrictions imposed by agencies or regulatory entities for training, certification, and employment.

(4) The office of the superintendent of public instruction, the department of labor and industries, and other affected agencies may initiate changes to agency rules and practices based on recommendations of the task force prior to the issuance of the required report and any legislative action, provided that any such changes comply with federal and state law.

((~~(4)~~)) (5) The task force, in accordance with RCW 43.01.036, shall report its findings and recommendations to the governor, the appropriate fiscal and policy committees of the legislature, and the state board of education by November 15, ((~~2025~~)) 2026.

((~~(5)~~)) (6) This section expires June 30, ((~~2026~~)) 2027.

Passed by the House March 12, 2025.
Passed by the Senate April 7, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 62

[Engrossed House Bill 1461]

JOINT OPERATING AGENCIES—CONTRACTS FOR MATERIALS OR WORK

AN ACT Relating to contracts for materials or work required by joint operating agencies; and amending RCW 43.52.560.

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

Sec. 1. RCW 43.52.560 and 2015 c 73 s 1 are each amended to read as follows:

Except as provided otherwise in this chapter, a joint operating agency shall purchase any item or items of materials, equipment, or supplies, the estimated cost of which is more than ((~~fifteen thousand dollars~~)) $30,000 exclusive of sales tax, or order work for construction of generating projects and associated facilities, the estimated cost of which is more than ((~~twenty-five thousand dollars~~)) $150,000 exclusive of sales tax if more than a single craft or trade is involved, or $75,500 exclusive of sales tax if only a single craft or trade is involved, by contract in accordance with RCW 54.04.070 and 54.04.080, which require sealed bids for contracts.

Passed by the House March 4, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 63

[Engrossed Second Substitute House Bill 1549]

PUBLIC WORKS PROJECTS—RESPONSIBLE BIDDER CRITERIA—MODIFICATION

AN ACT Relating to modifying the responsible bidder criteria for public works projects; amending RCW 39.04.350 and 39.04.350; providing effective dates; and providing an expiration date.

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

Sec. 1. RCW 39.04.350 and 2023 c 88 s 1 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW, a plumbing contractor license in compliance with chapter 18.106 RCW, an elevator contractor license in compliance with chapter 70.87 RCW, or an electrical contractor license in compliance with chapter 19.28 RCW, as required under the provisions of those chapters;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);

(e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship

under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;

(f) Have received training on the requirements related to public works and prevailing wage under this chapter and chapter 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its website. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; and

(g) Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.

(2) Before award of a public works contract, a bidder shall submit to the contracting agency a signed statement in accordance with chapter 5.50 RCW verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of subsection (1)(g) of this section. A contracting agency may award a contract in reasonable reliance upon such a sworn statement.

(3)(a) In addition to the bidder responsibility criteria in subsection (1) of this section, for a project subject to apprentice utilization requirements under RCW 39.04.320, the bidder shall submit an apprentice utilization plan to the awarding agency before receiving the notice to proceed. A contracting agency may exempt a bidder from the requirements of this subsection if the bidder met or exceeded apprentice utilization requirements on the last public works project the bidder completed. Contracting agencies may rely on records made available by the department of labor and industries to determine whether a bidder is eligible for the exemption in this subsection.

(b) The department of labor and industries shall develop an apprentice utilization plan template and make the template available to awarding agencies and bidders. The plan template must include, at minimum: The projected start and end dates of the project; estimated total work hours; estimated apprentice hours by apprenticeable occupation; list of state registered apprenticeship programs to be contacted; and list of estimated apprenticeship training agents or sponsors on the project. The plan template must also include educational material on apprentice utilization requirements, including how to access apprentices and contact apprenticeship programs and where to find additional and relevant resources. The department may approve the use of a template developed by an awarding agency if it meets the minimum requirements of this subsection.

(c) The department of labor and industries shall publish completed apprentice utilization plans on its website.

(4) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(e) If the bidder has a history of receiving monetary penalties for not achieving the apprentice utilization requirements pursuant to RCW 39.04.320, or is habitual in utilizing the good faith effort exception process, the bidder must submit an apprenticeship utilization plan within ten business days immediately following the notice to proceed date.

((~~(4)~~)) (5) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's website.

Sec. 2. RCW 39.04.350 and 2023 c 88 s 1 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW, a plumbing contractor license in compliance with chapter 18.106 RCW, an elevator contractor license in compliance with chapter 70.87 RCW, or an electrical contractor license in

compliance with chapter 19.28 RCW, as required under the provisions of those chapters;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);

(e) If bidding on a public works project subject to the ((~~apprenticeship~~)) apprentice utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;

(f)(i) Have completed at least one public works project within the previous three years and have not received a citation for a violation of this chapter, chapter 39.12 RCW, or those provided in RCW 39.12.055 (1) through (3) during that same time period; or (ii) have at least one designated person who is a current employee or officer and who has received training on the requirements related to public works and prevailing wage under this chapter and chapter 39.12 RCW((~~. The bidder must designate a person or persons to be trained on these requirements~~)) within the previous three years. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. ((~~Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection.~~)) The department of labor and industries must keep records of ((~~entities~~)) persons that have ((~~satisfied~~)) completed the training ((~~requirement or are exempt~~)) in the previous three years and make the records available on its website. Responsible parties may rely on the records made available by the department ((~~regarding satisfaction of the training requirement or exemption~~)); and

(g) Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.

(2)(a) The department of labor and industries shall publish on its website available information in order for contracting agencies to verify the status of a bidder's compliance with each of the criteria under subsection (1)(a) through (f) of this section.

(b) Before award of a public works contract, a bidder shall submit to the contracting agency a signed statement in accordance with chapter 5.50 RCW verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of subsection (1)(g) of this section. A

contracting agency may ((~~award a contract in reasonable reliance~~)) reasonably rely upon such a sworn statement. The contracting agency shall verify that the bidder meets the remaining criteria in subsection (1) of this section through publicly available information on the department of labor and industries' website.

(3)(a) In addition to the bidder responsibility criteria in subsection (1) of this section, for a project subject to apprentice utilization requirements under RCW 39.04.320, the bidder shall submit an apprentice utilization plan to the awarding agency before receiving the notice to proceed. A contracting agency may exempt a bidder from the requirements of this subsection if the bidder met or exceeded apprentice utilization requirements on the last public works project the bidder completed. Contracting agencies may rely on records made available by the department of labor and industries to determine whether a bidder is eligible for the exemption in this subsection.

(b) The department of labor and industries shall develop an apprentice utilization plan template and make the template available to awarding agencies and bidders. The plan template must include, at minimum: The projected start and end dates of the project; estimated total work hours; estimated apprentice hours by apprenticeable occupation; list of state registered apprenticeship programs to be contacted; and list of estimated apprenticeship training agents or sponsors on the project. The plan template must also include educational material on apprentice utilization requirements, including how to access apprentices and contact apprenticeship programs and where to find additional and relevant resources. The department may approve the use of a template developed by an awarding agency if it meets the minimum requirements of this subsection.

(c) The department of labor and industries shall publish completed apprentice utilization plans on its website.

(4) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination.

The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(((~~(e) If the bidder has a history of receiving monetary penalties for not achieving the apprentice utilization requirements pursuant to RCW 39.04.320, or is habitual in utilizing the good faith effort exception process, the bidder must submit an apprenticeship utilization plan within ten business days immediately following the notice to proceed date.~~

~~(4)~~)) (5) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's website.

NEW SECTION. **Sec. 3.** Section 1 of this act takes effect July 1, 2026.

NEW SECTION. **Sec. 4.** Section 1 of this act expires July 1, 2027.

NEW SECTION. **Sec. 5.** Section 2 of this act takes effect July 1, 2027.

Passed by the House March 10, 2025.
Passed by the Senate April 7, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 64

[Substitute House Bill 1606]

STATE EMPLOYEE ACCESS TO PEER-REVIEWED JOURNALS

AN ACT Relating to state employee access to peer-reviewed journals; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** The legislature finds that state agencies often do not have comprehensive electronic access to many peer-reviewed journals. As a result, state employees often must purchase specific manuscripts, outsource searches to other entities, or physically visit a university library in order to access many peer-reviewed journals. Locating a specific manuscript can take hours of staff time and is neither an efficient nor a cost-effective use of state resources. Other states have created statewide collectives for providing access to peer-reviewed journals, resulting in both increased access to peer-reviewed journals as well as significant cost savings. In light of the benefits that other states have experienced in connection with statewide subscriptions to peer-reviewed journals, the legislature seeks to learn whether such a subscription model would be beneficial in Washington.

NEW SECTION. **Sec. 2.** (1) The Washington state institute for public policy is directed to conduct a study that addresses, at a minimum, potential funding, organizational structure, and policy mechanisms that would provide state employees with electronic access to peer-reviewed journals. For the

purposes of this study, "peer-reviewed journal" means any academic, scholarly, or scientific peer-reviewed journal.

(2) The study must be completed by June 30, 2026, and submitted in accordance with RCW 43.01.036 to the standing committees of the house of representatives and the senate with jurisdiction over environmental or natural resource issues.

(3) This section expires June 30, 2027.

Passed by the House March 3, 2025.
Passed by the Senate April 7, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 65

[House Bill 1615]

WATER SYSTEM CLASSIFICATION—NUMBER OF PEOPLE SERVED

AN ACT Relating to increasing consistency in the classifications of water systems; amending RCW 70A.125.010 and 70A.125.130; and declaring an emergency.

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

Sec. 1. RCW 70A.125.010 and 2020 c 20 s 1353 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions apply throughout this chapter:

(1) "Area-wide waivers" means a waiver granted by the department as a result of a geographically based testing program meeting required provisions of the federal safe drinking water act.

(2) "Department" means the department of health.

(3) "Federal safe drinking water act" means the federal safe drinking water act, 42 U.S.C. Sec. 300f et seq., as now in effect or hereafter amended.

(4)(a) "Group A public water system" means a public water system with ((~~fifteen~~)) 15 or more service connections, regardless of the number of people; or a system serving an average of ((~~twenty-five~~)) 25 or more people per day for ((~~sixty~~)) 60 or more days within a calendar year, regardless of the number of service connections; or a system serving ((~~one thousand~~)) 1,000 or more people for two or more consecutive days.

(b) A default number of people served per connection may not be used to calculate the average number of people served for purposes of (a) of this subsection, where such default number would cause a water system that would otherwise be classified as a group B water system to be classified as a group A water system.

(5) "Group B public water system" means a public water system that does not meet the definition of a group A public water system.

(6) "Local board of health" means the city, town, county, or district board of health.

(7) "Local health jurisdiction" means an entity created under chapter 70.05, 70.08, or 70.46 RCW, which provides public health services to persons within the area.

(8) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the city, town, county, or district public health department.

(9) "Order" means a written direction to comply with a provision of the regulations adopted under RCW 43.20.050(2) (a) and (b) or 70A.120.050 or to take an action or a series of actions to comply with the regulations.

(10) "Person" includes, but is not limited to, natural persons, municipal corporations, governmental agencies, firms, companies, mutual or cooperative associations, institutions, and partnerships. It also means the authorized agents of any such entities.

(11) "Public health emergency" means a declaration by an authorized health official of a situation in which either illness, or exposure known to cause illness, is occurring or is imminent.

(12) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing water for human consumption through pipes or other constructed conveyances, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system, including:

(a) Any collection, treatment, storage, and distribution facilities under control of the purveyor and used primarily in connection with such system; and

(b) Any collection or pretreatment storage facilities not under control of the purveyor which are primarily used in connection with such system.

(13) "Purveyor" means any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity, that owns or operates a public water system. It also means the authorized agents of any such entities.

(14) "Regulations" means rules adopted to carry out the purposes of this chapter.

(15) "Secretary" means the secretary of the department of health.

(16) "State board of health" is the board created by RCW 43.20.030.

Sec. 2. RCW 70A.125.130 and 2009 c 495 s 6 are each amended to read as follows:

(1) Local governments may establish separate operating permit requirements for public water systems provided the operating permit requirements have been approved by the department. The department shall not approve local operating permit requirements unless the local system will result in an increased level of service to the public water system. There shall not be duplicate operating permit requirements imposed by local governments and the department.

(2) ((~~Local~~)) Except as provided in RCW 70A.125.010(4)(b), local governments may establish requirements for group B public water systems in addition to those established by rule by the state board of health pursuant to RCW 43.20.050(2) or other rules adopted by the department, provided that the requirements are at least as stringent as the state requirements.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 10, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 66

[House Bill 1640]

UNIFORM DISCIPLINARY ACT—INTERSTATE MEDICAL LICENSURE COMPACT AND PHYSICIAN ASSISTANT LICENSURE COMPACT

AN ACT Relating to placing licenses issued in chapters 18.71B and 18.71C RCW under the authority of the uniform disciplinary act; and reenacting and amending RCW 18.130.040.

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

Sec. 1. RCW 18.130.040 and 2024 c 362 s 8, 2024 c 217 s 7, and 2024 c 50 s 5 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists registered, agency affiliated counselors registered, certified, or licensed, and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, medical assistant-EMT, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW;

(xxvii) Birth doulas certified under chapter 18.47 RCW;

(xxviii) Music therapists licensed under chapter 18.233 RCW;

(xxix) Behavioral health support specialists certified under chapter 18.227 RCW; and

(xxx) Certified peer specialists and certified peer specialist trainees under chapter 18.420 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, licenses issued under chapter 18.265 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71, 18.71A, 18.71B, 18.71C, and 18.71D RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The board of nursing as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter and under chapter 18.80 RCW;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions, which must be in compliance with chapter 18.415 RCW.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

Passed by the House March 5, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 67

[Engrossed Substitute House Bill 1688]
ELECTRIC SECURITY ALARM SYSTEMS

AN ACT Relating to electric security alarm systems; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that recent changes in alarm system technology can be beneficial for protecting property owners from ongoing theft, and may help to minimize the demand on local government policing and judicial resources. The legislature further finds that state and local codes may not currently regulate electric security alarm systems, and that, in such cases, the application of a statewide standard for installation of such systems would be beneficial to industrial and commercial property owners statewide. It is, therefore, the intent of the legislature to establish a statewide standard for the installation and operation of electric security alarm systems in circumstances in which local governments have not provided alternative regulations.

NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21 RCW to read as follows:

(1) Cities and towns that have not adopted an ordinance, land use regulation, or local code related to the regulation of electric security alarm systems shall allow electric security alarm systems consistent with the following:

(a) Electric security alarm systems may not be considered a fence and may not be regulated by fence codes which do not reference and regulate electric security alarm systems.

(b) Electric security alarm systems must be allowed on any allowed or legally nonconforming outdoor storage property. This subsection (1)(b) does not apply to properties zoned for mixed use that are not an outdoor storage property as defined in this section.

(c) The installation of electric security alarm systems must meet the following requirements:

(i) The electric security alarm is powered by an energizer that is driven by a battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set forth in IEC 60335-2-76, as of January 1, 2025;

(ii) The electric security alarm is marked with conspicuous warning signs that are located on the system at not more than 30-foot intervals that read "Warning: Electric Fence.";

(iii) The electric security alarm is 10 feet in height, or two feet higher than the perimeter barrier, fence, or wall, whichever is greater; and

(iv) The electric security alarm includes a device that enables first responders to deactivate the electric security alarm system in response to an emergency, if utilized by a city and town.

(d) A minimum five foot tall perimeter barrier, fence, or wall, is located around the exterior of the electric security alarm system. If the perimeter barrier is an existing fence or wall, the fence or wall must have been installed in compliance with the fence code at the time of installation. The city may require a permit for the installation of a new perimeter fence or wall and may require the new perimeter fence or wall be consistent with the local fence code. The city may not require any additional conditions or improvements appurtenant to the installation of an electric security alarm system.

(e) The city or town may require an alarm system operator license or permit in the same manner as is required for any other security alarm.

(f) Nothing in this section limits the ability of a city to otherwise regulate outdoor storage properties.

(2)(a) A city or town that has, whether before or after the effective date of this section, adopted an ordinance, land use regulation, or local code that regulates or prohibits electric security alarm systems is not subject to subsection (1) of this section.

(b) If a city or town adopts an ordinance, land use regulation, or local code that regulates or prohibits electric security alarm systems after the effective date of this section, the city or town shall include "electric security alarm" in the title of the ordinance and shall hold two public hearings on the regulation prior to final adoption.

(c) Any system installed prior to the effective date of an ordinance adopted in (a) of this subsection may continue to operate if it complies with the requirements in subsection (1) of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system that connects a wire structure to an alarm system and transmits a signal intended to detect and alert the property owner of an intrusion by utilizing an electric charge.

(b) "Outdoor storage property" means a manufacturing, commercial, or industrial property that does not abut an existing K-12 school, in which all or part of the lot is used for keeping vehicles, vessels, aircraft, equipment, raw materials, freight, or utility infrastructure in an outdoor yard or unenclosed building, provided that the lot does not include any existing residential or hospitality uses. "Outdoor storage property" does not include property with outdoor displays of items or objects for immediate sale when such displays are incidental or accessory to activity conducted in an enclosed structure and that such displays do not exceed 10 percent of the net lot area.

(4) Nothing in this section shall apply to a burglar alarm system as defined in RCW 18.170.010(4) or a fire alarm as defined in RCW 48.19.540(3)(c).

NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) Code cities that have not adopted an ordinance, land use regulation, or local code related to the regulation of electric security alarm systems shall allow electric security alarm systems consistent with the following:

(a) Electric security alarm systems may not be considered a fence and may not be regulated by fence codes which do not reference and regulate electric security alarm systems.

(b) Electric security alarm systems must be allowed on any allowed or legally nonconforming outdoor storage property. This subsection (1)(b) does not apply to properties zoned for mixed use that are not an outdoor storage property as defined in this section.

(c) The installation of electric security alarm systems must meet the following requirements:

(i) The electric security alarm is powered by an energizer that is driven by a battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set forth in IEC 60335-2-76, as of January 1, 2025;

(ii) The electric security alarm is marked with conspicuous warning signs that are located on the system at not more than 30-foot intervals that read "Warning: Electric Fence.";

(iii) The electric security alarm is 10 feet in height, or two feet higher than the perimeter barrier, fence, or wall, whichever is greater; and

(iv) The electric security alarm includes a device that enables first responders to deactivate the electric security alarm system in response to an emergency, if utilized by a code city.

(d) A minimum five foot tall perimeter barrier, fence, or wall, is located around the exterior of the electric security alarm system. If the perimeter barrier is an existing fence or wall, the fence or wall must have been installed in compliance with the fence code at the time of installation. The code city may require a permit for the installation of a new perimeter fence or wall and may require the new perimeter fence or wall be consistent with the local fence code. The code city may not require any additional conditions or improvements appurtenant to the installation of an electric security alarm system.

(e) The code city may require an alarm system operator license or permit in the same manner as is required for any other security alarm.

(f) Nothing in this section limits the ability of a code city to otherwise regulate outdoor storage properties.

(2)(a) A code city that has, whether before or after the effective date of this section, adopted an ordinance, land use regulation, or local code that regulates or prohibits electric security alarm systems is not subject to subsection (1) of this section.

(b) If a code city adopts an ordinance, land use regulation, or local code that regulates or prohibits electric security alarm systems after the effective date of this section, the code city shall include "electric security alarm" in the title of the ordinance and shall hold two public hearings on the regulation prior to final adoption.

(c) Any system installed prior to the effective date of an ordinance adopted in (a) of this subsection may continue to operate if it complies with the requirements in subsection (1) of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system that connects a wire structure to an alarm system and transmits a signal intended to detect and alert the property owner of an intrusion by utilizing an electric charge.

(b) "Outdoor storage property" means a manufacturing, commercial, or industrial property that does not abut an existing K-12 school, in which all or part of the lot is used for keeping vehicles, vessels, aircraft, equipment, raw materials, freight, or utility infrastructure in an outdoor yard or unenclosed building, provided that the lot does not include any existing residential or hospitality uses. "Outdoor storage property" does not include property with outdoor displays of items or objects for immediate sale when such displays are incidental or accessory to activity conducted in an enclosed structure and that such displays do not exceed 10 percent of the net lot area.

(4) Nothing in this section shall apply to a burglar alarm system as defined in RCW 18.170.010(4) or a fire alarm as defined in RCW 48.19.540(3)(c).

NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW to read as follows:

(1) Counties that have not adopted an ordinance, land use regulation, or local code related to the regulation of electric security alarm systems shall allow electric security alarm systems consistent with the following:

(a) Electric security alarm systems may not be considered a fence and may not be regulated by fence codes which do not reference and regulate electric security alarm systems.

(b) Electric security alarm systems must be allowed on any allowed or legally nonconforming outdoor storage property. This subsection (1)(b) does not apply to properties zoned for mixed use that are not an outdoor storage property as defined in this section.

(c) The installation of electric security alarm systems must meet the following requirements:

(i) The electric security alarm is powered by an energizer that is driven by a battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set forth in IEC 60335-2-76, as of January 1, 2025;

(ii) The electric security alarm is marked with conspicuous warning signs that are located on the system at not more than 30-foot intervals that read "Warning: Electric Fence.";

(iii) The electric security alarm is 10 feet in height, or two feet higher than the perimeter barrier, fence, or wall, whichever is greater; and

(iv) The electric security alarm includes a device that enables first responders to deactivate the electric security alarm system in response to an emergency, if utilized by a county.

(d) A minimum five foot tall perimeter barrier, fence, or wall, is located around the exterior of the electric security alarm system. If the perimeter barrier is an existing fence or wall, the fence or wall must have been installed in compliance with the fence code at the time of installation. The county may require a permit for the installation of a new perimeter fence or wall and may require a new perimeter fence or wall be consistent with the local fence code. The county may not require any additional conditions or improvements appurtenant to the installation of an electric security alarm system.

(e) The county may require an alarm system operator license or permit in the same manner as is required for any other security alarm.

(f) Nothing in this section limits the ability of a county to otherwise regulate outdoor storage properties.

(2)(a) A county that has, whether before or after the effective date of this section, adopted an ordinance, land use regulation, or local code that regulates or prohibits electric security alarm systems is not subject to subsection (1) of this section.

(b) If a county adopts an ordinance, land use regulation, or local code that regulates or prohibits electric security alarm systems after the effective date of this section, the county shall include "electric security alarm" in the title of the ordinance and shall hold two public hearings on the regulation prior to final adoption.

(c) Any system installed prior to the effective date of an ordinance adopted in (a) of this subsection may continue to operate if it complies with the requirements in subsection (1) of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system that connects a wire structure to an alarm system and transmits a signal intended to detect and alert the property owner of an intrusion by utilizing an electric charge.

(b) "Outdoor storage property" means a manufacturing, commercial, or industrial property that does not abut an existing K-12 school, in which all or part of the lot is used for keeping vehicles, vessels, aircraft, equipment, raw materials, freight, or utility infrastructure in an outdoor yard or unenclosed building, provided that the lot does not include any existing residential or hospitality uses. "Outdoor storage property" does not include property with outdoor displays of items or objects for immediate sale when such displays are incidental or accessory to activity conducted in an enclosed structure and that such displays do not exceed 10 percent of the net lot area.

(4) Nothing in this section shall apply to a burglar alarm system as defined in RCW 18.170.010(4) or a fire alarm as defined in RCW 48.19.540(3)(c).

Passed by the House March 6, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 68

[House Bill 1760]

MANUFACTURED HOMES—CERTAIN ENTITIES SELLING AT COST—VEHICLE DEALER LICENSURE EXEMPTION

AN ACT Relating to removing barriers for organizations selling manufactured homes to low-income households at cost; and amending RCW 46.70.011.

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

Sec. 1. RCW 46.70.011 and 2016 sp.s. c 26 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(2) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

(3) "Buyer's agent" means any person, firm, partnership, association, limited liability company, limited liability partnership, or corporation retained or employed by a consumer to arrange for or to negotiate, or both, the purchase or lease of a new motor vehicle on behalf of the consumer, and who is paid a fee or receives other compensation from the consumer for its services.

(4) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(5) "Director" means the director of licensing.

(6) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(7) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under this title.

(10) "New motor vehicle" means any motor vehicle that is self-propelled and is required to be registered and titled under this title, has not been previously titled to a retail purchaser or lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

(11) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(12) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot.

(13) "Retail vehicle dealer" means a vehicle dealer who may buy and sell at both wholesale and retail.

(14) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(15) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(16) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(17) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (18) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles;

(d) A "recreational vehicle dealer" is a vehicle dealer that deals in travel trailers, motor homes, truck campers, or camping trailers that are primarily designed and used as temporary living quarters, are either self-propelled or mounted on or drawn by another vehicle, are transient, are not occupied as a primary residence, and are not immobilized or permanently affixed to a mobile home lot.

(18) "Vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which that person is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or an affiliated licensee, who, on behalf of another negotiates the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the manufactured or mobile home is, or will be, located; or

(g) Owners who are also operators of special highway construction equipment, as defined in RCW 46.04.551, or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party; or

(i) Any person who is regularly engaged in the business of acquiring leases or installment contracts by assignment, with respect to the acquisition and sale or other disposition of a motor vehicle in which the person has acquired an interest as a result of the business; or

(j) A community land trust, resident nonprofit cooperative, local government, public housing authority, nonprofit community or neighborhood-based organization, federally recognized Indian tribe in the state of Washington, or regional or statewide nonprofit housing assistance organization, which does

not sell in any 12-month period more than 12 manufactured homes to low-income households at cost.

(19) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(20) "Wholesale vehicle dealer" means a vehicle dealer who buys vehicles from or sells vehicles to other Washington licensed vehicle dealers.

Passed by the House March 5, 2025.
Passed by the Senate April 7, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 69

[Substitute House Bill 1824]

ACCREDITED BIRTHING CENTERS—INSPECTIONS

AN ACT Relating to inspections for accredited birthing centers; and amending RCW 18.46.080.

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

Sec. 1. RCW 18.46.080 and 2000 c 93 s 35 are each amended to read as follows:

(1) The department shall make or cause to be made an inspection and investigation of all birthing centers, and every inspection may include an inspection of every part of the premises. The department may make an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. The department may prescribe by regulation that any licensee or applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alterations, addition, or new construction submit plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with regulations and standards herein authorized. Necessary conferences and consultations may be provided.

(2)(a) A birthing center that is accredited by a birthing center accrediting body is not subject to a state licensure survey if:

(i) The department determines that the applicable survey standards of the accrediting body are substantially equivalent to those of this chapter and adopted by the department;

(ii) An on-site survey has been conducted for the purposes of accreditation during the previous 36 months; and

(iii) The department receives directly from the accrediting body or from the applicant copies of the latest survey report and other relevant reports or findings that indicate compliance with licensure requirements.

(b) The department retains authority to survey those service areas not addressed by the accrediting body, if any.

(c) In reviewing the birthing center accrediting body's survey standards for substantial equivalency to those set forth in this chapter or adopted by the department in rule, the department is directed to provide the most liberal interpretation consistent with the intent of this chapter. In the event the

department determines at any time that the survey standards are not substantially equivalent to those required by this chapter or adopted by the department in rule, the department is directed to notify the affected licensees. The notification must contain a detailed description of the deficiencies in the alternative survey process, as well as an explanation concerning the risk to the consumer. The determination of substantial equivalency for alternative survey process and lack of substantial equivalency are agency actions and subject to RCW 34.05.210 through 34.05.395 and 34.05.510 through 34.05.675.

(d) The department is authorized to perform a validation survey on applicants who previously received a survey through the accreditation process by the accrediting body. The department is authorized to perform a validation survey on no greater than 10 percent of applicants that are accredited by the accrediting body.

(e) This subsection (2) does not affect the department's initial licensing process or enforcement authority for licensed birthing centers.

Passed by the House March 4, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 70

[Substitute House Bill 1827]

SUPERINTENDENT OF PUBLIC INSTRUCTION—JUSTICE-INVOLVED STUDENTS—BASIC EDUCATION SERVICES

AN ACT Relating to the effective delivery and administration of basic education services to justice-involved students; amending RCW 28A.300.040, 28A.300.850, and 28A.190.150; and providing an expiration date.

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

Sec. 1. RCW 28A.300.040 and 2023 c 303 s 3 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be made available online and

which shall be sold at approximate actual cost of publication and distribution per volume to public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To ((~~perform all duties required by chapter 303, Laws of 2023 for the~~)) ensure the effective delivery and ((~~oversight~~)) administration of basic education services to justice-involved students ((~~under the age of 21 who are served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services or the department of corrections~~)) and to improve their educational outcomes, both as required by RCW 28A.190.150; and

(17) To perform such other duties as may be required by law.

Sec. 2. RCW 28A.300.850 and 2023 c 303 s 4 are each amended to read as follows:

(1)(a) The office of the superintendent of public instruction shall develop a timeline and plan for assuming, by September 1, ((~~2027~~)) 2028, responsibility for the effective delivery and administration of basic education services to justice-involved students ((~~who are under the age of 21 and served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services or the department of corrections~~)) and improving their educational outcomes.

(b) The timeline and plan ((~~shall~~)) required by this section must consider:

(i) The findings and recommendations produced in accordance with section 2, chapter 303, Laws of 2023; ((~~recommendations~~))

(ii) Recommendations provided in the December 1, 2022, improving institutional education outcomes final report of the office of the superintendent of public instruction and the department of children, youth, and families; ((~~staffing transitions for educators and staff that, as of July 23, 2023,~~))

(iii) Educators and staff that deliver education programming and services to the justice-involved students; and ((~~legislation~~))

(iv) Legislation enacted in 2024 and in subsequent years relating to the superintendent's requirements under RCW 28A.190.150.

(2) Beginning December 15, 2023, and annually thereafter through ((~~2026~~)) 2027, the office of the superintendent of public instruction shall, in accordance with RCW 43.01.036, provide an interim report on progress made in achieving the requirements of this section to the governor and the education and fiscal committees of the legislature.

(3) In meeting the requirements of this section, the office of the superintendent of public instruction shall ((~~consult~~)):

(a) Consult with organizations representing ((~~educators and staff that deliver~~)) those who deliver, support, and receive education programming and services to justice-involved students ((~~who are under the age of 21 and served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services or the department of corrections~~));

(b) Implement the research and analysis recommendations for the two service delivery and governance options identified in the final report required by section 2, chapter 303, Laws of 2023;

(c) Examine an additional service delivery and governance option that preserves the role of school districts in providing basic education services to justice-involved students, but includes additional state direction in furtherance of the recommendations referenced in subsection (1)(b)(ii) of this section and those provided in accordance with section 2, chapter 226, Laws of 2020;

(d) Describe how the office of the superintendent of public instruction will ensure the effective delivery and administration of basic education services to justice-involved students as required by RCW 28A.190.150; and

(e) Make recommendations for statutory or other changes needed to ensure proper oversight of the delivery and administration of basic education services to justice-involved students. Recommendations made in accordance with this subsection (e) must address comments and recommendations related to

education delivery outcome and progress measurements provided by educators in accordance with this section.

(4) For the purposes of this section, "justice-involved students" has the same meaning as in RCW 28A.190.150.

((~~(4)~~)) (5) This section expires June 30, ((~~2027~~)) 2028.

Sec. 3. RCW 28A.190.150 and 2023 c 303 s 5 are each amended to read as follows:

(1) Beginning September 1, ((~~2027~~)) 2028, the superintendent of public instruction is responsible for ((~~the~~)) ensuring the effective delivery and ((~~oversight~~)) administration of basic education services to justice-involved students ((~~are who [who are]~~)) and improving the educational outcomes of those students.

(2) For the purposes of this section, "justice-involved students" means students who are under the age of 21, or as otherwise required by law, and served through institutional education programs in accordance with RCW 28A.150.200 in facilities that are not under the jurisdiction of the department of social and health services or the department of corrections.

(3) The office of the superintendent of public instruction shall adopt, and periodically revise as necessary, rules to implement this section.

Passed by the House March 4, 2025.
Passed by the Senate April 4, 2025.
Approved by the Governor April 16, 2025.
Filed in Office of Secretary of State April 16, 2025.

CHAPTER 71

[Engrossed House Bill 1747]

EMPLOYEES AND JOB APPLICANTS—CRIMINAL RECORDS—VARIOUS PROVISIONS

AN ACT Relating to expanding protections for applicants and employees under the Washington fair chance act; amending RCW 49.94.005, 49.94.010, and 49.94.030; creating a new section; and prescribing penalties.

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

Sec. 1. RCW 49.94.005 and 2018 c 38 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult conviction record" means any record of or information about criminal conduct resulting in an adult criminal conviction, finding of guilt, or other finding adverse to the subject, including an acquittal due to a finding of not guilty by reason of insanity, a dismissal by reason of incompetency, or a dismissal entered after a period of probation, suspension, or deferral of sentence. It also includes information related to the conviction or other finding adverse to the subject including, but not limited to, any citation, arrest record, or probable cause statement.

(2) "Arrest record" means any record of or information about an arrest or pending charge for criminal conduct without a conviction, adjudication, finding of guilt, or other finding adverse to the subject.

(3) "Criminal record" includes any record of or information about a citation or arrest for criminal conduct, including records relating to probable cause to arrest, and includes any record about ((~~a~~)) an adult criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(((~~(2)~~))) (4) "Employer" includes public agencies, private individuals, businesses and corporations, contractors, temporary staffing agencies, training and apprenticeship programs, and job placement, referral, and employment agencies.

(((~~(3)~~))) (5) "Juvenile conviction record" means any record of or information about a juvenile adjudication or other finding of guilt pursuant to Title 13 RCW or other juvenile court system. It also includes information related to the conviction or other finding adverse to the subject including, but not limited to, any citation, arrest record, or probable cause statement.

(6) "Legitimate business reason" means that, based on information known to the employer at the time the employer makes the decision regarding a tangible adverse employment action, the employer believes in good faith that the nature of the criminal conduct underlying the adult conviction record will:

(a) Have a negative impact on the employee's or applicant's fitness or ability to perform the position sought or held; or

(b) Harm or cause injury to people, property, business reputation, or business assets, and the employer has considered the following factors, and documented as such in accordance with RCW 49.94.010:

(i) The seriousness of the conduct underlying the adult conviction record;

(ii) The number and types of convictions;

(iii) The time that has elapsed since the conviction, excluding periods of incarceration;

(iv) Any verifiable information related to the individual's rehabilitation, good conduct, work experience, education, and training, as provided by the individual;

(v) The specific duties and responsibilities of the position sought or held; and

(vi) The place and manner in which the position will be performed.

(7) "Otherwise qualified" means that the applicant meets the basic criteria for the position as set out in the advertisement or job description without consideration of a criminal record.

(8) "Tangible adverse employment action" means a decision by an employer to reject an otherwise qualified job applicant, or to terminate, suspend, discipline, demote, or deny a promotion to an employee.

Sec. 2. RCW 49.94.010 and 2018 c 38 s 2 are each amended to read as follows:

(1) An employer may not include any question on any application for employment, inquire either orally or in writing, receive information through a criminal history background check, or otherwise obtain information about an applicant's criminal record until after the employer initially determines that the applicant is otherwise qualified for the position((~~. Once the employer has initially determined that the applicant is otherwise qualified, the employer may inquire into or obtain information about a~~)) and makes an offer of employment conditioned on obtaining the applicant's criminal record.

(2) An employer may not advertise employment openings in a way that excludes people with criminal records from applying. Ads that state "no felons," "no criminal background," or otherwise convey similar messages are prohibited.

(3) An employer may not implement any policy or practice that automatically or categorically excludes individuals with a criminal record from ((~~consideration prior to an initial determination that the applicant is otherwise qualified for the~~)) any employment position. ((~~Prohibited policies and practices include rejecting~~)) An employer may not reject an applicant for failure to disclose a criminal record prior to ((~~initially determining the applicant is otherwise qualified for the position~~)) receiving a conditional offer of employment.

(4)(a) An employer may not carry out a tangible adverse employment action based on an applicant's or employee's arrest record or juvenile conviction record.

(b) This subsection does not apply to an adult arrest in which an individual is out on bail or released on their own personal recognizance pending trial.

(5)(a) An employer may not carry out a tangible adverse employment action solely based on an applicant's or employee's adult conviction record, unless the employer has a legitimate business reason for taking such action.

(b) Before carrying out any tangible adverse employment action under this subsection, the employer shall notify the applicant or employee and identify to the applicant or employee the record on which the employer is relying for purposes of assessing its legitimate business reason. The employer shall hold open the position for a minimum of two business days to provide the applicant or employee a reasonable opportunity to correct or explain the record or provide information on the applicant's or employee's rehabilitation, good conduct, work experience, education, and training.

(c) If an employer makes a tangible adverse employment decision following the reasonable opportunity under (b) of this subsection, the employer shall provide the applicant or employee with a written decision, including specific documentation as to its reasoning and assessment of each of the relevant factors, including the impact of the conviction on the position or business operations, and its consideration of the applicant's or employee's rehabilitation, good conduct, work experience, education, and training.

(6) An employer may not carry out any tangible adverse employment action against any employee because the employee, or a person acting on behalf of the employee, makes a good faith report, orally or in writing, to the employer, the attorney general, a labor organization, or others of a violation or suspected violation of this section or otherwise informs others of the requirements of this section.

(7) This section does not apply to:

(a) Any employer hiring a person who will or may have unsupervised access to children under the age of eighteen, a vulnerable adult as defined in chapter 74.34 RCW, or a vulnerable person as defined in RCW 9.96A.060;

(b) Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes;

(c) Employment by a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 or by a criminal justice agency as defined in RCW 10.97.030(5)(b);

(d) An employer seeking a nonemployee volunteer; ((~~or~~))

(e) Any entity required to comply with the rules or regulations of a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 U.S.C. 78c(a)(26); or

(f) Any employer with respect to a position entailing work under a federal contract that specifically prohibits people with criminal records from working under that contract.

(8)(a) Nothing in this section prohibits:

(i) An employer from accurately disclosing to the applicant that the position is subject to a background check after a conditional offer of employment; or

(ii) An applicant from voluntarily disclosing, without solicitation by the employer, information about the applicant's criminal record during an interview.

(b) If an employer or an applicant makes a disclosure under (a) of this subsection, the employer must immediately:

(i) Inform the applicant in writing of the requirements of subsections (1), (3), (4), and (5) of this section; and

(ii) Provide the applicant the attorney general's Washington fair chance act guide for employers and job applicants.

Sec. 3. RCW 49.94.030 and 2018 c 38 s 4 are each amended to read as follows:

(1) The state attorney general's office shall enforce this chapter. Its powers to enforce this chapter include the authority to:

(a) Investigate violations of this chapter on its own initiative;

(b) Investigate violations of this chapter in response to complaints and seek remedial relief for the complainant;

(c) Educate the public about how to comply with this chapter;

(d) Issue written civil investigative demands for pertinent documents, answers to written interrogatories, or oral testimony as required to enforce this chapter;

(e) Adopt rules implementing this chapter including rules specifying applicable penalties; and

(f) Pursue administrative sanctions or a lawsuit in the courts for penalties, costs, and attorneys' fees.

(2) ((~~In exercising its powers, the attorney general's office shall utilize a stepped enforcement approach, by first educating violators, then warning them, then taking legal, including administrative, action.~~)) (a) For purposes of administrative sanctions, the attorney general's office may waive penalties for first time or de minimis violations of this chapter, and instead provide education and a warning to deter future noncompliance. The attorney general's office may impose administrative sanctions and pursue appropriate legal action for second and subsequent violations.

(b) Maximum monetary penalties for administrative sanctions are as follows: ((~~A notice of violation and offer of agency assistance for the first violation; a monetary penalty of up to seven hundred fifty dollars for the second violation; and a monetary penalty of up to one thousand dollars for each subsequent violation.~~))

(i) $1,500 for the first violation, except where a waiver has been granted under this section;

(ii) $3,000 for the second violation;

(iii) $15,000 for each subsequent violation.

(c) A penalty under (b) of this subsection must be imposed per aggrieved job applicant, employee, or party for each violation. The penalty accrues for the benefit of and is payable to the job applicant, employee, or other aggrieved party. If there is no identifiable job applicant, employee, or aggrieved person for the violation, the penalty is retained by the attorney general.

(d) The attorney general may pursue legal action to obtain unpaid wages, unpaid administrative penalties, damages, and reasonable attorneys' fees and costs.

NEW SECTION. **Sec. 4.** (1) This act applies to employers with 15 or more employees beginning July 1, 2026.

(2) This act applies to employers with fewer than 15 employees beginning January 1, 2027.

Passed by the House March 11, 2025.

Passed by the Senate April 10, 2025.

Approved by the Governor April 21, 2025.

Filed in Office of Secretary of State April 21, 2025.

CHAPTER 72

[Substitute House Bill 1321]

OUTSIDE MILITARY FORCES—GOVERNOR'S AUTHORITY TO LIMIT

AN ACT Relating to the governor's authority to limit outside militia activities within the state; adding a new section to chapter 38.08 RCW; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 38.08 RCW to read as follows:

No armed military force from another state, territory, or district is permitted to enter the state of Washington for the purpose of doing military duty therein, without the permission of the governor, unless such force has been called into active service of the United States, and is acting under authority of the president of the United States.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 10, 2025.

Passed by the Senate April 10, 2025.

Approved by the Governor April 21, 2025.

Filed in Office of Secretary of State April 21, 2025.

CHAPTER 73

[House Bill 1013]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CIVIL SERVICE EXEMPTIONS

AN ACT Relating to exemption of certain personnel of the department of social and health services from civil service; and amending RCW 41.06.076.

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

Sec. 1. RCW 41.06.076 and 2011 1st sp.s. c 43 s 402 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary((~~,~~)), the secretary's executive assistant, ((~~if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors; one confidential secretary for each of the above-named officers; not to exceed six bureau chiefs; and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents~~)) the chief of staff and deputy chief of staff, assistant secretaries, deputy assistant secretaries, senior directors, division directors, assistant and deputy division directors, regional administrators, district managers, and executive officers and superintendents of institutions, and executive assistants supporting the officers named in this section.

Passed by the House January 30, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 74

[Substitute House Bill 1260]

DOCUMENT RECORDING FEE—COUNTY ADMINISTRATIVE COSTS

AN ACT Relating to administrative costs associated with the document recording fee; and amending RCW 36.22.250.

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

Sec. 1. RCW 36.22.250 and 2023 c 277 s 1 are each amended to read as follows:

(1) A surcharge of $183 per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The following are exempt from this surcharge:

(a) Assignments or substitutions of previously recorded deeds of trust;

(b) Documents recording a birth, marriage, divorce, or death;

(c) Any recorded documents otherwise exempted from a recording fee or additional surcharges under state law;

(d) Marriage licenses issued by the county auditor; and

(e) Documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

(2) Funds collected pursuant to this section must be distributed and used as follows:

(a) One percent of the total funds collected shall be retained by the county auditor for its fee collection activities;

(b) 30 percent of the total funds collected shall be retained by the county and used by the county as provided in subsection (3) of this section;

(c) 54.1 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the home security fund account created in RCW 43.185C.060 and shall be used by the department of commerce as provided in subsection (4) of this section;

(d) 13.1 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the affordable housing for all account created in RCW 43.185C.190 and shall be used by the department of commerce as provided in subsection (5) of this section;

(e) 1.8 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the landlord mitigation program account created in RCW 43.31.615 and shall be used by the department of commerce as provided in subsection (6) of this section.

(3) The county shall use their portion of the collected funds as follows:

(a) ((~~Up~~)) Except as provided in (b) of this subsection, up to 10 percent for the county's administration and local distribution of the funds collected from the surcharge in this section, and administrative costs related to the county's homeless housing plan;

(b)(i) At least 75 percent will be retained and used by the county to accomplish the purposes of its local homeless housing plan pursuant to chapter 484, Laws of 2005((~~.~~)), unless a city in the county elects, as authorized in RCW 43.185C.080, to operate its own local homeless housing program.

(ii) If a city in the county elects, as authorized in RCW 43.185C.080, to operate its own local homeless housing program, the 10 percent for administrative costs retained under (a) of this subsection and the 75 percent for local homeless housing plans retained under (b) of this subsection must be combined and distributed as follows: For each city in the county that elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this subsection equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan((~~; of the funds received by the city, it may use up to 10 percent for administrative costs for its homeless housing program;~~)). Each county or city receiving funds under this subsection (3) may use up to 10 percent of their share of the total funding retained or received under this subsection (3) after the completion of the required city distributions for costs related to:

(A) The county's administration and local distribution of the funds collected from the surcharge in this section;

(B) Administrative costs related to the county's homeless housing plan; and

(C) Administrative costs related to the city's homeless housing program;

(c) At least 15 percent will be retained and used by the county for eligible housing activities, as described in this subsection, that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the

county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below 30 percent of the area median income. Eligible housing activities to be funded are limited to:

(i) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below 50 percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(ii) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below 50 percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(iii) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below 50 percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(iv) Operating costs for emergency shelters and licensed overnight youth shelters.

(4) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the home security fund account as follows, except that the department of commerce shall provide counties with the right of first refusal to receive grant funds distributed under (b) of this subsection (4). If a county refuses the funds or does not respond within a time frame established by the department, the department shall make good faith efforts to identify one or more suitable alternative grantees operating within that county. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter. Funding provided through the office of homeless youth prevention and protection programs created in RCW 43.330.705 is exempt from the county first refusal requirement.

(a) Up to 10 percent for administration of the programs established in chapter 43.185C RCW and in conformance with this subsection (4), including the costs of creating and implementing strategic plans, collecting and evaluating data, measuring and reporting performance, providing technical assistance to local governments, providing training to entities delivering services, and developing and maintaining stakeholder relationships;

(b) At least 90 percent for homelessness assistance grant programs administered by the department, including but not limited to: Temporary rental assistance; eviction prevention rental assistance per RCW 43.185C.185; emergency shelter and transitional housing operations and maintenance; outreach; diversion; HOPE and crisis residential centers; young adult housing; homeless services and case management for adult, family, youth, and young adult homeless populations and those at risk of homelessness; project-based vouchers for nonprofit housing providers or public housing authorities; tenant-

based rent assistance; housing services; rapid rehousing; emergency housing; acquisition; operations; maintenance; and service costs for permanent supportive housing as defined in RCW 36.70A.030 for individuals with disabilities. Grantees may also use these funds in partnership with permanent supportive housing programs administered by the office of apple health and homes created in RCW 43.330.181. Priority for use must be given to purposes intended to house persons who are chronically homeless or to maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children.

(5) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the affordable housing for all account as follows:

(a) Up to 10 percent for program administration and technical assistance necessary for the delivery programs and activities under this subsection (5);

(b) At least 90 percent for the following:

(i) Grants for building operation and maintenance costs of housing projects, or units within housing projects, that are in the state's housing trust fund portfolio, are affordable to extremely low-income households with incomes at or below 30 percent of the area median income, and require a supplement to rent income to cover ongoing operating expenses;

(ii) Grants to support the building operations, maintenance, and supportive service costs for permanent supportive housing projects, or units within housing projects, that have received or will receive funding from the housing trust fund or other public capital funding programs. The supported projects or units must be dedicated as permanent supportive housing as defined in RCW 36.70A.030, be occupied by extremely low-income households with incomes at or below 30 percent of the area median income, and require a supplement to rent income to cover ongoing property operations, maintenance, and supportive services expenses.

(6) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the landlord mitigation program account to administer the landlord mitigation program as established in RCW 43.31.605. The department of commerce may use up to 10 percent of these funds for program administration and the development and maintenance of a database necessary to administer the program.

Passed by the House March 5, 2025.
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CHAPTER 75

[House Bill 1028]

CHILDREN'S ADVOCACY CENTERS—CHILD EXPOSURE TO VIOLENCE

AN ACT Relating to child exposure to violence; amending RCW 26.44.020; adding a new section to chapter 26.44 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that the multidisciplinary team approach coordinated by children's advocacy centers improves interagency communication, increases the effectiveness of the investigation and prosecution of child abuse, and results in fewer interviews with and less trauma for the child.

(2) The legislature finds that current language defining children's advocacy centers was written more than 20 years ago, when such centers were just beginning to develop in our state. Additionally, current language defining child forensic interviews was also written at a time when there were few, if any, designated specialized child forensic interviewers in Washington.

(3) Children's exposure to violence in Washington state is occurring at an alarming rate and is a traumatic, adverse experience that can have severe and long-lasting consequences. This traumatic disruption of healthy development is a significant public health crisis.

(4) Children exposed to violence can heal if given access to specialized resources, evidence-based treatment, and proper support that promotes the well-being of them and their families.

(5) Therefore, because the legislature finds children's advocacy centers employ trauma-informed, research-based, best practices that help child victims of abuse and children exposed to violence heal and reduce the risk of future abuse and other negative consequences, the legislature finds it necessary to update definitions and guidance to ensure support for children's advocacy centers by more accurately defining the work they do, and the tools necessary to support their work.

Sec. 2. RCW 26.44.020 and 2024 c 298 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, female genital mutilation as defined in RCW 18.130.460, trafficking as described in RCW 9A.40.100, sex trafficking or severe forms of trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child forensic interview" means a developmentally sensitive ((~~and~~)), legally sound ((~~method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process~~)), culturally responsive, fact-finding interview of a child that is part of the multidisciplinary team response in child abuse investigations for the purpose of eliciting a child's unique information when there are concerns of possible abuse or when the child has been exposed to violence against another person. Child forensic interviews are conducted in a supportive and nonleading manner by a professional with specialized training in a research-based forensic interview model for conducting

child forensic interviews, ideally conducted in a neutral location, such as a children's advocacy center, and may be observed by approved members of the multidisciplinary child protection team as outlined in county child abuse investigation protocols under RCW 26.44.180.

(4) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(5) "Child protective services section" means the child protective services section of the department.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in this chapter and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

(7) "Children's advocacy center" means a child-focused ((~~facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185~~)), trauma-informed, facility-based program that provides a safe, neutral location for child forensic interviews, facilitates a coordinated and comprehensive approach to addressing the needs of children traumatized by abuse and those who have witnessed, or been exposed to, violence, follows national accreditation standards, and is in good standing with the children's advocacy centers of Washington. Children's advocacy centers

support a coordinated multidisciplinary response to allegations of abuse that promotes efficient interagency communication and information sharing, ongoing collaboration of key individuals, and a network of support for children and families. Children's advocacy centers coordinate access to services including, but not limited to: Medical evaluations, advocacy, therapy, and facilitation of case review within the context of county protocols as prescribed in RCW 26.44.180 and 26.44.185.

(8) "Children's advocacy centers of Washington" is a membership organization and state chapter of the national children's alliance whose primary purpose is to support the development and sustainability of children's advocacy centers and multidisciplinary child protection teams in Washington state as provided under RCW 26.44.175.

(9) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(((~~(9)~~))) (10) "Court" means the superior court of the state of Washington, juvenile department.

(((~~(10)~~))) (11) "Department" means the department of children, youth, and families.

(((~~(11)~~))) (12) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

(((~~(12)~~))) (13) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(((~~(13)~~))) (14) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(((~~(14)~~))) (15) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(((~~(15)~~))) (16) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(((~~(16)~~))) (17) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(((~~(17)~~))) (18) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(((~~(18)~~))) (19) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(((~~(19)~~))) (20) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, experiencing homelessness, or exposure to domestic violence as defined in RCW 7.105.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(((~~(20)~~))) (21) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(((~~(21)~~))) (22) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(((~~(22)~~))) (23) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(((~~(23)~~))) (24) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(((~~(24)~~))) (25) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(((~~(25)~~))) (26) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(((~~(26)~~))) (27) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(((~~(27)~~))) (28) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(((~~(28)~~))) (29) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(((~~(29)~~))) (30) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

NEW SECTION. **Sec. 3.** A new section is added to chapter 26.44 RCW to read as follows:

(1) Statewide and regional peer review of child forensic interviews serve as quality assurance mechanisms that reinforce the methodologies utilized in child forensic interviewing and provide support and problem solving for participants.

(2) Child forensic interview recordings of closed cases may be used as part of a structured and confidential peer review, if hosted by an accredited or developing children's advocacy center or the children's advocacy centers of Washington. Any information reviewed or discussed during the peer review process is and must remain confidential and must not be disclosed except where authorized under state or federal law. The hosting organization's policies regarding interview selection criteria and parent, guardian, or caregiver consent must be followed. All participants in a peer review must sign a confidentiality agreement that:

(a) Prohibits verbal or written disclosure of any information received in any peer review process; and

(b) Requires disclosure of any personal, professional, or social acquaintance with anyone associated with the case before attending a peer review session.

Passed by the House February 6, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor April 21, 2025.
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CHAPTER 76

[Substitute House Bill 1325]

FISH AND WILDLIFE VIOLATIONS—ENFORCEMENT—CLASSIFICATION

AN ACT Relating to expanding enforcement options for certain fish and wildlife violations; amending RCW 77.08.010, 77.15.160, 77.15.260, 77.15.290, 77.15.410, and 77.15.460; and prescribing penalties.

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

Sec. 1. RCW 77.08.010 and 2017 3rd sp.s. c 8 s 2 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a handheld line operated without rod or reel.

(2) "Bag limit" means the maximum number of game animals, game birds, ((~~or~~)) game fish, food fish, or shellfish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(3) "Building" means a private domicile, garage, barn, or public or commercial building.

(4) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(5) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(6) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(7) "Commercial" means related to or connected with buying, selling, or bartering.

(8) "Commission" means the state fish and wildlife commission.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Contraband" means any property that is unlawful to produce or possess.

(11) "Covered animal species" means any species of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, shark, or ray either: (a) Listed in appendix I or appendix II of the convention on international trade in endangered species of wild flora and fauna; or (b) listed as critically endangered, endangered, or vulnerable on the international union for conservation of nature and natural resources red list of threatened species.

(12) "Covered animal species part or product" means any item that contains, or is wholly or partially made from, any covered animal species.

(13) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(14) "Department" means the department of fish and wildlife.

(15) "Director" means the director of fish and wildlife.

(16) "Distribute" or "distribution" means either a change in possession for consideration or a change in legal ownership.

(17) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(18) "Ex officio fish and wildlife officer" means:

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

(19) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all finfish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(20) "To fish" and its derivatives means an effort to kill, injure, harass, harvest, or capture a fish or shellfish.

(21) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(22) "Fish broker" means a person who facilitates the sale or purchase of raw or frozen fish or shellfish on a fee or commission basis, without assuming title to the fish or shellfish.

(23) "Fish dealer" means a person who engages in any activity that triggers the need to obtain a fish dealer license under RCW 77.65.280.

(24) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(25) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

(26) "Fresh water" means all waters not defined as salt water including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(27) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(28) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

(29) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(30) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(31) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(32) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(33) "To hunt" and its derivatives means an effort to kill, injure, harass, harvest, or capture a wild animal or wild bird.

(34) "Illegal items" means those items unlawful to be possessed.

(35)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(36) "Large wild carnivore" includes wild bear, cougar, and wolf.

(37) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(38) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(39) "Limited fish seller" means a licensed commercial fisher who sells his or her fish or shellfish to anyone other than a wholesale fish buyer thereby triggering the need to obtain a limited fish seller endorsement under RCW 77.65.510.

(40) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(41) "Natural person" means a human being.

(42)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(43) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(44) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(45) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions

established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(46) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(47) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(48) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(49) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(50) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(51) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(52) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(53) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(54) "Resident" has the same meaning as defined in RCW 77.08.075.

(55) "Salt water" means those marine waters seaward of river mouths.

(56) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(57) "Senior" means a person seventy years old or older.

(58) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

(59)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

(60) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken or possessed except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(61) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(62) "To take" and its derivatives means to kill, injure, harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

(63) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

(64) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(65) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(66) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(67) "Unclassified wildlife" means wildlife existing in Washington in a wild state that have not been classified as big game, game animals, game birds, predatory birds, protected wildlife, endangered wildlife, or deleterious exotic wildlife.

(68) "To waste" or "to be wasted" means to allow any edible portion of any game bird, food fish, game fish, shellfish, or big game animal other than cougar to be rendered unfit for human consumption, or to fail to retrieve edible portions of such a game bird, food fish, game fish, shellfish, or big game animal other than cougar from the field. For purposes of this chapter, edible portions of game birds must include, at a minimum, the breast meat of those birds. Entrails, including the heart and liver, of any wildlife species are not considered edible.

(69) "Wholesale fish buyer" means a person who engages in any fish buying or selling activity that triggers the need to obtain a wholesale fish buyer endorsement under RCW 77.65.340.

(70) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(71) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(72) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(73) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

(74) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(75) "Fishing guide" means a person who provides or offers to provide sport fishing guide services to persons who are engaged in personal use fisheries on or along state waters.

(76) "Sport fishing guide services" means an individual or company providing assistance to a client to fish or to attempt to fish, for compensation or

with the intent to receive compensation, by either accompanying or physically directing the client, or both, in personal use fishing activities during any part of a trip on or along state waters.

Sec. 2. RCW 77.15.160 and 2020 c 38 s 3 are each amended to read as follows:

The following acts are infractions and may be cited and civil penalties imposed as provided under chapter 7.84 RCW, to include detentions for a reasonable period and investigations as provided in RCW 7.84.030. The civil provisions of this section are cumulative and nonexclusive and do not affect any criminal prosecution or investigatory authority over criminal offenses:

(1) Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department as required by department rule.

(d)(i) Recreational fishing: Fishing for fish or shellfish and the person:

((~~(i)~~)) (A) Fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or

((~~(ii)~~)) (B) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish and the violation involves:

((~~(A)~~)) (I) Salmon or steelhead;

((~~(B)~~)) (II) Sturgeon;

((~~(C)~~)) (III) Game fish;

((~~(D)~~)) (IV) Food fish;

((~~(E)~~)) (V) Shellfish;

((~~(F)~~)) (VI) Unclassified fish or shellfish;

((~~(G)~~)) (VII) Waste of food fish, game fish or shellfish. ((~~This subsection (1)(d)(ii) does not apply to use of a net to take fish under RCW 77.15.580 or unlawful recreational fishing in the first degree under RCW 77.15.370.~~))

(ii) (d)(i)(B) of this subsection does not apply to use of a net to take fish under RCW 77.15.580 or unlawful recreational fishing in the first degree under RCW 77.15.370.

(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:

(i) While the person is not in possession of the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) ((~~Hunting~~)) Small game hunting infractions:

(a) A person engages in an activity defined by chapter 77.32 RCW while not having in the person's possession or having failed to purchase the hunting license or tag required by that chapter, not including big game.

(b) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.

(c) Hunting for wildlife not classified as big game and the person violates any department rule regarding seasons, closed areas, closed times, or any other rule defining the method or manner of hunting or taking wildlife and the violation involves:

(i) Unclassified wildlife;

(ii) Small game;

(iii) Furbearers;

(iv) Game birds;

(v) Wild birds;

(vi) Wild animals;

(vii) Waste of small game.

(3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

(4) Limited fish seller infraction: Failure of a holder of a limited fish seller endorsement to satisfy the food safety requirements to consumers under RCW 77.65.510(2).

(5)(a) Invasive species management infractions:

(i) Out-of-state certification: Entering Washington in possession of an aquatic conveyance that does not meet certificate of inspection requirements as provided under RCW 77.135.100;

(ii) Clean and drain requirements: Possessing an aquatic conveyance that does not meet clean and drain requirements under RCW 77.135.110;

(iii) Clean and drain orders: Possessing an aquatic conveyance and failing to obey a clean and drain order under RCW 77.135.110 or 77.135.120; and

(iv) Aquatic invasive species prevention permit requirements: Failing to possess a valid aquatic invasive species prevention permit as required under RCW 77.135.210, 77.135.220, or 77.135.230.

(b) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and 77.135.010 apply throughout this subsection (5).

(6) Big game hunting:

(a) A person hunts for big game while not having in the person's possession the hunting license or tag required under this title.

(b) A person hunts for big game species of deer, elk, black bear, or cougar and the person violates any department rule regarding seasons, closed areas, closed times, or any other department rule defining the method or manner of hunting or taking these big game species. This subsection (6)(b) does not apply to protected, threatened, or endangered big game as identified under RCW 77.12.020.

(c) A violation of this subsection carries a mandatory fine of $500, not including statutory assessments added pursuant to RCW 3.62.090.

(7) General hunting:

(a) A person carries, transports, conveys, possesses, or controls a rifle or shotgun in a motor vehicle, except as allowed by department rule, and the rifle or shotgun contains live shells or cartridges in the attached or internal magazine.

(b) A person discharges a firearm from or across the maintained portion of a public highway.

(c) A person fails to properly notch a transport tag as required by department rule.

(8) Hydraulic activities:

(a) A person operates a motor vehicle as defined in RCW 46.04.320 in the wetted portion of a streambed other than at an established ford.

(b) A person, in violation of a department rule, constructs by hand, without the use of tools or equipment, a rock dam or similar structure that could impede the movement of fish life, as defined by department rule.

(9) Department licensed guides:

(a) Failing to display department registration stickers as required by chapter 77.65 RCW or a department rule.

(b) Failing to initiate, complete, or submit guide logbooks as required by department rule.

(10) Fishing guide or charter boat operator infractions:

(a) It is an infraction for a person who is licensed and acting as a fishing guide or charter boat operator to:

(i) Aid in the commission of any infraction under subsection (1) of this section by a client; or

(ii) Permit the commission of any infraction under subsection (1) of this section by a client that the fishing guide or charter boat operator knows or reasonably believes is being or will be committed without:

(A) Attempting to prevent the infraction, short of using force; and

(B) Reporting the infraction.

(b) A person acting as a fishing guide or charter boat operator may be found to have committed an infraction under (a)(i) or (ii) of this subsection regardless of whether the client was issued an infraction for the underlying violation.

(11) Other infractions:

(a) Contests: Unlawfully conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Department permits: Except as provided in RCW 77.15.750, using a department permit issued by the department, and the person:

(i) Violates any terms or conditions of the permit;

(ii) Violates any department rule applicable to the issuance or use of permits; or

(iii) Violates any commercial use or activity permits, noncommercial use or activity permits, or parking permits.

(e) This subsection does not apply to discover pass, vehicle access pass, or day-use permit requirements or penalties pursuant to RCW 79A.80.080.

Sec. 3. RCW 77.15.260 and 2015 c 141 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the second degree if the person traffics in fish, shellfish, seaweed, or wildlife with a wholesale value of less than ((~~two hundred fifty dollars~~)) $250 and:

(a) The fish, shellfish, or wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or department rule; ((~~or~~))

(b) The fish, shellfish, or wildlife is unclassified and the trafficking violates any department rule; or

(c) The seaweed is trafficked in violation of any department rule.

(2)(a) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the first degree if the person commits the act described by subsection (1) of this section and:

(i) The fish, shellfish, or wildlife has a value of two hundred fifty dollars or more; or

(ii) The fish, shellfish, or wildlife is designated as an endangered species or deleterious exotic wildlife and such trafficking is not authorized by any statute or department rule.

(b) For purposes of this subsection (2), whenever any series of transactions that constitute unlawful trafficking would, when considered separately, constitute unlawful trafficking in the second degree due to the value of the fish, shellfish, or wildlife, and the series of transactions are part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all the transactions considered when determining the degree of unlawful trafficking involved.

(3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the second degree is a class C felony.

(b) Unlawful trafficking in fish, shellfish, or wildlife in the first degree is a class B felony.

Sec. 4. RCW 77.15.290 and 2014 c 202 s 304 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than ((~~two hundred fifty dollars~~)) $250; or

(b) Possesses but fails to affix ((~~or~~)) and notch a big game transport tag as required by department rule.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of ((~~two hundred fifty dollars~~)) $250 or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) This section does not apply to invasive species.

Sec. 5. RCW 77.15.410 and 2012 c 176 s 26 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of big game in the second degree if the person:

(a) Hunts for((~~, takes, or possesses big game and the person does not have and possess all licenses, tags, or permits required under this title; or~~

~~(b) Violates~~)) big game and, whether or not the person takes or possesses big game, the person has not purchased the appropriate license, permit, or tags required under this title;

(b) Takes or possesses big game, but does not have in the person's possession the licenses, tags, or permits required under this title;

(c) Takes or possesses big game and violates any department rule regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of ((~~big game~~)) deer, elk, cougar, and black bear;

(d) Hunts for big game and, whether or not the person takes or possesses big game, the person does not have in the person's possession the licenses, tags, or permits required under this title; and the act occurs within two years of the date of a prior committed finding of any big game hunting infraction under RCW 77.15.160(6); or

(e) Violates any department rule regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game species other than deer, elk, cougar, or black bear.

(2) A person is guilty of unlawful hunting of big game in the first degree if the person commits the act described in subsection (1) of this section and:

(a) The person hunts for, takes, or possesses three or more big game animals within the same course of events; or

(b) The act occurs within five years of the date of a prior conviction under this title involving unlawful hunting, killing, possessing, or taking big game.

(3)(a) Unlawful hunting of big game in the second degree is a gross misdemeanor. Upon conviction of an offense involving killing or possession of big game taken during a closed season, closed area, without the proper license, tag, or permit using an unlawful method, or in excess of the bag or possession limit, the department shall revoke all of the person's hunting licenses and tags

and order a suspension of the person's hunting privileges for two years. Courts shall impose the mandatory penalty requirements of RCW 77.15.420.

(b) Unlawful hunting of big game in the first degree is a class C felony. Upon conviction, the department shall revoke all of the person's hunting licenses or tags and order the person's hunting privileges suspended for ((~~ten~~)) 10 years. Courts shall impose the mandatory penalty requirements of RCW 77.15.420.

(4) For the purposes of this section, "same course of events" means within one ((~~twenty-four~~)) 72 hour period, or a ((~~pattern of conduct composed~~)) common scheme or plan of a series of acts that are unlawful under subsection (1) of this section((~~, over a period of time evidencing a continuity of purpose~~)).

Sec. 6. RCW 77.15.460 and 2018 c 168 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an off-road vehicle, as defined in RCW 46.04.365, if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in a motor vehicle, or upon an off-road vehicle, except as allowed by department rule; and

(b) The rifle or shotgun contains ((~~shells or cartridges~~)) a shell or cartridge in the ((~~magazine or~~)) chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if:

(a) The person negligently discharges a firearm from, across, or along the maintained portion of a public highway; or

(b) The person discharges a firearm from within a moving motor vehicle or from upon a moving off-road vehicle.

(3) Unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle, and unlawful use of a loaded firearm are misdemeanors.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Has been granted a disability designation as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities; or

(c) Discharges the rifle or shotgun from upon a nonmoving motor vehicle, as long as the engine is turned off and the motor vehicle is not parked on or beside the maintained portion of a public road, except as authorized by the commission by rule. This subsection (4)(c) does not apply to off-road vehicles, which are unlawful to use for hunting under RCW 46.09.480, unless the person has a department permit issued under RCW 77.32.237.

(5) For purposes of subsection (1) of this section, a rifle or shotgun shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the rifle or shotgun.

Passed by the House February 20, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 77

[Substitute House Bill 1081]

SOLICITED REAL PROPERTY—OWNER PROTECTIONS

AN ACT Relating to establishing consumer protections for owners of solicited real estate; and adding a new chapter to Title 61 RCW.

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

NEW SECTION. **Sec. 1.** (1) For real estate transactions executed on or after January 1, 2026, in which a potential buyer or someone representing a potential buyer actively solicits the purchase of real property through public advertising or written, electronic, or in-person contact with an owner of real property that is not currently publicly available or listed on the real estate market for purchase, the owner of the solicited real property shall, upon execution of a purchase contract between the potential buyer and the owner of the solicited real property:

(a) Have the right to an appraisal of the real property by an appraiser licensed in accordance with chapter 18.140 RCW, which right shall be expressly included in the purchase contract between the potential buyer and the owner of the solicited real property; and

(b) Have the right to cancel the purchase contract without penalty or further obligation subject to subsection (2) of this section.

(2)(a) For owners of the solicited real property who wish to exercise their right to an appraisal:

(i) The owner has the right to select the appraiser, and the potential buyer is responsible for the expense of the appraisal;

(ii) The appraisal must be ordered within three business days after the execution of the purchase contract, and the owner of the solicited real property shall notify the potential buyer of the appraisal; and

(iii) The owner of the solicited real property has the right to cancel the purchase contract, without penalty or further obligation, within four business days after the appraisal is received.

(b) For owners of solicited real property who do not wish to receive an appraisal, the owner has the right to cancel the purchase contract without penalty or further obligation within 10 business days after execution of the contract.

(c) In the event of cancellation, the owner of the solicited real property shall send a notice of cancellation to the buyer by mail, telegram, email, or other means of written communication. Notice of cancellation is considered given when mailed, when filed for telegraphic transmission, when emailed, or, if sent by other means, when delivered to the buyer's designated place of business.

(3) The purchase contract for a real estate transaction described in this section must state clearly in at least size 10-point boldface type, and the seller must affirmatively acknowledge in writing, that the seller:

(a) Has a right to an appraisal as specified in subsection (2) of this section; and

(b) Has a right to cancel the purchase contract without penalty or further obligation in accordance with subsection (2) of this section.

(4) This section does not apply to a buyer or seller represented by a real estate broker licensed in accordance with chapter 18.85 RCW.

(5) Nothing in this chapter affects the rights accruing to any party as set forth in RCW 64.04.220.

(6) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new chapter in Title 61 RCW.

Passed by the House March 4, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 78

[Substitute House Bill 1105]

DEPARTMENT OF CORRECTIONS—COALITION BARGAINING EXEMPTION

AN ACT Relating to exempting exclusive bargaining representatives for department of corrections employees from certain provisions related to coalition bargaining; and amending RCW 41.80.010.

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

Sec. 1. RCW 41.80.010 and 2022 c 297 s 951 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a)(i) Except as otherwise provided, if an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(ii) For those exclusive bargaining representatives who represent fewer than a total of ((~~five hundred~~)) 500 employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter

into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Exclusive bargaining representatives that represent employees covered under chapter 41.06 RCW and exclusive bargaining representatives that represent employees exempt under chapter 41.06 RCW shall constitute separate coalitions and must negotiate separate master collective bargaining agreements. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If ((~~five hundred~~)) 500 or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(d) For assistant attorneys general, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement.

(e) Except for exclusive bargaining representatives that represent marine department employees at the department of corrections, this subsection does not apply to exclusive bargaining representatives who represent employees of the department of corrections that have interest arbitration rights under RCW 41.80.200. For department of corrections employees, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive

bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ((~~ten thousand dollars~~)) $10,000 are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ((~~ten thousand dollars~~)) $10,000 or more are necessary to implement the provisions of a bargaining agreement, a request for

such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(6) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(7)(a) For the 2019-2021 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by a higher education institution and the Washington federation of state employees and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) Subsection (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

(8)(a) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by the governor or governor's designee and the Washington public employees association community college coalition and the general government agencies and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated between Highline Community College and the Washington public employees association and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(c) For the 2021-2023 fiscal biennium, the legislature may approve funding for collective bargaining agreements negotiated between Eastern Washington University and bargaining units of the Washington federation of state employees and the public school employees association, and between Yakima Valley College and the Washington public employees association, and ratified by the exclusive bargaining representatives before final legislative action on the omnibus appropriations act by the sitting legislature.

(d) Subsection (3)(a) and (b) of this section does not apply to requests for funding made pursuant to this subsection.

Passed by the House March 4, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 79

[Substitute House Bill 1121]

WORK HOUR RESTRICTIONS—CERTAIN MINOR EMPLOYEES—ENROLLMENT IN EDUCATION PROGRAMS

AN ACT Relating to the restrictions on the working conditions and hours of sixteen- and seventeen-year olds meeting certain criteria; adding a new section to chapter 49.12 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that the department of labor and industries has adopted rules outlining the number of hours sixteen- and seventeen-year olds may work during school and nonschool weeks. These rules currently allow students participating in a bona fide college program, such as running start, to work the same number of hours for any employer(s) during the school weeks as allowed during nonschool weeks; however, a student participating in a career and technical education program is not provided the same opportunity to work more hours, including for employers who are approved by the career and technical education program. Many students enrolled in career and technical education programs are focused on gaining more on-the-job experience to help propel them in their future careers, and want to spend more hours working for an employer tied with their career and technical education program. For example, a student may attend traditional high school classes in the morning until lunch and then participate in work-based learning at an approved employer jobsite for the remainder of the school day with opportunity to work more than four hours per day.

(2) Therefore, the legislature intends to direct the department of labor and industries to revise the current rules outlining the hours sixteen- and seventeen-year olds may work during school weeks, so that students enrolled in a bona fide college program and a career and technical education program are treated

equitably and both are allowed to work the same number of hours during school weeks as permitted during nonschool weeks.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12 RCW to read as follows:

(1) The rules adopted under this chapter must allow a sixteen- or seventeen-year old minor to work the same number of hours and days during the school year as would be permitted during school vacations or holidays if:

(a) The minor is enrolled in a bona fide college program; or

(b) The minor is enrolled in a career and technical education program and the work is performed for an employer approved by the program.

(2) For purposes of this section, "career and technical education program" refers to a work-based learning program approved by the office of the superintendent of public instruction or the minor's school district, including but not limited to core plus programs.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2026.

Passed by the House March 10, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 80

[Engrossed Substitute House Bill 1201]

EMERGENCY SHELTERS—ACCOMMODATION OF COMPANION ANIMALS

AN ACT Relating to identifying accommodations allowing pets in an emergency or extreme weather event; adding a new section to chapter 38.52 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that natural disasters and extreme weather events, including wildfire, flooding, earthquakes, extreme heat, and extreme cold present severe risks to public health and safety in Washington.

The legislature further finds that pets that are companion animals are particularly vulnerable to extreme weather conditions, including risk of heatstroke-related illness and death.

The legislature further finds that many families consider their companion animals to be family members. One of the most significant factors affecting evacuation decisions is companion animal ownership. Companion animal owners may refuse evacuation, attempt to reenter evacuated sites to rescue their companion animals, and experience grief, depression, and posttraumatic stress disorder due to separation from their companion animal during an emergency. In addition, zoonotic disease risks increase when companion animals are abandoned or left to roam during an evacuation.

The legislature further finds that gaps in public preparedness and cosheltering opportunities during a disaster or extreme weather event increase the risk to public health and safety.

The legislature further finds that partnerships with nongovernmental organizations support emergency planning and preparedness and may be used to support identification and operation of coshelters.

Therefore, the legislature intends to provide guidance in increasing public preparedness and identifying shelters that can accommodate companion animals so that in the event of a disaster or extreme weather event, Washington residents will not have to choose between seeking safety and staying with their companion animals.

NEW SECTION. **Sec. 2.** A new section is added to chapter 38.52 RCW to read as follows:

(1) A political subdivision, under existing plan structures, shall, to the extent practicable based on available resources and site-specific circumstances, address cosheltering for emergency shelters in each update of its local comprehensive emergency management plan required by RCW 38.52.070.

(2) A political subdivision, under existing plan structures, shall, to the extent practicable based on available resources and site-specific circumstances, identify emergency shelters able to accommodate persons with companion animals.

(3) Whenever a political subdivision identifies any number of emergency shelters in response to a natural disaster or extreme weather event, it should, to the extent practicable, identify at least one coshelter.

(4) An emergency shelter that is identified to accommodate persons with companion animals must have safety procedures regarding the sheltering of companion animals and comply with disaster assistance policies and procedures published by the federal emergency management agency.

(5) A political subdivision shall provide companion animal emergency preparedness information on its website, including:

(a) To the extent practicable, whether each identified emergency shelter can accommodate companion animals;

(b) Information for creating a companion animal evacuation plan and emergency checklist, consistent with the federal emergency management agency recommendations; and

(c) Identification of local organizations that provide emergency companion animal assistance.

(6) The following definitions apply to this section:

(a) "Companion animal" means a domesticated animal, such as a dog or cat, that is commonly kept in the home for pleasure rather than for commercial purposes;

(b) "Coshelter" means a temporary shelter that allows an individual to stay in an adjacent area or the same facility as a companion animal;

(c) "Emergency shelter" means a temporary location that provides basic shelter for individuals affected by an emergency or disaster; and

(d) "Existing plan structure" means planning documents describing how political subdivisions, in collaboration with nonprofit organizations, and state and federal government, will provide emergency shelter and temporary housing to individuals displaced by a disaster.

Passed by the House March 4, 2025.

Passed by the Senate April 11, 2025.

Approved by the Governor April 21, 2025.

Filed in Office of Secretary of State April 21, 2025.

CHAPTER 81

[House Bill 1222]

GAMBLING COMMISSION—PROPRIETARY FINANCIAL AND SECURITY INFORMATION—PUBLIC RECORDS ACT EXEMPTION

AN ACT Relating to public inspection and copying of proprietary financial and security information submitted to or obtained by the gambling commission; and amending RCW 42.56.270.

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

Sec. 1. RCW 42.56.270 and 2023 c 340 s 11 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.168, and 43.181 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW

67.16.260(1)(b), cannabis producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) ((~~Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming~~)) Proprietary financial and security information submitted to or obtained by the gambling commission from and on behalf of license applicants, licensees, gaming facilities, or a tribe pursuant to an approved tribal/state compact. Proprietary financial and security information includes, but is not limited to, the following:

(i) Financial statements and transactions including but not limited to independent auditors' reports and financial statements with any supporting documents, bank account records, player tracking records, bond issuances, loan agreements, purchase agreements, and stock buyouts. However, quarterly license reports are not exempt;

(ii) Information that describes the internal operational system or internal procedures of the gaming facility designed to promote efficiency, safeguard assets, and avoid fraud and error, including but not limited to records pertaining to security camera technical specifications, operation, and placement; cash out procedures and locations; cage security information; building access controls; and personally identifiable information control procedures;

(iii) Gaming facility security information, including but not limited to descriptions of facility layout and schematics, firewall configurations, network topologies, source code, software files, cryptographic hashes of software files, risk and security assessment reports, disaster recovery plans, incident response plans, and any other sensitive information that may negatively impact the security of the facility if released; and

(iv) Gaming equipment information, including but not limited to related hardware, software, and security information, such as firewall configurations, field testing data and results from testing, network topologies or diagrams, source code, software files, cryptographic hashes of software files, schematics, user credentials, system components, and any other sensitive information about the equipment that may compromise the security and integrity of the equipment if released;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed cannabis business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in

connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of 60 days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably

be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell cannabis as allowed under chapter 69.50 RCW;

(25) Cannabis transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of cannabis product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for cannabis research licenses under RCW 69.50.372, or in reports submitted by cannabis research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed cannabis business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter

43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW.

Passed by the House February 13, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor April 21, 2025.
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CHAPTER 82

[Engrossed House Bill 1279]

POSTSECONDARY EDUCATION—CONSUMER PROTECTION—VARIOUS PROVISIONS

AN ACT Relating to postsecondary education consumer protections; amending RCW 28B.85.020, 28B.85.070, 28B.85.090, and 28B.85.095; adding a new section to chapter 28B.85 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that the Washington state attorney general and the attorneys general of 24 other states and the District of Columbia have found that online or distance education entities pose unique risks to student consumers. These risks may harm both students and the taxpayers in students' home states. The Washington state attorney general, along with the attorneys general of 24 other states and the District of Columbia, have urged the national council for the state authorization reciprocity agreement to reform the standards of state authorization reciprocity agreements. The national council for state authorization reciprocity agreements is not directly accountable to participating states and has had significant potential for conflict of interest.

According to the joint letter from the offices of the attorneys general, the national council for state authorization reciprocity agreements' current policies "do not adequately guard against the unique risks that arise from distance learning. For instance, NC-SARA's policy prohibiting member states from enforcing education-specific consumer protection laws against out-of-state NC-SARA participating schools undermines our Offices' and other state agencies' ability to protect students in our states. It also creates a two-tiered system of protection, in which students attending NC-SARA-participating schools receive the benefit of fewer consumer protection laws than students attending schools based in our state or attending schools that do not participate in NC-SARA. This incentivizes NC-SARA participating schools to locate in states with weaker education-specific consumer protection laws, such as financial protections in the event of unanticipated closure, to avoid having to comply with more student-

protective laws. Our conversations with some of the representatives of state entities that enforce NC-SARA rules showed that they share this concern."

The legislature finds that Washington has led the western interstate commission for higher education to adopt proposed reforms to state authorization reciprocity agreements and intends to encourage the student achievement council and the western interstate commission for higher education to continue this effort through this act. It is the objective of the legislature to ensure that the state authorization reciprocity agreement is reformed to recognize that student consumer protections adopted through legislation or rule in Washington protect all students residing in Washington through the adoption of this act while providing institutions domiciled in Washington the benefits of reciprocal approval or authorization to offer programs in other states after meeting Washington's rigorous review and approval or authorization standards.

The legislature does not intend for this act to imply that the existing legislatively adopted student consumer protections do not provide protection to students in Washington while Washington engages in efforts to reform the state authorization reciprocity agreement.

Sec. 2. RCW 28B.85.020 and 2013 c 218 s 3 are each amended to read as follows:

(1) The council:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules shall require that an institution operating in Washington:

(i) Be accredited;

(ii) Have applied for accreditation and such application is pending before the accrediting agency;

(iii) Have been granted a waiver by the council waiving the requirement of accreditation; or

(iv) Have been granted an exemption by the council from the requirements of this subsection (1)(a), provided that any such exemption shall not suspend, supersede, or reduce student consumer protections or the authority of the council to investigate and enforce provisions of this chapter;

(b) May investigate any entity the council reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the council may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the council deems relevant or material to the investigation. The council, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) ((~~May negotiate and enter into~~)) Is responsible for maintaining and developing interstate reciprocity agreements with other state or multistate entities if the agreements are consistent with the purposes in this chapter as determined by the council, and provided that, beginning July 1, 2028, the agreements:

(i) Do not suspend, supersede, or reduce student consumer protections or the authority of the council to investigate and enforce provisions of this chapter;

(ii) Maintain the authority and capabilities of the council to investigate complaints of students who are residents of, or domiciled in, Washington in regard to compliance provisions of this chapter for distance, online, or other degree programs;

(iii) Do not reduce surety or bond requirements for institutions adopted by the council pursuant to this chapter; and

(iv) Ensure disclosure of any investigation, suspension, or provisional status relating to either financial instability, eligibility for participation in federal or state financial aid programs, or accreditation requirements to the council and students of the institutions, or prospective students, residing in Washington;

(d) May enter into agreements with degree-granting institutions of higher education based in this state, that are otherwise exempt under the provisions of ((~~subsection (1)~~))(a) of this ((~~section~~)) subsection, for the purpose of ensuring consistent consumer protection in interstate distance delivery of higher education;

(e) Shall develop an interagency agreement with the workforce training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(f) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the council by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW to the extent that such records are exempt from disclosure by the federal government and are not relied on as part of federal or state determinations relating to (a) eligibility of students enrolled in the institution to receive federal or state financial aid; (b) the level of surety or bond required to be maintained by the institution; or (c) resolving any investigation relating to the ability of the institution to offer educational programs authorized by the council or workforce training and education coordinating board.

(3)(a) If the governing council of state authorization reciprocity agreements has not amended its bylaws and policies to provide student consumer protections equivalent to those established in this act by July 1, 2028, the student achievement council shall undertake a review of continuing participation in state authorization reciprocity agreements and may initiate alternative arrangements with individual states or groups of states. The student achievement council shall determine whether the governing council's bylaws and policies provide equivalent protections.

(b) By December 31, 2026, the student achievement council shall report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature on whether the governing council of state authorization reciprocity

agreements has amended its bylaws and policies, or is likely to amend its bylaws and policies, by July 1, 2028.

(c) If the student achievement council determines that the bylaws and policies of state authorization reciprocity agreements do not provide for such equivalent student consumer protections, then the student achievement council shall establish a process for administering interstate reciprocity agreements for distance education outside of state authorization reciprocity agreements and for facilitating a smooth transition of the administration by July 1, 2028.

(4) For purposes of this section, "prospective student" includes any resident who has submitted an application, all or in part, for admission or acceptance to a program of an institution, and anyone who the institution is soliciting to enroll.

Sec. 3. RCW 28B.85.070 and 2012 c 229 s 548 are each amended to read as follows:

(1) The council may require any degree-granting institution to have on file with the council an approved surety bond or other security in lieu of a bond in an amount determined by the council.

(2) In lieu of a surety bond, an institution may deposit with the council a cash deposit or other negotiable security acceptable to the council. The security deposited with the council in lieu of the surety bond shall be returned to the institution one year after the institution's authorization has expired or been revoked if legal action has not been instituted against the institution or the security deposit at the expiration of the year. The obligations and remedies relating to surety bonds authorized by this section, including but not limited to the settlement of claims procedure in subsection (5) of this section, shall apply to deposits filed with the council, as applicable.

(3) Each bond shall:

(a) Be executed by the institution as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state for the benefit and protection of any student or enrollee of an institution, or, in the case of a minor, his or her parents or guardian;

(c) Be conditioned on compliance with all provisions of this chapter and the council's rules adopted under this chapter;

(d) Require the surety to give written notice to the council at least thirty-five days before cancellation of the bond; and

(e) Remain in effect for one year following the effective date of its cancellation or termination as to any obligation occurring on or before the effective date of cancellation or termination.

(4) Upon receiving notice of a bond cancellation, the council shall notify the institution that the authorization will be suspended on the effective date of the bond cancellation unless the institution files with the council another approved surety bond or other security. The council may suspend or revoke the authorization at an earlier date if it has reason to believe that such action will prevent students from losing their tuition or fees.

(5) If a complaint is filed under RCW 28B.85.090(1) against an institution, the council may file a claim against the surety and settle claims against the surety by following the procedure in this subsection.

(a) The council shall attempt to notify all potential claimants. If the absence of records or other circumstances makes it impossible or unreasonable for the

council to ascertain the names and addresses of all the claimants, the council after exerting due diligence and making reasonable inquiry to secure that information from all reasonable and available sources, may make a demand on a bond on the basis of information in the council's possession. The council is not liable or responsible for claims or the handling of claims that may subsequently appear or be discovered.

(b) Thirty days after notification, if a claimant fails, refuses, or neglects to file with the council a verified claim, the council shall be relieved of further duty or action under this chapter on behalf of the claimant.

(c) After reviewing the claims, the council may make demands upon the bond on behalf of those claimants whose claims have been filed. The council may settle or compromise the claims with the surety and may execute and deliver a release and discharge of the bond.

(d) If the surety refuses to pay the demand, the council may bring an action on the bond in behalf of the claimants. If an action is commenced on the bond, the council may require a new bond to be filed.

(e) Within ten days after a recovery on a bond or other posted security has occurred, the institution shall file a new bond or otherwise restore its security on file to the required amount.

(6) The liability of the surety shall not exceed the amount of the bond.

(7) The requirements for surety bonds established by the council may not be reduced based on whether an institution is headquartered, incorporated, or domiciled outside of Washington state. The council shall ensure that any authorization agreement with other states provides for at least the amount and security for surety applicable to an institution that is headquartered, incorporated, domiciled, or has a physical presence in Washington state.

Sec. 4. RCW 28B.85.090 and 2018 c 203 s 3 are each amended to read as follows:

(1) Complaints may be filed with the council under this chapter by a person claiming loss of tuition or fees ((~~as a result of an~~)); other loss or injury due to misrepresentation of educational programs, accreditation, support for or statistics relating to job placement, or measurements of student debts and earnings; and other unfair business practices. The complaint shall set forth the alleged violation and shall contain information required by the council. A complaint may also be filed with the council by an authorized staff member of the council or by the attorney general.

(2) The council shall investigate any complaint under this section and may attempt to bring about a settlement. The council may hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, in order to determine whether a violation has occurred. If the council prevails, the degree-granting institution shall pay the costs of the administrative hearing.

(3) If, after the hearing, the council finds that the institution or its agent engaged in or is engaging in any unfair business practice, the council shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28B.85.095 and 28B.85.100. If the council finds that the complainant has suffered loss as a result of the act or practice, the council may order full or partial restitution for the loss. The complainant is not bound by the council's determination of restitution and may pursue any other legal remedy.

(4) The council shall determine the manner by which any nonpublic, for-profit online institution of higher education offering online distance learning and serving students in Washington shall prominently disclose students' rights, including how students may contact the council to file a complaint, on appropriate websites and in promotional materials distributed and made available to students in Washington. The council may not delegate or otherwise agree to defer investigation or resolution of complaints filed by students who are residents of Washington state and enrolled in institutions of higher education authorized by Washington state to another state where the institution of higher education is headquartered or incorporated.

Sec. 5. RCW 28B.85.095 and 2018 c 203 s 4 are each amended to read as follows:

(1)(a) The council may deny, revoke, or suspend the authorization of any degree-granting institution authorized to operate under this chapter that is found to be in violation of this chapter.

(b) The council may not delegate to any other state its authority to oversee and enforce compliance with this chapter or its authority to respond to complaints by students in this state, regardless of whether the institution is authorized by, or has its home in, another state. ((~~Under RCW 28B.85.020(1)(c), participation in interstate reciprocity agreements consistent with the purposes of this chapter does not delegate authority for compliance with this chapter or authority to respond to student complaints.~~))

(2) It is a violation of this chapter for a degree-granting institution authorized to operate under this chapter or an agent employed by such a degree-granting institution to:

(a) Provide prospective students with any testimonial, endorsement, or other information that a reasonable person would find was likely to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, postgraduation employment by industry, or probable earnings in the occupation for which the education was designed, the likelihood of obtaining financial aid or low-interest loans for tuition, or the ability of graduates to repay loans;

(b) Use any official United States military logo in advertising or promotional materials; or

(c) Violate the provision of RCW 28B.85.175(1)(b) regarding the sale of, or inducing of students to obtain, specific consumer student loan products.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.85 RCW to read as follows:

The council may utilize its authority to waive state requirements for institutions participating in interstate reciprocity agreements for online or distance education if:

(1) Such waivers are consistent with federal regulations and requirements for state authorization pursuant to 34 C.F.R. Sec. 600.2 and 600.9, including preserving Washington's authorization to administer federal financial aid programs; and

(2) The council finds that the institutions' authorizations are consistent with the council's policies for protection of Washington resident student consumers.

Passed by the House March 7, 2025.

Passed by the Senate April 11, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 83

[House Bill 1287]

COUNSELORS—DISCLOSURE OF HEALTH INFORMATION—CARE COORDINATION

AN ACT Relating to addressing the disclosure of health information for care coordination; and amending RCW 18.225.105 and 18.19.180.

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

Sec. 1. RCW 18.225.105 and 2020 c 302 s 115 are each amended to read as follows:

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(1) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(2) If the person waives the privilege by bringing charges against the person licensed under this chapter;

(3) In response to a subpoena from the secretary. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(4) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.217 (6) and (7); ((~~or~~))

(5) When disclosure of health care information is permitted under chapter 70.02 RCW; or

(6) To any individual if the person licensed under this chapter reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

Sec. 2. RCW 18.19.180 and 2023 c 425 s 17 are each amended to read as follows:

An individual credentialed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.19.060 nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(2) That a person credentialed under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person credentialed under this chapter indicates that the minor was the victim or subject

of a crime, the person credentialed may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the person credentialed under this chapter;

(5) In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.130 RCW; ((~~or~~))

(6) As required under chapter 26.44 RCW; or

(7) When disclosure of health care information is permitted under chapter 70.02 RCW.

Passed by the House February 13, 2025.
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CHAPTER 84

[Substitute House Bill 1294]

PESTICIDE APPLICATION SAFETY COMMITTEE—EXTENSION

AN ACT Relating to extending the pesticide application safety committee; amending RCW 70.104.110; amending 2019 c 327 s 1 (uncodified); creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

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

Sec. 1. RCW 70.104.110 and 2019 c 327 s 2 are each amended to read as follows:

(1) The pesticide application safety committee is established. Appointments to the committee must be made as soon as possible after the legislature convenes in regular session. The committee is composed of the following members:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) The director of the department of agriculture, or an assistant director designated by the director;

(d) The secretary of the department of health, or an assistant secretary designated by the secretary;

(e) The director of the department of labor and industries, or an assistant director designated by the director;

(f) The commissioner of public lands, or an assistant commissioner designated by the commissioner;

(g) The dean of the college of agricultural, human, and natural resource sciences at the Washington State University, or an assistant dean designated by the dean;

(h) The pesticide safety education coordinator at the Washington State University cooperative extension; and

(i) The director of the University of Washington Pacific Northwest agricultural safety and health center, or an assistant designated by the director.

(2) The committee shall be cochaired by the secretary of the department of health, or the assistant secretary designated by the secretary, and the director of the department of agriculture, or the assistant director designated by the director.

(3) Primary responsibility for administrative support for the committee, including developing reports, research, and other organizational support, shall be provided by the department of health and the department of agriculture. The committee must hold its first meeting by September 2019. The committee must meet at least three times each year. The meetings shall be at a time and place specified by the cochairs, or at the call of a majority of the committee. When determining the time and place of meetings, the cochairs must consider costs and conduct committee meetings in Olympia when this choice would reduce costs to the state.

(4)(a) An advisory work group is created to collect information and make recommendations to the full committee on topics requiring unique expertise and perspectives on issues within the jurisdiction of the committee.

(b) The advisory work group shall consist of a representative from the department of agriculture, two representatives of employee organizations that represent farmworkers, two farmworkers with expertise on pesticide application, a representative of community and migrant health centers, a toxicologist, a representative of growers who use air blast sprayers, a representative of growers who use aerial pesticide application, a representative of growers who use fumigation to apply pesticides, and a representative of aerial applicators. The secretary of health, in consultation with the director of the department of agriculture and the full committee, must appoint members of the advisory work group, and the department of health must staff the advisory work group. The letter of appointment to the advisory work group members must be signed by both cochairs.

(c) The advisory work group must hold meetings only upon the committee's request. ((~~To reduce costs, the advisory work group must conduct meetings using teleconferencing or other methods, but may hold one in-person meeting per fiscal year.~~))

(d) Members of the advisory work group shall be reimbursed for mileage expenses in accordance with RCW 43.03.060.

(e) The advisory work group must provide a report on their activities and recommendations to the full committee by November 9th of each year.

(5) The first priority of the committee is to explore how the departments of agriculture, labor and industries, and health, and the Washington poison center collect and track data. The committee must also consider the feasibility and requirements of developing a shared database, including how the department of health could use existing tools, such as the tracking network, to better display multiagency data regarding pesticides. The committee may also evaluate and recommend policy options that would take action to:

(a) Improve pesticide application safety with agricultural applications;

(b) Lead an effort to establish baseline data for the type and quantity of pesticide applications used in Washington to be able to compare the number of exposures with overall number of applications;

(c) Research ways to improve pesticide application communication among different members of the agricultural community, including educating the public

in English and Spanish about acute and chronic health information about pesticides;

(d) Compile industry's best practices for use to improve pesticide application safety to limit pesticide exposure;

(e) Continue to investigate reasons why members of the agricultural workforce do not or may not report pesticide exposure;

(f) Explore new avenues for reporting with investigation without fear of retaliation;

(g) Work with stakeholders to consider trainings for how and when to report;

(h) Explore incentives for using new technology by funding a partial buy-out program for old spray technology;

(i) Consider developing an effective community health education plan;

(j) Consult with community partners to enhance educational initiatives that work with the agricultural workforce, their families, and surrounding communities to reduce the risk of pesticide exposure;

(k) Enhance efforts to work with pesticide manufacturers and the environmental protection agency to improve access to non-English pesticide labeling in the United States;

(l) Work with research partners to develop, or promote the use of translation apps for pesticide label safety information, or both;

(m) Evaluate prevention techniques to minimize exposure events;

(n) Develop more Spanish language and other language educational materials for distribution, including through social media and app-based learning for agricultural workforce communities;

(o) Explore development of an agricultural workforce education safety program to improve the understanding about leaving an area being sprayed; and

(p) Work with the industry and the agricultural workforce to improve protocols and best practices for use of personal safety equipment for applicators and reflective gear for the general workforce.

(6) The committee must provide a report to the appropriate committees of the legislature by May 1, 2020, and each year thereafter. An initial report on the progress of the committee must be provided in January 2020. The report may include recommendations the committee determines necessary, and must document the activities of the committee and report on the subjects listed in subsection (5) of this section. The department of health and the department of agriculture must provide staff support to the committee for the purpose of authoring the report and transmitting it to the legislature. Any member of the committee may provide a minority report as an appendix to the report submitted to the legislature under this section.

(7) This section expires July 1, ((~~2025~~)) 2035.

Sec. 2. 2019 c 327 s 1 (uncodified) is amended to read as follows:

(1) In 2018, the legislature passed Engrossed Second Substitute Senate Bill No. 6529. The bill recognized that farmers, farmworkers, and the broader community share an interest in minimizing human exposure to pesticides. It also recognized that gains have been made in reducing human exposure to pesticides and that collaboration between state agencies and the farming community could further reduce agricultural workers exposure to pesticide drift.

(2) The legislation established a pesticide application safety work group that would make recommendations for improving pesticide application safety. Work group members included legislators from both chambers and caucuses, as well as representation from state agencies and the commission on Hispanic affairs. The work group sought public participation to learn more about pesticide application safety. Many stakeholders including but not limited to local farm hosts, the agricultural industry, and members of the agricultural workforce contributed valuable assistance and input.

(3) The work group reached two noteworthy recommendations regarding what can be done now to improve pesticide application safety. The recommendations are to:

(a) Expand training because the department of agriculture lacks sufficient resources to meet the training demand from pesticide applicators and handlers; and

(b) Establish a new pesticide application safety panel to provide an opportunity to evaluate and recommend policy options, and investigate exposure cases.

(4) The work group concluded that legislation is warranted to expand funding for a training program and set up a new pesticide application safety panel with clear objectives.

(5) This section expires July 1, ((~~2025~~)) 2035.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2025.

Passed by the House March 5, 2025.
Passed by the Senate April 11, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 85

[Substitute House Bill 1650]

LOCAL REAL ESTATE EXCISE TAX—USE FOR AIRPORT CAPITAL PROJECTS

AN ACT Relating to the addition of airport capital projects as an allowable use of local real estate excise tax revenues; and amending RCW 82.46.010 and 82.46.035.

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

Sec. 1. RCW 82.46.010 and 2021 c 296 s 10 are each amended to read as follows:

(1) The legislative authority of any county or city must identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and must indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2)(a) The legislative authority of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county

for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding ((~~one-quarter of one~~)) 0.25 percent of the selling price. Except as provided in subsection (8) of this section, the revenues from this tax must be used by any city or county with a population of 5,000 or less and any city or county that does not plan under RCW 36.70A.040 for any capital purpose identified in a capital improvements plan and local capital improvements, including those listed in RCW 35.43.040.

(b) Except as provided in subsection (8) of this section, after April 30, 1992, revenues generated from the tax imposed under this subsection (2) in counties over 5,000 population and cities over 5,000 population that are required or choose to plan under RCW 36.70A.040 must be used solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (i) pledged by such counties and cities to debt retirement prior to April 30, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (ii) committed prior to April 30, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the legislative authority of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding ((~~one-half of one~~)) 0.5 percent of the selling price.

(4) Taxes imposed under this section must be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(5) Taxes imposed under this section must comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(6) The definitions in this subsection (6) apply throughout this section unless the context clearly requires otherwise.

(a) "City" means any city or town.

(b)(i) "Capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative facilities; judicial facilities; airports included in the most recent Washington aviation system plan published by the Washington department of transportation aviation division; airports included in the national plan of integrated airport systems with less than 10,000 annual enplanements as determined by the most recent enplanement data published by the federal aviation administration; river flood control projects; waterway flood control projects by those jurisdictions that, prior to June 11, 1992, have expended funds derived from the tax authorized by this section for such purposes; until December 31, 1995, housing projects for those jurisdictions that, prior to June 11, 1992, have expended or committed to expend funds derived from the tax

authorized by this section or the tax authorized by RCW 82.46.035 for such purposes; and technology infrastructure that is integral to the capital project.

(ii) "Capital project" does not include the installation or improvement of fuel systems for the distribution of leaded fuel at an airport as described in this subsection (6)(b).

(7) From July 22, 2011, until December 31, 2016, a city or county may use the greater of $100,000 or 35 percent of available funds under this section, but not to exceed $1,000,000 per year, for the operations and maintenance of existing capital projects as defined in subsection (6) of this section.

(8) After May 13, 2021, through December 31, 2023, a city or county may use the greater of $100,000 or 35 percent of available funds under this section for the operation of, maintenance of, and service support for, existing capital projects, including the provision of services to residents of affordable housing or shelter units.

Sec. 2. RCW 82.46.035 and 2021 c 296 s 12 are each amended to read as follows:

(1) Except for revenues used after May 13, 2021, through December 31, 2023, as provided in subsection (3) of this section, the legislative authority of any county or city must identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and must indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The legislative authority of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding ((~~one-quarter of one~~)) 0.25 percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(3) Revenues generated from the tax imposed under subsection (2) of this section must be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan, except that the greater of $100,000 or 35 percent of revenues may additionally be used for the operation of, maintenance of, and service support for, existing capital projects after May 13, 2021, through December 31, 2023. However, revenues (a) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to March 1, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(4) Revenues generated by the tax imposed by this section must be deposited in a separate account after December 31, 2023.

(5) As used in this section, "city" means any city or town and "capital project" means those public works projects of a local government for:

(a) Planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems;

(b) Planning, construction, reconstruction, repair, rehabilitation, or improvement of parks; ((~~and~~))

(c)(i) Planning, construction, reconstruction, repair, rehabilitation, or improvement of either of the following categories of airports:

(A) Airports included in the most recent Washington aviation system plan published by the Washington department of transportation aviation division; and

(B) Airports included in the national plan of integrated airport systems with less than 10,000 annual enplanements as determined by the most recent enplanement data published by the federal aviation administration.

(ii) "Capital project" does not include the installation or improvement of fuel systems for the distribution of leaded fuel at an airport as described in this subsection (5)(c); and

(d) Until January 1, 2026, planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of facilities for those experiencing homelessness and affordable housing projects.

(6) A county or city may use the greater of $100,000 or 25 percent of available funds, but not to exceed $1,000,000, for capital projects as defined in subsection (5)(((~~(e)~~))) (d) of this section. The limits in this subsection do not apply to any county or city that used revenue under this section for the acquisition, construction, improvement, or rehabilitation of facilities to provide housing for the homeless prior to June 30, 2019.

(7) A county or city using funds for uses in subsection (5)(((~~(e)~~))) (d) of this section must document in its plan under RCW 36.70A.070(3) that it has funds during the next two years for capital projects in subsection (5)(a) and (b) of this section.

(8) When the governor files a notice of noncompliance under RCW 36.70A.340 with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section is temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance.

Passed by the House March 12, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 86

[Engrossed House Bill 1705]

LARGE ANIMAL VETERINARIAN WORKFORCE—WORK GROUP

AN ACT Relating to large animal veterinarians; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that there are several factors at play for the shortage of large animal veterinarians. The legislature

finds that the shortage of large animal veterinarians is a critical issue for animal welfare and disease prevention, but also for public health because the shortage affects the safety of the food supply.

(a) First, Washington's agricultural economy and agricultural communities are under enormous strain, and this deters medical professionals from choosing a future connected to the industry. The legislature recognizes that in 2023, labor expenses per farming operation in Washington were 462 percent higher than the national average and Washington is currently losing on average, two farms per day. The legislature further recognizes that farmers do not control their own prices and cannot simply respond to increased production costs by increasing the prices of their goods. These economic pressures are also impacting agriculture workers' mental health, and agriculture suicides are nearly 25 percent higher than the overall state rate. From 2020 through 2022, the suicide rate for agricultural workers in Washington state was 21.1 per 100,000 people, compared with 14.9 per 100,000 people for the state's general population.

(b) Second, the state has added nearly 2,000,000 people over the last 20 years, but not increased class sizes at the state's college of veterinary medicine.

(c) Third, many large animal veterinarians have left the field due to long hours, unpredictable schedules, and higher wages available for small animal care.

(2) Therefore, the legislature intends to convene a work group to study and recommend strategies to recruit, train, and retain large animal veterinarians in Washington.

NEW SECTION. **Sec. 2.** (1) Washington State University's division of governmental studies and services shall convene a work group to study and recommend strategies to recruit, train, and retain large animal veterinarians in Washington. The work group must provide a preliminary report to the appropriate committees of the legislature by December 1, 2025, and a final report to the appropriate committees of the legislature by June 30, 2026, in conformance with RCW 43.01.036.

(2) This section expires July 1, 2026.

NEW SECTION. **Sec. 3.** (1) The work group created in section 2 of this act is composed of the following members:

(a) The director of the department of agriculture, or the director's designee;

(b) The secretary of the department of health, or the secretary's designee;

(c) The dean of Washington State University college of veterinary medicine, or the dean's designee;

(d) The Washington state veterinarian, or the veterinarian's designee;

(e) One representative from an organization representing veterinarians;

(f) One representative from an organization representing farmers and ranchers;

(g) One representative from an organization representing livestock producers;

(h) One adult leader representing a national youth development program that includes experiential learning in agriculture and large animal husbandry;

(i) The director of equity of the department of agriculture, or the director's designee; and

(j) One representative from a historically marginalized community, such as a member of an organization that promotes the agricultural sciences and related fields in a positive manner among communities that have been historically underrepresented or marginalized.

(2) This section expires July 1, 2026.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 6, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 87

[Substitute House Bill 1309]

BOTTOM CULTURE SHELLFISH FARMING—IMPACTS OF BURROWING SHRIMP—RESEARCH

AN ACT Relating to addressing the impacts of burrowing shrimp on bottom culture shellfish farming through integrated pest management research; adding new sections to chapter 15.85 RCW; creating a new section; and providing expiration dates.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that in 2014, shellfish growers were dealt a significant setback when they lost their primary tool for controlling burrowing shrimp infestations in coastal estuaries. Burrowing shrimp in high densities pose a significant threat to shellfish farming operations and the surrounding aquatic ecosystem, causing damage to shellfish growing areas, negatively impacting productivity, and eliminating the growth of native eelgrass which provides essential habitat for salmonids and Dungeness crab, among other species.

(2) In addition, the legislature finds that since 1963, a control method developed in collaboration with the Washington state department of fish and wildlife had been effectively utilized. However, the phased-out use of carbaryl and the denial of a permit to use imidacloprid by the Washington state department of ecology left growers without crucial pest control measures. Burrowing shrimp infestations on shellfish grounds has led to a reduction in growing operations due to the absence of an effective control tool, and despite persistent efforts a viable alternative remains elusive.

(3) To address this ongoing crisis, the legislature intends to continue the current collaboration and research efforts and create a program within the Washington state department of agriculture to coordinate research into new and innovative control methods for burrowing shrimp infestations.

(4) This section expires July 1, 2035.

NEW SECTION. **Sec. 2.** A new section is added to chapter 15.85 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of agriculture shall administer an integrated pest management research program that focuses on addressing the impacts of

burrowing shrimp on bottom culture shellfish farming. The program must work towards the following objectives:

(a) Support and recommend funding for research efforts focused on enhancing the resilience and productivity of shellfish farming and the marine ecosystem in the face of burrowing shrimp infestations.

(b) Facilitate and enhance collaboration between researchers, shellfish farmers, regulatory agencies, and relevant stakeholders to ensure permanent, practical, and effective solutions.

(2) To accomplish its objectives, the program must do the following:

(a) Solicit researchers with expertise in marine biology, agriculture, ecology, engineering, and related fields to submit proposals for burrowing shrimp control research projects.

(b) Identify and provide ground for controlled research that explores diverse control methods.

(c) Identify funding mechanisms for future equipment needs based on tool and technology development.

(d) Provide permitting assistance for shellfish growers to use identified control methods.

(3) The governing board created in section 3 of this act is responsible for reviewing research proposals, ensuring transparency and accountability in implementing the program, and guiding the department of agriculture on the expenditure of research grant funds.

(4) Research expenditures may only be spent on projects that support control of burrowing shrimp in Willapa Bay and Grays Harbor. Any control method that has been demonstrated as ineffective in past studies is not eligible for funding.

(5) This section expires July 1, 2035.

NEW SECTION. **Sec. 3.** A new section is added to chapter 15.85 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the director of the department of agriculture, in collaboration with legislators representing legislative districts that border the Pacific Ocean and an association that supports oyster growers in the Willapa Bay and Grays Harbor region, shall establish a governing board consisting of representatives from the following entities to oversee the research program established in section 2 of this act:

(a) One member each from the departments of agriculture, ecology, natural resources, fish and wildlife, and commerce, and the state conservation commission;

(b) Five shellfish growers of varying sizes located in the Willapa Bay and Grays Harbor region;

(c) Two shellfish processors located in the Willapa Bay and Grays Harbor region;

(d) Shoalwater Bay Indian tribe;

(e) The executive director of an association supporting oyster growers in the Willapa Bay and Grays Harbor region;

(f) One member representing a nonprofit organization that develops and disseminates scientific and technical shellfish-related environmental and health and safety information; and

(g) One member from an ecosystem-based management collaborative in the Willapa Bay and Grays Harbor area, to serve in an ex officio capacity.

(2) The governing board must identify an objective and effective facilitator to moderate meetings and serve as an additional ex officio member.

(3) Members of the governing board must have a clear stake or vested interest in the preservation and sustainability of the shellfish industry, be knowledgeable about the impacts of burrowing shrimp on shellfish farming, and have a special interest in identifying tools to control burrowing shrimp with an emphasis on bottom culture shellfish farming.

(4) The governing board must meet at least quarterly and implement discussion parameters to ensure productive and efficient meetings that focus on bottom culture shellfish farming in coastal estuaries. The governing board must establish a consensus decision-making process whereby the participants develop and decide on proposals with the goal of achieving broad acceptance. In the absence of consensus on any proposal before the governing board, the proposal may be approved by a simple majority of appointed governing board members.

(5) Governing board members are eligible for reimbursement for subsistence, lodging, and travel expenses incurred in the performance of their duties pursuant to RCW 43.03.050.

(6) This section expires July 1, 2035.

Passed by the House March 10, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 88

[Engrossed House Bill 1393]

PUBLIC SCHOOL COMMENCEMENT CEREMONIES—CULTURAL EXPRESSION

AN ACT Relating to providing public school students with opportunities for cultural expression at commencement ceremonies; adding a new section to chapter 28A.600 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature recognizes that high school graduation is a significant milestone in a young person's life representing years of academic and personal growth made possible through hard work, perseverance, and the support of family, friends, and teachers.

In acknowledgment of students' accomplishments, and the identities and traditions informing their success, the legislature intends to provide public school students with the opportunity to express their cultural heritage at high school commencements and other official graduation ceremonies and events through the wearing of items or objects of cultural significance. The legislature intends also for this policy to bring parity to all cultural groups by allowing them to express cultural pride at commencements and other official graduation ceremonies and events.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) School districts shall permit students to wear an item or object of cultural significance with or attached to their gown at high school commencements and other official graduation ceremonies and events. For the purposes of this section, "an item or object of cultural significance" may include multiple items or objects if they are traditionally worn or used together. Items or objects worn in accordance with this section must be befitting of the ceremony or event and adhere to applicable decorum requirements of the school district.

(2) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts.

(3) Nothing in this section limits the discretion and authority of a school district to prohibit items or objects that are likely to cause a substantial disruption of, or material interference with, a high school commencement or other official graduation ceremony or event.

(4) Nothing in this section modifies or otherwise effects RCW 28A.600.500.

Passed by the House March 4, 2025.
Passed by the Senate April 11, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 89

[House Bill 1327]

HORSE RACING—VARIOUS PROVISIONS

AN ACT Relating to horse racing; amending RCW 67.16.010, 67.16.012, 67.16.050, 67.16.070, 67.16.100, 67.16.101, 67.16.102, 67.16.105, 67.16.140, 67.16.160, 67.16.170, 67.16.175, 67.16.251, and 67.16.280; and reenacting and amending RCW 67.16.200.

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

Sec. 1. RCW 67.16.010 and 2004 c 246 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" ((~~shall mean~~)) means the Washington horse racing commission, hereinafter created.

(2) "Parimutuel machine" ((~~shall mean and include~~)) means both machines at the track and machines at the satellite locations, that record parimutuel bets and compute the payoff.

(3) "Parimutuel wagering" means a form of wagering on the outcome of a horse race or horse races in which all wagers are pooled and held by a parimutuel pool host for distribution of the total amount, less deductions authorized by law, to holders of tickets on the winning contestants.

(4) "Person" ((~~shall mean and include~~)) means individuals, firms, corporations, and associations.

(((~~(4)~~))) (5) "Race meet" ((~~shall mean and include~~)) means any exhibition of thoroughbred, quarter horse, paint horse, appaloosa horse racing, arabian horse racing, or standard bred harness horse racing, where the parimutuel system is used.

Sec. 2. RCW 67.16.012 and 2011 1st sp.s. c 21 s 13 are each amended to read as follows:

There is hereby created the Washington horse racing commission, to consist of three commissioners, appointed by the governor and confirmed by the senate. The commissioners shall be citizens, residents, and qualified electors of the state of Washington((~~, one of whom shall be a breeder of racehorses and shall be of at least one year's standing~~)). The terms of the members shall be six years. Each member shall hold office until his or her successor is appointed and qualified. Vacancies in the office of commissioner shall be filled by appointment to be made by the governor for the unexpired term. Any commissioner may be removed at any time at the pleasure of the governor. Before entering upon the duties of his or her office, each commissioner shall enter into a surety company bond, to be approved by the governor and attorney general, payable to the state of Washington, in the penal sum of five thousand dollars, conditioned upon the faithful performance of his or her duties and the correct accounting and payment of all sums received and coming within his or her control under this chapter, and in addition thereto each commissioner shall take and subscribe to an oath of office of the same form as that prescribed by law for elective state officers.

Sec. 3. RCW 67.16.050 and 1997 c 87 s 2 are each amended to read as follows:

Every person making application for license to hold a race meet, under the provisions of this chapter shall file an application with the commission which shall set forth the time, the place, the number of days such meet will continue, and such other information as the commission may require. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue. No person who has been convicted of any crime involving moral turpitude shall be issued a license, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules and regulations of the commission made pursuant thereto, or who has failed to pay to the commission any or all sums required under the provisions of this chapter. The license shall specify the number of days the race meet shall continue and the number of races per day, which shall include not less than six ((~~nor more than eleven~~)) live races per day, and for which a fee shall be paid daily in advance of ((~~five hundred dollars~~)) $500 for each live race day ((~~for those licensees which had gross receipts from parimutuel machines in excess of fifty million dollars in the previous year and two hundred dollars for each day for meets which had gross receipts from parimutuel machines at or below fifty million dollars in the previous year; in addition any newly authorized live race meets shall pay two hundred dollars per day for the first year~~)): PROVIDED, That if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee for the meet, or for a portion which cannot be held may be refunded the licensee, if the commission deems the reasons for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this chapter, or any of the rules or regulations of the commission made pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this chapter, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three days' notice, in writing, shall be given the licensee,

specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation.

Sec. 4. RCW 67.16.070 and 1949 c 236 s 2 are each amended to read as follows:

For the purpose of encouraging the breeding, within this state, of valuable thoroughbred, quarter and/or standard bred racehorses, at least one race of each day's meet shall ((~~consist~~)) be offered exclusively ((~~of~~)) for Washington bred horses.

Sec. 5. RCW 67.16.100 and 1998 c 345 s 5 are each amended to read as follows:

(1) All sums paid to the commission under this chapter, including those sums collected for license fees and excluding those sums collected under RCW 67.16.102 and 67.16.105(3), shall be disposed of by the commission as follows: One hundred percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. ((~~No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission.~~))

(2) Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be either dispersed to Washington state registered equestrian nonprofit organizations or recognized equine-related youth organizations through a grant process set up by the commission or paid to the state treasurer and be placed in the fair fund created in RCW 15.76.115. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 6. RCW 67.16.101 and 2006 c 174 s 2 are each amended to read as follows:

The legislature finds that:

(1) A primary responsibility of the horse racing commission is the encouragement of the training and development of the equine industry in the state of Washington whether the result of this training and development results in legalized horse racing or in the recreational use of horses;

(2) The horse racing commission has a further major responsibility to assure that any facility used as a racecourse should be maintained and upgraded to ((~~insure~~)) ensure the continued safety of both the public and the horse at any time the facility is used for the training or contesting of these animals;

(3) Nonprofit race meets within the state have difficulty in obtaining sufficient funds to provide the maintenance and upgrading necessary to assure this safety at these facilities, or to permit frequent use of these facilities by 4-H children or other horse owners involved in training; and

(4) The one percent of the parimutuel machine gross receipts used to pay a special purse to the licensed owners of Washington bred horses is available for the purpose of drawing interest, thereby obtaining funds to be disbursed to achieve the necessary support to these nonprofit race meets.

Sec. 7. RCW 67.16.102 and 2009 c 87 s 1 are each amended to read as follows:

(1) Notwithstanding any other provision of ((~~chapter 67.16 RCW~~)) this chapter to the contrary, the licensee shall withhold and shall pay daily to the commission, in addition to the percentages authorized by RCW 67.16.105, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those Washington bred only horses finishing first, second, third, and fourth at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: PROVIDED, That nothing in this section shall apply to race meets which are nonprofit in nature, are of ten days or less, and have an average daily handle of less than one hundred twenty thousand dollars.

(2) The additional one percent specified in subsection (1) of this section shall be deposited by the commission in the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account created in RCW 67.16.275. The interest derived from this account shall be distributed annually on an equal basis to those racecourses at which independent race meets are held which are nonprofit in nature and are of ten days or less. Prior to receiving a payment under this subsection, any new racecourse shall meet the qualifications set forth in this section for a period of two years. All funds distributed under this subsection shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets.

(3) The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses.

(((~~(4) The commission is authorized to pay at the end of the calendar year one-half of the one percent collected from a new licensee under subsection (1) of this section for reimbursement of capital construction of that new licensee's new racetrack for a period of fifteen years. This reimbursement does not include interest earned on that one-half of one percent and such interest shall continue to be collected and disbursed as provided in RCW 67.16.101 and subsection (1) of this section.~~))

Sec. 8. RCW 67.16.105 and 2011 c 12 s 1 are each amended to read as follows:

(1) Licensees of race meets that are nonprofit in nature and are of ten days or less are exempt from payment of a parimutuel tax.

(2) Licensees that do not fall under subsection (1) of this section must withhold and pay to the commission daily for each authorized day of parimutuel wagering the following applicable percentage of all daily gross receipts from its in-state parimutuel machines:

(a) If the gross receipts of all its in-state parimutuel machines are more than ((~~fifty million dollars~~)) $20,000,000 in the previous calendar year, the licensee must withhold and pay to the commission daily 1.30 percent of the daily gross receipts; and

(b) If the gross receipts of all its in-state parimutuel machines are ((~~fifty million dollars~~)) $20,000,000 or less in the previous calendar year, the licensee

must withhold and pay to the commission daily ((~~1.803~~)) 1.8 percent of the daily gross receipts.

(3)(a) In addition to those amounts in subsection (2) of this section, a licensee must forward one-tenth of one percent of the daily gross receipts of all its in-state parimutuel machines to the commission for payment to those nonprofit race meets as set forth in RCW 67.16.130 and subsection (1) of this section, but the percentage may not be charged against the licensee.

(b) Payments to nonprofit race meets under this subsection must be distributed on a per-race-day basis and used only for purses at racetracks that have been ((~~operating under RCW 67.16.130 and subsection (1) of this section in 2010 or for the five consecutive years immediately preceding the year of payment.~~

~~(c) As provided in this subsection, the commission must distribute funds up to fifteen thousand eight hundred dollars per race day from funds generated under this subsection (3).~~

~~(4) Beginning July 1, 1999, at the conclusion of each authorized race meet, the commission must calculate the mathematical average daily gross receipts of parimutuel wagering that is conducted only at the physical location of the live race meet at those race meets of licensees with gross receipts of all their in-state parimutuel machines of more than fifty million dollars. Such calculation shall include only the gross parimutuel receipts from wagering occurring on live racing dates, including live racing receipts and receipts derived from one simulcast race card that is conducted only at the physical location of the live racing meet, which, for the purposes of this subsection, is "the handle." If the calculation exceeds eight hundred eighty-six thousand dollars, the licensee must within ten days of receipt of written notification by the commission forward to the commission a sum equal to the product obtained by multiplying 0.6 percent by the handle. Sums collected by the commission under this subsection must be forwarded on the next business day following receipt thereof to the state treasurer to be deposited in the fair fund created in RCW 15.76.115.~~)) approved for race dates in the current calendar year and operating under RCW 67.16.130 and subsection (1) of this section. If no nonprofit racing dates are approved, any amount in the fund that exceeds $180,000 at the end of each fiscal year must be deposited into the commission's operating account.

(c) As provided in this subsection, the commission must distribute funds up to $30,000 per race day from funds generated under this subsection (3).

Sec. 9. RCW 67.16.140 and 1973 1st ex.s. c 216 s 3 are each amended to read as follows:

No employee of the horse racing commission shall simultaneously serve as an employee of any track at which that individual will also serve as an employee of the commission.

Sec. 10. RCW 67.16.160 and 2004 c 274 s 3 are each amended to read as follows:

No later than ((~~ninety~~)) 90 days after July 16, 1973, the horse racing commission shall adopt, pursuant to chapter 34.05 RCW, reasonable rules implementing to the extent applicable to the circumstances of the horse racing commission the conflict of interest laws of the state of Washington as set forth in chapter 42.52 RCW. In no case may a commissioner make any wager on the

outcome of a live horse race at a race meet conducted in Washington state under the authority of the commission. For authorized simulcast races held outside the state of Washington, a commissioner is permitted to wager.

Sec. 11. RCW 67.16.170 and 1998 c 345 s 7 are each amended to read as follows:

(1) Licensees of race meets that are nonprofit in nature and are of ten days or less may retain daily for each authorized day of racing fifteen percent of daily gross receipts of all parimutuel machines at each race meet.

(2) Licensees of race meets that do not fall under subsection (1) of this section may retain daily for each authorized day of parimutuel wagering ((~~the following percentages from the daily gross receipts of all its in-state parimutuel machines:~~

~~(a) If the daily gross receipts of all its in-state parimutuel machines are more than fifty million dollars in the previous calendar year, the licensee may retain daily 13.70 percent of the daily gross receipts; and~~

~~(b) If the daily gross receipts of all its in-state parimutuel machines are fifty million dollars or less in the previous calendar year, the licensee may retain daily 14.48 percent of the daily gross receipts.~~)) no more than 15 percent of the daily gross receipts.

Sec. 12. RCW 67.16.175 and 2009 c 87 s 2 are each amended to read as follows:

(1) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain daily for each authorized day of racing an additional six percent of the daily gross receipts of all parimutuel machines from exotic wagers at each race meet.

(2) ((~~Except as provided in subsection (3) of this section, of~~)) Of the amounts retained in subsection (1) of this section, one-sixth shall be paid to the commission at the end of the race meet for deposit in the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account created in RCW 67.16.275. Such amounts shall be used by the commission for Washington bred breeder awards, in accordance with the rules and qualifications adopted by the commission.

(3) ((~~Of the amounts retained for breeder awards under subsection (2) of this section, twenty-five percent shall be retained by a new licensee for reimbursement of capital construction of the new licensee's new racetrack for a period of fifteen years.~~

~~(4)~~)) As used in this section, "exotic wagers" means any multiple wager. Exotic wagers are subject to approval of the commission.

Sec. 13. RCW 67.16.200 and 2013 c 23 s 178 and 2013 c 18 s 1 are each reenacted and amended to read as follows:

(1) A class 1 racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering at a satellite location or locations within the state of Washington. In order to participate in parimutuel wagering at a satellite location or locations within the state of Washington, the holder of a class 1 racing association license must have conducted at least one full live racing season. All class 1 racing associations must hold a live race meet within each succeeding twelve-month period to maintain eligibility to continue to participate in parimutuel wagering at

a satellite location or locations. ((~~The sale of parimutuel pools at satellite locations shall be conducted simultaneous to all parimutuel wagering activity conducted at the licensee's live racing facility in the state of Washington.~~)) The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; provided however, the commission may approve two satellite locations in counties with a population exceeding one million. The commission may grant approval for more than one licensee to conduct wagering at each satellite location. A satellite location shall not be operated within twenty driving miles of any class 1 racing facility. For the purposes of this section, "driving miles" means miles measured by the most direct route as determined by the commission; and

(b) A licensee shall not conduct satellite wagering at any satellite location within sixty driving miles of any other class 1 racing facility conducting a live race meet.

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, 67.16.170, and 67.16.175. A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

(4) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to locations outside of the state of Washington approved by the commission and in accordance with the interstate horse racing act of 1978 (15 U.S.C. Sec. 3001 to 3007) or any other applicable laws. The commission may permit parimutuel pools on the simulcast races to be combined in a common pool. A racing association that transmits simulcasts of its races to locations outside this state shall pay at least fifty percent of the fee that it receives for sale of the simulcast signal to the horsemen's or horsewomen's purse account for its live races after first deducting the actual cost of sending the signal out of state.

(5) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to licensed racing associations located within the state of Washington and approved by the commission for the receipt of the simulcasts. The commission shall permit parimutuel pools on the simulcast races to be combined in a common pool. The fee for in-state, track-to-track simulcasts shall be five and one-half percent of the gross parimutuel receipts generated at the receiving location and payable to the sending racing association. A racing association that transmits simulcasts of its races to other licensed racing associations shall pay at least fifty percent of the fee that it receives for the simulcast signal to the horsemen's or horsewomen's purse account for its live race meet after first deducting the actual cost of sending the simulcast signal. A racing association

that receives races simulcast from class 1 racing associations within the state shall pay at least fifty percent of its share of the parimutuel receipts to the horsemen's or horsewomen's purse account for its live race meet after first deducting the purchase price and the actual direct costs of importing the race.

(6) A class 1 racing association may be allowed to import simulcasts of horse races from out-of-state racing facilities. With the prior approval of the commission, the class 1 racing association may participate in a multijurisdictional common pool and may change its commission and breakage rates to achieve a common rate with other participants in the common pool.

(a) The class 1 racing association shall make written application with the commission for permission to import simulcast horse races for the purpose of parimutuel wagering. Subject to the terms of this section, the commission is the sole authority in determining whether to grant approval for an imported simulcast race.

(b) When open for parimutuel wagering, a class 1 racing association which imports simulcast races shall also conduct simulcast parimutuel wagering within its licensed racing enclosure on all races simulcast from other class 1 racing associations within the state of Washington.

(c) On any imported simulcast race, the class 1 racing association shall pay fifty percent of its share of the parimutuel receipts to the horsemen's or horsewomen's purse account for its live race meet after first deducting the purchase price of the imported race and the actual costs of importing and offering the race.

(7) A licensed nonprofit racing association may be approved to import one simulcast race of regional or national interest on each live race day.

(8) For purposes of this section, a class 1 racing association is defined as a licensee approved by the commission to conduct during each twelve-month period at least forty days of live racing. If a live race day is canceled due to reasons directly attributable to acts of God, labor disruptions affecting live race days but not directly involving the licensee or its employees, or other circumstances that the commission decides are beyond the control of the class 1 racing association, then the canceled day counts toward the forty-day requirement. The commission may by rule increase the number of live racing days required to maintain class 1 racing association status or make other rules necessary to implement this section.

(9) This section does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before April 19, 1997. Therefore, this section does not allow gaming of any nature or scope that was prohibited before April 19, 1997. This section is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of this section is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities. Therefore, a licensed class 1 racing association may be approved to disseminate imported simulcast race card programs to satellite locations approved under this section((~~, provided that the class 1 racing association has conducted at least forty live racing days with an average on-track handle on the live racing product of a minimum of one hundred fifty thousand dollars per day during the twelve~~

~~months immediately preceding the application date. However, to promote the development of a new class 1 racing association facility and to meet the best interests of the Washington equine breeding and racing industries, the commission may by rule reduce the required minimum average on-track handle on the live racing product from one hundred fifty thousand dollars per day to thirty thousand dollars per day~~)).

(10) A licensee conducting simulcasting under this section shall place signs in the licensee's gambling establishment under RCW 9.46.071. The informational signs concerning problem and compulsive gambling must include a toll-free telephone number for problem and pathological gamblers and be developed under RCW 9.46.071.

(11) Chapter 10, Laws of 2001 1st sp. sess. does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before August 23, 2001. Therefore, this section does not allow gaming of any nature or scope that was prohibited before August 23, 2001. Chapter 10, Laws of 2001 1st sp. sess. is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of chapter 10, Laws of 2001 1st sp. sess. is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities.

Sec. 14. RCW 67.16.251 and 2005 c 351 s 2 are each amended to read as follows:

Class 1 racing associations and licensed advanced deposit wagering companies may conduct horse race handicapping contests. The commission shall establish rules for the ((~~conduct~~)) approval of handicapping contests involving the outcome of multiple horse races.

Sec. 15. RCW 67.16.280 and 2016 c 160 s 1 are each amended to read as follows:

(1)(a) The Washington horse racing commission operating account is created in the custody of the state treasurer. All receipts collected by the commission under RCW 67.16.105(2) must be deposited into the account. Expenditures from the account may be used only for the operating expenses of the commission. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(b) The commission has the authority to receive such gifts, grants, and endowments from public or private sources as may be made from time to time in trust or otherwise for the use and purpose of regulating or supporting nonprofit race meets as set forth in RCW 67.16.130 and 67.16.105(1); such gifts, grants, and endowments must also be deposited into the horse racing commission operating account and expended according to the terms of such gift, grant, or endowment.

(2) In order to provide funding in support of the legislative findings in RCW 67.16.101 (1) through (3), and to provide additional necessary support to the nonprofit race meets beyond the funding provided by RCW 67.16.101(4) and 67.16.102(2), the commission is authorized to spend up to ((~~three hundred~~

~~thousand dollars~~)) $500,000 per fiscal year from its operating account for the purpose of developing the equine industry, maintaining and upgrading racing facilities, and assisting equine health research. When determining how to allocate the funds available for these purposes, the commission must give first consideration to uses that regulate and assist the nonprofit race meets and equine health research. These expenditures may occur only when sufficient funds remain for the continued operations of the horse racing commission.

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CHAPTER 90

[House Bill 1484]

EXCEPTIONAL CRIMINAL SENTENCES—PREGNANCY OF A VICTIM OF RAPE

AN ACT Relating to exceptional sentences for offenses which result in the pregnancy of a victim of rape; and amending RCW 9.94A.535.

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

Sec. 1. RCW 9.94A.535 and 2019 c 219 s 1 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The defendant was making a good faith effort to obtain or provide medical assistance for someone who is experiencing a drug-related overdose.

(j) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(k) The defendant was convicted of vehicular homicide, by the operation of a vehicle in a reckless manner and has committed no other previous serious traffic offenses as defined in RCW 9.94A.030, and the sentence is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a

sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, or stalking, as defined in RCW 9A.46.110, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a ((~~child~~)) victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property((~~, private metal property,~~)) or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

(bb) The current offense involved paying to view, over the internet in violation of RCW 9.68A.075, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~)) (7) (a) through (g).

(cc) The offense was intentionally committed because the defendant perceived the victim to be homeless, as defined in RCW 9.94A.030.

(dd) The current offense involved a felony crime against persons, except for assault in the third degree pursuant to RCW 9A.36.031(1)(k), that occurs in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This subsection shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with RCW 2.28.200 at the time of the offense.

(ee) During the commission of the current offense, the defendant was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater.

(ff) The current offense involved the assault of a utility employee of any publicly or privately owned utility company or agency, who is at the time of the act engaged in official duties, including: (i) The maintenance or repair of utility poles, lines, conduits, pipes, or other infrastructure; or (ii) connecting, disconnecting, or recording utility meters.

Passed by the House February 20, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 91

[Substitute House Bill 1486]

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES—STUDENT MEMBER

AN ACT Relating to adding a student member to the state board for community and technical colleges; amending RCW 28B.50.050 and 28B.50.070; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature recognizes that the decisions made by the state board for community and technical colleges greatly impact the lives and education experiences of students and that student participation in the decision-making process can provide meaningful insight into the impact of these decisions from the student perspective, which is unique compared to the perspective of traditional board members.

The legislature finds that students have served on higher education-related governing boards in Washington state and other states for decades. Specifically, students serve on the governing boards of systems of community and technical colleges in over 10 other states. Students also serve as voting members on both the Washington student achievement council and the workforce education investment accountability and oversight board. These opportunities have provided students the opportunity to contribute greatly to deliberations where they have been able to share ideas and concerns on decisions that directly impact students.

The legislature further finds that student perspectives offer the opportunity to bring the state board for community and technical colleges closer to the student community that it serves. Being on campus and in class every day, students are exposed directly to many topics of interest to the board, which is important for comprehensive and in-depth discussion. Moreover, student populations at community and technical colleges are the most diverse of any institution of higher education in the state, and thus the student member would be exposed to a more diverse group than any other member of the board representing any one group of the community.

Additionally, the legislature acknowledges that student positions on governing boards are also a valuable tool for developing leadership through experiential learning. Student members learn processes of institutional governance, analyze policy proposals, and participate in board discussions and decision making.

Therefore, it is the intent of the legislature to enhance community college governance by the state board of community and technical colleges through fostering a stronger relationship with students in policy development and decision making at the state level.

Sec. 2. RCW 28B.50.050 and 1991 c 238 s 30 are each amended to read as follows:

(1) There is hereby created the "state board for community and technical colleges", to consist of ((~~nine~~)) 10 members who represent the geographic diversity of the state, and who shall be appointed by the governor, with the consent of the senate. At least two members shall reside east of the Cascade mountains. In making these appointments, the governor shall attempt to provide geographic balance and give consideration to representing labor, business, women, and racial and ethnic minorities, among the membership of the board. At least one member of the board shall be from business and at least one member of the board shall be from labor. ((~~The current members of the state board for community college education on September 1, 1991, shall serve on the state board for community and technical colleges until their terms expire. Successors to these members shall be appointed according to the terms of this section. A ninth member shall be appointed by September 1, 1991, for a complete term~~)) One member of the board shall be a student enrolled at a community or technical college.

(2) The ((~~successors of the~~)) members ((~~initially appointed~~)), except for the student member, shall be appointed for terms of four years except that a person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. The student member shall serve for a term of one year. The student member must be at least 18 years of age at the

time of appointment. Each member shall serve until the appointment and qualification of his or her successor. All members shall be citizens and bona fide residents of the state.

(3) Members of the college board shall be compensated in accordance with RCW 43.03.240 and shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day actually spent in attending to the duties as a member of the college board.

(4) The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500.

(5) A student appointed under this section shall excuse themself from participating or voting on matters relating to hiring, discipline, personnel, or issues pertaining to pending litigation.

(6) The college board may adopt rules to implement this section.

Sec. 3. RCW 28B.50.070 and 1987 c 505 s 15 are each amended to read as follows:

The governor shall make the appointments to the college board.

The college board shall organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. Annually the board shall elect a chairperson and vice chairperson; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. ((~~Five~~)) Six members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. Subject to RCW 40.07.040, the college board shall transmit a report in writing to the governor biennially which report shall contain such information as may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state.

Passed by the House March 11, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 92

[House Bill 1540]

TRIBAL COLLEGES—STUDENTS EXPERIENCING HOMELESSNESS AND FOSTER YOUTH PROGRAM

AN ACT Relating to expanding eligibility for the students experiencing homelessness and foster youth program to an accredited tribal college; and amending RCW 28B.77.850.

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

Sec. 1. RCW 28B.77.850 and 2023 c 339 s 2 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, each public four-year institution of higher education and a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education may implement a program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. The program must provide certain accommodations to these students that may include, but are not limited to, the following:

(a) Access to laundry facilities;

(b) Access to storage;

(c) Access to locker room and shower facilities;

(d) Reduced-price meals or meal plans, and access to food banks;

(e) Access to technology;

(f) Access to short-term housing or housing assistance, especially during seasonal breaks; and

(g) Case management services.

(2) The four-year institutions of higher education and the tribal college may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) The four-year institutions of higher education and the tribal college participating in the program shall leverage existing community resources by making available to students in the program information that is available for individuals experiencing homelessness, including through not-for-profit organizations, the local housing authority, and the department of commerce's office of homeless youth.

(4) The four-year institutions of higher education and the tribal college participating in the program shall annually provide a joint report to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who attended a four-year institution of higher education or a tribal college during the program. The council shall coordinate with all of the four-year institutions of higher education and the tribal college to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the four-year institutions of higher education and the tribal college;

(b) The number of students assisted by the program;

(c) Strategies for accommodating students experiencing homelessness or food insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(5) For purposes of this section, "program" means the students experiencing homelessness and foster youth program.

Passed by the House February 20, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 93

[Engrossed Second Substitute House Bill 1563]

PRESCRIBED FIRE CLAIMS FUND PILOT PROGRAM

AN ACT Relating to a prescribed fire claims fund pilot program; amending RCW 4.92.220; adding a new section to chapter 76.04 RCW; creating new sections; providing expiration dates; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington is experiencing a forest health crisis. Rangeland and forest fires have grown both larger and more damaging in recent years, threatening the health, livelihoods, and homes of Washingtonians. Over the last 10 years, wildfires have burned an average of 470,000 acres across the state. According to the 2020 forest health assessment and treatment framework, approximately 3,000,000 acres in eastern Washington alone are in need of active management or disturbance to improve forest resiliency to stressors such as wildfire and drought.

(2) The legislature finds that prescribed fire and cultural burning are one of the most effective, yet underutilized tools to help address the forest health crisis. Most ecosystems in Washington evolved with fire through stewardship by tribal peoples and ignitions like lightning strikes. Prescribed fire and cultural burning remove dead and downed brush and vegetation, providing more management opportunities for fire suppression across a variety of landscapes by proactively removing hazardous fuels. Compared to wildfire smoke, prescribed fire smoke produces up to 50 percent less PM2.5. Fire also returns important nutrients to the soil, revitalizes plant growth, and improves wildlife habitat. Tribes have used cultural burning since time immemorial to sustain healthy and resilient lands.

(3) The legislature finds that growing risks of wildfires to communities and the environment generally requires at least a five-fold increase in prescribed burning to effectively reduce accumulated fuels, restore resiliency to landscapes, and protect communities.

(4) The legislature further finds that while prescribed fire escapements are rare, the uncertain financial implications associated with an escapement deter this work despite its low risk. The 2023 Washington prescribed fire barriers assessment report and strategic action plan found that one of the most significant barriers to more prescribed burns has been uncertainty around potential liability.

(5) Therefore, the legislature intends to establish a fire claims fund pilot program to provide loss coverage for prescribed and cultural burns conducted in accordance with applicable requirements. By decreasing the uncertainty associated with these regulated burns, the legislature intends to promote the use of this critical tool for strengthening and protecting our resources and communities.

NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of risk management shall, in consultation with the department, establish a prescribed fire claims fund pilot program for the purposes of:

(a) Supporting coverage for losses from prescribed fires and cultural burning on department protected lands and on tribal lands where an agreement exists between the Indian tribe and the department or where approved by the Indian tribe. The fund would not be utilized when prescribed fires or cultural burning have federal tort claims act coverage under a federally recognized burn plan; and

(b) Supporting nonstate and nonfederal entities that are alleged to have caused damages resulting from appropriately conducted prescribed fires or cultural burning on department protected lands and tribal lands as described in (a) of this subsection.

(2) To be eligible for reimbursement under this section, a claim must meet the criteria in (a) and (b) of this subsection.

(a) The claim results from a prescribed fire or cultural burn conducted on department protected lands and tribal lands as described in subsection (1)(a) of this section:

(i) By a certified burn manager, under an approved burn plan, with applicable permits and in accordance with any other applicable conditions or requirements as determined by the department; or

(ii) By a cultural fire practitioner, in accordance with any applicable burn plan or permit.

(b) The claim is for:

(i) Property or economic damage, as described under RCW 76.04.760(3)(a), (c), and (d), suffered by the claimant as a result of the prescribed fire or cultural burn;

(ii) Reasonable costs authorized for reimbursement by the department under RCW 76.04.475, related to the prescribed fire or cultural burn; or

(iii) Costs of suppression of an escapement for which a person is liable to a third party.

(c) A claim for damage suffered as a result of a prescribed fire or cultural burn started, spread, or otherwise caused by a criminal or negligent act is not eligible for reimbursement under this section.

(3) Upon submission of a claim, the department shall determine and certify to the office of risk management whether the claim meets the criteria in subsection (2) of this section.

(4) The office of risk management may reimburse an eligible claim in an amount equal to or less than the actual losses suffered by the claimant, not to exceed $2,000,000 per claim. The payment of a claim under this section is conditional on the availability of specific funding for this purpose, and nothing in this section shall be construed to create an entitlement to reimbursement or payment of any claim. The total amount paid for claims may not exceed the amounts available in the account established in subsection (7) of this section.

(5)(a) The office of risk management shall collaborate with the department, other relevant state agencies, the Washington prescribed fire council, cultural

fire practitioners, and certified burn managers to establish guidelines governing the pilot program and the administration of the account established in subsection (7) of this section, including:

(i) Procedures for the submission of claims;

(ii) Any additional criteria for claim eligibility, as appropriate; and

(iii) A methodology or structure for how the payment of claims will be prioritized in the event that eligible claims exceed the amounts available in the account established in subsection (7) of this section.

(b) The office of risk management and the department may adopt rules to implement this section.

(c) Guidelines and any rules adopted under this section must be made publicly available on the websites of the office of risk management and the department.

(6) This section does not limit the ability of a person to assert a claim for damages arising from a prescribed fire under any other law. A court shall offset any award of damages to a claimant under an action arising from the same set of alleged facts by the amount of reimbursement provided under this section.

(7)(a) The prescribed fire claims account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for the reimbursement of claims under this section.

(b) Upon the expiration of this section, any remaining amounts in the account must be deposited in the natural climate solutions account.

(8) For the purposes of this section:

(a) "Certified burn manager" means a prescribed burn manager certified under RCW 76.04.183 or a prescribed fire burn boss certified under the national wildfire coordinating group standards.

(b) "Cultural fire practitioner" means a person approved by an Indian tribe as having experience in burning to meet cultural goals or objectives, including subsistence, ceremonial activities, biodiversity, or other benefits.

(c) "Department protected lands" has the same meaning as in RCW 76.04.005.

(d) "Indian tribe" has the same meaning as in RCW 43.376.010.

(9) This section expires June 30, 2033.

Sec. 3. RCW 4.92.220 and 2002 c 332 s 18 are each amended to read as follows:

(1) The risk management administration account is created in the custody of the state treasurer. All receipts from appropriations and assessments shall be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The risk management administration account is to be used for the payment of costs related to:

(a) The appropriated administration of liability, property, and vehicle claims, including investigation, claim processing, negotiation, and settlement, and other expenses relating to settlements and judgments against the state not otherwise budgeted; ((~~and~~))

(b) The nonappropriated pass-through cost associated with the purchase of liability and property insurance, including catastrophic insurance, subject to policy conditions and limitations determined by the risk manager; and

(c) The administration of the prescribed fire claims fund pilot program under section 2 of this act.

(3) The risk management administration account's appropriation for risk management shall be financed through a combination of direct appropriations and assessments to state agencies.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 5.** Section 3 of this act expires June 30, 2033.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 7, 2025.
Passed by the Senate April 11, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 94

[Engrossed House Bill 1609]

BOARD OF NATURAL RESOURCES—MEMBERSHIP OF SUPERINTENDENT OF PUBLIC INSTRUCTION

AN ACT Relating to efficient administration of state education agencies; and amending RCW 43.30.205.

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

Sec. 1. RCW 43.30.205 and 2010 c 189 s 1 are each amended to read as follows:

(1) The board shall consist of six members:

(a) The governor or the governor's designee;

(b) The superintendent of public instruction or the superintendent's designee from the office of the superintendent of public instruction;

(c) The commissioner;

(d) The director of the University of Washington school of forest resources;

(e) The dean of the Washington State University college of agricultural, human, and natural resource sciences; and

(f) A representative of those counties that contain state forestlands acquired or transferred under RCW 79.22.010, 79.22.040, and 79.22.020.

(2)(a) The county representative on the board shall be selected by the legislative authorities of those counties that contain state forestlands acquired or transferred under RCW 79.22.010, 79.22.040, and 79.22.020. In the selection of the county representative, each participating county shall have one vote. The Washington state association of counties shall convene a meeting for the purpose of making the selection and shall notify the board of the selection.

(b) The county representative must be a duly elected member of a county legislative authority who shall serve a term of four years unless the representative should leave office for any reason. The initial term shall begin on July 1, 1986.

Passed by the House March 11, 2025.
Passed by the Senate April 11, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 95

[House Bill 1636]

WINE AND SPIRIT SALES TO RETAILERS—PER TRANSACTION LIMIT

AN ACT Relating to simplifying administration of wine and spirit sales by eliminating the per transaction limit for volume; and amending RCW 66.24.035, 66.24.179, 66.24.360, and 66.24.630.

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

Sec. 1. RCW 66.24.035 and 2017 c 96 s 1 are each amended to read as follows:

(1) There is a license called a combination spirits, beer, and wine license, to sell wine and beer, including without limitation strong beer, at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold, and to:

(a) Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders;

(b) Sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses((~~, although no single sale may exceed twenty-four liters~~)); and

(c) Export spirits.

(2) The annual fee for the combination spirits, beer, and wine license is ((~~three hundred sixteen dollars~~)) $316 for each store.

(3) For the purposes of this title, a combination spirits, beer, and wine license is a retail license, and a sale by a combination spirits, beer, and wine licensee is a retail sale only if not for resale. Nothing in this title authorizes sales by on-premise licensees to other retail licensees.

(4)(a) The board may issue a combination spirits, beer, and wine license:

(i) For premises comprising at least ((~~ten thousand~~)) 10,000 square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain appropriate systems for inventory management, employee training, employee supervision, and physical security of the product;

(ii) For premises of a former contract liquor store; or

(iii) To a holder of former state liquor store operating rights sold at auction under RCW 66.24.620.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations adopted thereunder including, without limitation, rights of cities, towns, county legislative authorities, the public, churches, schools, and public

institutions to object to or prevent issuance of local liquor licenses. However, existing grocery and other retail premises over ((~~ten thousand~~)) 10,000 square feet licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for combination spirits, beer, and wine licenses.

(c) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits and deliver spirits in the same manner as is provided in RCW 66.24.630(3)(d).

(d) For purposes of negotiating volume discounts of spirits, a group of individual retailers authorized to sell spirits for consumption off the licensed premises may accept delivery of spirits as provided in RCW 66.24.630(3)(e).

(5) Each combination spirits, beer, and wine licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to the license issuance fee imposed on licensees selling spirits pursuant to RCW 66.24.630(4)(a).

(6) The board may not issue a combined spirits, beer, and wine license to an applicant if the applicant would qualify for a restricted license as provided in RCW 66.24.371(4) or 66.24.360(7) if the applicant had applied for a license under RCW 66.24.371 or 66.24.360 instead of pursuant to this section.

(7) As a condition to receiving and renewing a combination spirits, beer, and wine license the licensee must comply with RCW 66.24.630(6).

(8) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by combination spirits, beer, and wine licensees.

(9)(a) A combination spirits, beer, and wine licensee that joins the responsible vendor program developed by the board pursuant to RCW 66.24.630(8) and maintains all of the program's requirements is not subject to the doubling of penalties provided in this section for a single violation in any period of ((~~twelve~~)) 12 calendar months.

(b) To participate in the responsible vendor program, a combination spirits, beer, and wine licensee must submit an application form to the board. If the application establishes that the combination spirits, beer, and wine licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(c) A combination spirits, beer, and wine licensee participating in the responsible vendor program must meet the requirements in RCW 66.24.630(8)(e) and comply with board rules adopted to implement RCW 66.24.630(8).

(10)(a) Any endorsement available to the holder of a license issued pursuant to RCW 66.24.360 or 66.24.371 is available, upon board approval and pursuant to board rules, to a combination spirits, beer, and wine licensee, provided that the combination spirits, beer, and wine licensee would qualify for a license and the endorsement under RCW 66.24.360 or 66.24.371, as applicable, had the licensee applied for a license and endorsement pursuant to RCW 66.24.360, 66.24.363, or 66.24.371, as applicable, instead of the combination spirits, beer, and wine license pursuant to this section. A combination spirits, beer, and wine licensee with an endorsement issued pursuant to this subsection must comply with the requirements of the endorsement to the same extent as if the endorsement was issued pursuant to RCW 66.24.360, 66.24.363, or 66.24.371, as applicable.

(b) A combination spirits, beer, and wine licensee may conduct sampling in accordance with:

(i) RCW 66.24.371(2) if the combination spirits, beer, and wine licensee would qualify for a license under RCW 66.24.371; or

(ii) RCW 66.24.363 if the combination spirits, beer, and wine licensee would qualify for a license under RCW 66.24.360.

(11) Licensees holding a combination spirits, beer, and wine license must maintain either:

(a) A minimum ((~~three thousand dollar~~)) $3,000 inventory of food products for human consumption, not including pop, beer, strong beer, wine, or spirits; or

(b) A minimum ((~~three thousand dollar~~)) $3,000 wholesale inventory of beer, strong beer, and/or wine.

(12) A combination spirits, beer, and wine licensee holding a snack bar license under RCW 66.24.350 may receive an endorsement to allow the sale of confections containing more than one percent but not more than ((~~ten~~)) 10 percent alcohol by weight to persons ((~~twenty-one~~)) 21 years of age or older.

(13) The board may adopt rules to implement this section.

Sec. 2. RCW 66.24.179 and 2016 c 190 s 1 are each amended to read as follows:

(1) There is a wine retailer reseller endorsement to a beer and/or wine specialty shop license issued under RCW 66.24.371, to sell wine at retail in original containers to retailers licensed to sell wine for consumption on the premises, for resale at their licensed premises according to the terms of the license. ((~~However, no single sale may exceed twenty-four liters, unless the sale is made by a licensee that was a former state liquor store or contract liquor store at the location from which such sales are made.~~)) For the purposes of this title, a beer and/or wine specialty shop license is a retail license, and a sale by a beer and/or wine specialty shop license with a reseller endorsement is a retail sale only if not for resale. The annual fee for the wine retailer reseller endorsement is ((~~one hundred ten dollars~~)) $110 for each store.

(2) A beer and/or wine specialty shop licensee with a wine retailer reseller endorsement issued under this section may accept delivery of wine at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed premises, to other registered facilities, or to lawful purchasers outside the state. Facilities may be registered and utilized by associations, cooperatives, or comparable groups of beer and/or wine specialty shop licensees.

(3) A beer and/or wine specialty shop licensee, selling wine under the endorsement created in this section, may sell a maximum of ((~~five thousand~~)) 5,000 liters of wine per day for resale to retailers licensed to sell wine for consumption on the premises.

Sec. 3. RCW 66.24.360 and 2017 c 96 s 2 are each amended to read as follows:

(1) There is a grocery store license to sell wine and/or beer, including without limitation strong beer at retail in original containers, not to be consumed upon the premises where sold.

(2) There is a wine retailer reseller endorsement of a grocery store license, to sell wine at retail in original containers to retailers licensed to sell wine for consumption on the premises, for resale at their licensed premises according to the terms of the license. ((~~However, no single sale may exceed twenty-four liters, unless the sale is made by a licensee that was a contract liquor store manager of a contract-operated liquor store at the location from which such sales are made.~~)) For the purposes of this title, a grocery store license is a retail license, and a sale by a grocery store licensee with a reseller endorsement is a retail sale only if not for resale.

(3) Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding less than ((~~five and one-half~~)) 5.5 gallons of liquid.

(4) The annual fee for the grocery store license is ((~~one hundred fifty dollars~~)) $150 for each store.

(5) The annual fee for the wine retailer reseller endorsement is ((~~one hundred sixty-six dollars~~)) $166 for each store.

(6)(a) Upon approval by the board, a grocery store licensee with revenues derived from beer and/or wine sales exceeding ((~~fifty~~)) 50 percent of total revenues or that maintains an alcohol inventory of not less than ((~~fifteen thousand dollars~~)) $15,000 may also receive an endorsement to permit the sale of beer and cider, as defined in RCW 66.24.210(6), in a sanitary container brought to the premises by the purchaser, or provided by the licensee or manufacturer, and filled at the tap by the licensee at the time of sale by an employee of the licensee holding a class 12 alcohol server permit.

(b) Pursuant to RCW 74.08.580(1)(f), a person may not use an electronic benefit transfer card for the purchase of any product authorized for sale under this section.

(c) The board may, by rule, establish fees to be paid by licensees receiving the endorsement authorized under this subsection (6), as necessary to cover the costs of implementing and enforcing the provisions of this subsection (6).

(7) The board must issue a restricted grocery store license authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of strong beer or fortified wine would be against the public interest. In determining the public interest, the board must consider at least the following factors:

(a) The likelihood that the applicant will sell strong beer or fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing strong beer or fortified wine at the establishment; and

(c) Whether the sale of strong beer or fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of strong beer or fortified wine would be against the public interest, it must issue or renew the license without restriction, as applicable. The burden of establishing that the sale of strong beer or fortified wine by the licensee would be against the public interest is on those persons objecting.

(8) Licensees holding a grocery store license must maintain a minimum ((~~three thousand dollar~~)) $3,000 inventory of food products for human consumption, not including pop, beer, strong beer, or wine.

(9) A grocery store licensee with a wine retailer reseller endorsement may accept delivery of wine at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed premises, to other registered facilities, or to lawful purchasers outside the state. Facilities may be registered and utilized by associations, cooperatives, or comparable groups of grocery store licensees.

(10) Upon approval by the board, the grocery store licensee may also receive an endorsement to permit the international export of beer, strong beer, and wine.

(a) Any beer, strong beer, or wine sold under this endorsement must have been purchased from a licensed beer or wine distributor licensed to do business within the state of Washington.

(b) Any beer, strong beer, and wine sold under this endorsement must be intended for consumption outside the state of Washington and the United States and appropriate records must be maintained by the licensee.

(c) Any beer, strong beer, or wine sold under this endorsement must be sold at a price no less than the acquisition price paid by the holder of the license.

(d) The annual cost of this endorsement is ((~~five hundred dollars~~)) $500 and is in addition to the license fees paid by the licensee for a grocery store license.

(11) A grocery store licensee holding a snack bar license under RCW 66.24.350 may receive an endorsement to allow the sale of confections containing more than one percent but not more than ((~~ten~~)) 10 percent alcohol by weight to persons ((~~twenty-one~~)) 21 years of age or older.

(12) The board may adopt rules to implement this section.

(13) Nothing in this section limits the authority of the board to regulate the sale of beer or cider or container sizes under rules adopted pursuant to RCW 66.08.030.

(14) Any endorsement issued pursuant to this section or RCW 66.24.363 may be issued to a qualified combination spirits, beer, and wine licensee in accordance with RCW 66.24.035(10).

(15)(a) A grocery store licensee that also holds a spirits retail license under RCW 66.24.630 may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW 66.24.035.

(b) An applicant that would qualify for a grocery store license under this section and a spirits retail license under RCW 66.24.630 may apply for a single license pursuant to RCW 66.24.035 instead of applying for a grocery store license under this section in addition to a spirits retail license under ((~~to~~)) RCW 66.24.630.

Sec. 4. RCW 66.24.630 and 2021 c 48 s 5 are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption

on the premises, for resale at their licensed premises according to the terms of their licenses((~~, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales~~)); and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, including combination spirits, beer, and wine licensees holding a license issued pursuant to RCW 66.24.035, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premises licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ((~~ten thousand~~)) 10,000 square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations adopted thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no spirits retail license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(e) For purposes of negotiating volume discounts, a group of individual retailers authorized to sell spirits for consumption off the licensed premises may accept delivery of spirits at their individual licensed premises or at any one of the individual licensee's premises, or at a warehouse facility registered with the board.

(4)(a) Except as otherwise provided in RCW 66.24.632, section 2, chapter 48, Laws of 2021, or in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to ((~~seventeen~~)) 17 percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries for sales of spirits of the craft distillery's own production.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of ((~~one hundred sixty-six dollars~~)) $166. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a spirits retail license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" adopted by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by spirits retail licensees.

(8)(a) The board must adopt regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of ((~~twelve~~)) 12 calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

(i) Provide ongoing training to employees;

(ii) Accept only certain forms of identification for alcohol sales;

(iii) Adopt policies on alcohol sales and checking identification;

(iv) Post specific signs in the business; and

(v) Keep records verifying compliance with the program's requirements.

(f)(i) A spirits retail licensee that also holds a grocery store license under RCW 66.24.360 or a beer and/or wine specialty shop license under RCW 66.24.371 may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW 66.24.035.

(ii) An applicant that would qualify for a spirits retail license under this section and that qualifies for a combination spirits, beer, and wine license pursuant to RCW 66.24.035 may apply for a license pursuant to RCW 66.24.035 instead of applying for a spirits retail license under this section.

Passed by the House March 11, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 96

[Substitute House Bill 1669]

PROSTHETIC LIMBS AND CUSTOM ORTHOTIC BRACES—HEALTH PLAN COVERAGE

AN ACT Relating to coverage requirements for prosthetic limbs and custom orthotic braces; and adding a new section to chapter 48.43 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (9) of this section, a health plan offered in the large group or small group market that is issued or renewed on or after January 1, 2026, must include coverage for one or more prostheses per limb and

custom orthotic braces per limb when medically necessary for the enrollee to participate in any of the following:

(a) Completing activities of daily living or essential job-related activities; and

(b) Performing physical activities, including but not limited to running, biking, swimming, and strength training, for maximizing the enrollee's lower limb function, upper limb function, or both.

(2) The coverage required under this section must also include coverage for:

(a) Materials, components, and related services necessary to use the devices for their intended purposes;

(b) Instruction to the enrollee on using the devices; and

(c) Reasonable repair or replacement of the devices.

(3)(a) Coverage under this section includes coverage for the replacement or repair of a prosthetic limb or custom orthotic brace or for the replacement or repair of any part of such devices, without regard to continuous use or useful lifetime restrictions, if medically necessary because:

(i) Of a change in the physiological condition of the patient;

(ii) Of an irreparable change in the condition of the device or a part of the device; or

(iii) The device, or any part of the device, requires repairs and the cost of such repairs would be more than 60 percent of the cost of a replacement device or of the part being replaced.

(b) Confirmation from the prescribing health care provider may be required if the prosthetic limb or custom orthotic brace or part being replaced is less than three years old.

(4) A health plan offered in the large group or small group market may not deny coverage for a prosthetic limb or custom orthotic brace for an enrollee with a disability if health care services would otherwise be covered for a nondisabled person seeking medical or surgical intervention to restore or maintain the ability to perform the same physical activity.

(5) For coverage under this section, a health plan offered in the large group or small group market may apply normal utilization management and prior authorization practices. Any denial of coverage must be issued in writing with an explanation for determining coverage was not medically necessary.

(6) A health plan offered in the large group or small group market shall provide payment for coverage under this section that is at least equal to the payment and coverage for prosthetic limbs and custom orthotic braces provided under federal laws and regulations for the aged and disabled pursuant to 42 U.S.C. Sec. 1395k, 1395l, and 1395m and 42 C.F.R. Sec. 414.202, 414.210, 414.228, and 410.100.

(7) No later than July 1, 2028, each carrier that issues a health plan subject to this section shall report to the office of the insurance commissioner, in a form and manner determined by the commissioner, the number of claims and the total amount of claims paid in the state for the services required by this section for plan years 2026 and 2027. The commissioner shall aggregate this data by plan year in a report and submit the report to the relevant committees of the legislature by December 1, 2028.

(8) For the purposes of this section:

(a) "Prosthetic limb" or "prosthesis" means an external medical device that is used to replace or restore a missing limb or portion of a limb and is deemed medically necessary for an individual with a mobility impairing health condition or disability.

(b) "Custom orthotic brace" means an external medical device that is custom-fabricated or custom-fitted to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, is needed to improve the safety and efficiency of functional mobility, is patient-specific based on the patient's unique physical condition, and is deemed medically necessary for individuals with a mobility impairing health condition or disability.

(9) This section does not apply to health plans offered in the individual market or to self-insured or fully insured large group health plans offered to public employees and school employees under chapter 41.05 RCW.

Passed by the House March 12, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 97

[Engrossed Substitute House Bill 1718]

PHYSICIAN WELL-BEING PROGRAMS

AN ACT Relating to well-being programs for certain health care professionals; amending RCW 18.130.020 and 18.130.070; and adding a new section to chapter 18.130 RCW.

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

Sec. 1. RCW 18.130.020 and 2018 c 300 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means any of those boards specified in RCW 18.130.040.

(2) "Clinical expertise" means the proficiency or judgment that a license holder in a particular profession acquires through clinical experience or clinical practice and that is not possessed by a lay person.

(3) "Commission" means any of the commissions specified in RCW 18.130.040.

(4)(a) "Conversion therapy" means a regime that seeks to change an individual's sexual orientation or gender identity. The term includes efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. The term includes, but is not limited to, practices commonly referred to as "reparative therapy."

(b) "Conversion therapy" does not include counseling orpsychotherapies that provide acceptance, support, and understanding ofclients or the facilitation of clients' coping, social support, andidentity exploration and development that do not seek to change sexualorientation or gender identity.

(5) "Department" means the department of health.

(6) "Disciplinary action" means sanctions identified in RCW 18.130.160.

(7) "Disciplining authority" means the agency, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.130.040.

(8) "Health agency" means city and county health departments and the department of health.

(9) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020.

(10)(a) "Physician well-being program" means a formal program established for the purpose of addressing issues related to career fatigue and well-being in physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, physicians licensed under chapter 18.71B RCW, and physician assistants licensed under chapters 18.71A and 18.71C RCW, that:

(i) Uses one-on-one, peer-to-peer interactions and connects participants to physical and behavioral health resources and professional supports when appropriate;

(ii) Is limited to no more than three sessions per participant every 12 months;

(iii) May include discussions pertaining to general career fatigue and well-being arising from the physician's or physician assistant's professional obligations, but not for other purposes such as evaluation of specific care or harm of specific patients, discipline, quality improvement, or the identification and prevention of medical malpractice or misconduct of specific providers;

(iv) Is established in writing and contracted for, in advance of any peer-to-peer interactions or referrals, by an employer of physicians and physician assistants, a nonprofit professional medical organization representing a specialty of physicians, or a statewide organization representing physicians and physician assistants;

(v) Does not allow as participants any person employed by, or with a financial ownership interest in, the program; and

(vi) Does not include the monitoring of physicians or physician assistants who may be unable to practice medicine with reasonable skill and safety.

(b) A quality improvement plan established under RCW 43.70.510 or 70.41.200 is not a physician well-being program for purposes of this section. RCW 43.70.510 and 70.41.200 therefore do not apply to a physician well-being program established under this section.

(11) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, or an assessment of the conditions, circumstances, and methods of the professional's practice related to the complaint, to determine whether unprofessional conduct may have been committed.

(((~~(11)~~))) (12) "Secretary" means the secretary of health or the secretary's designee.

(((~~(12)~~))) (13) "Standards of practice" means the care, skill, and learning associated with the practice of a profession.

(((~~(13)~~))) (14) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

Sec. 2. RCW 18.130.070 and 2022 c 43 s 9 are each amended to read as follows:

(1)(a) The secretary shall adopt rules requiring every license holder to report to the appropriate disciplining authority any conviction, determination, or finding that another license holder has committed an act which constitutes unprofessional conduct, or to report information to the disciplining authority, physician health program, or voluntary substance use disorder monitoring program approved by the disciplining authority, which indicates that the other license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(b) The secretary may adopt rules to require other persons, including corporations, organizations, health care facilities, physician health programs, or voluntary substance use disorder monitoring programs approved by the disciplining authority, and state or local government agencies, to report:

(i) Any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct; or

(ii) Information to the disciplining authority, physician health program, or voluntary substance use disorder monitoring program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(c) If a report has been made by a hospital to the department pursuant to RCW 70.41.210 or by an ambulatory surgical facility pursuant to RCW 70.230.110, a report to the disciplining authority is not required. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(d) Reporting under this section is not required by:

(i) Any entity with a peer review committee, quality improvement committee or other similarly designated professional review committee, or by a license holder who is a member of such committee, during the investigative phase of the respective committee's operations if the investigation is completed in a timely manner; ((~~or~~))

(ii) A physician health program or voluntary substance use disorder monitoring program approved by a disciplining authority under RCW 18.130.175 if the license holder is currently enrolled in the program, so long as the license holder actively participates in the program and the license holder's

impairment does not constitute a clear and present danger to the public health, safety, or welfare; or

(iii) A physician well-being program, so long as the license holder is competent to practice with reasonable skill and safety. If the license holder is not competent to practice with reasonable skill and safety, or if a patient has been harmed, the license holder shall be reported by the physician well-being program medical director or other licensee to the disciplining authority according to requirements established and adopted in rule by the Washington medical commission or, if permitted by rule, referred to a physicians health program or voluntary substance use disorder monitoring program approved under RCW 18.130.175. Any report made to the disciplining authority under this section is not privileged or confidential and is subject to the public records act.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order is a contempt of court as provided in chapter 7.21 RCW.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4)(a) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority:

(i) Any conviction, determination, or finding that he or she has committed unprofessional conduct or is unable to practice with reasonable skill or safety; and

(ii) Any disqualification from participation in the federal medicare program, under Title XVIII of the federal social security act or the federal medicaid program, under Title XIX of the federal social security act.

(b) Failure to report within thirty days of notice of the conviction, determination, finding, or disqualification constitutes grounds for disciplinary action.

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130 RCW to read as follows:

(1)(a) Physician well-being program records relating to well-being program participants created specifically for, and collected and maintained by the physician well-being program, are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence. This privilege does not protect facts, information, communications, or documents available from other original sources and does not protect any document outside the scope of the privilege established under this section.

(b) This section does not apply to the organizing documents or contracts establishing a physician well-being program or to records created prior to the establishment of the physician well-being program.

(c) Nothing in this section precludes introduction into evidence information about a license holder collected and maintained in a physician well-being program in any civil action by the license holder regarding:

(i) The individual's participation in the program;

(ii) The restriction of the license holder's clinical or staff privileges when a report has been made under RCW 18.130.070(1)(d)(iii); or

(iii) Termination of the license holder's employment when a report has been made under RCW 18.130.070(1)(d)(iii).

(d) The information admitted under (c) of this subsection must not be reasonably discoverable, given the scope and limits of discovery, from other nonprivileged sources.

(2) In the case that the license holder is unable to practice with reasonable skill and safety or a patient has been harmed, a report must be made to the disciplinary authority or the physicians health program or voluntary substance use disorder monitoring program approved by a disciplining authority under RCW 18.130.175 in accordance with RCW 18.130.070(1)(d)(iii) and rules adopted by the Washington medical commission. Any report made to the disciplining authority under this section is not privileged or confidential and is subject to the public records act.

Passed by the House March 8, 2025.

Passed by the Senate April 8, 2025.

Approved by the Governor April 21, 2025.

Filed in Office of Secretary of State April 21, 2025.

CHAPTER 98

[House Bill 1722]

SECONDARY CAREER AND TECHNICAL EDUCATION—MODIFYING STATE RESTRICTIONS

AN ACT Relating to state restrictions affecting 16 and 17 year old students participating in secondary career and technical education programs and other state-approved career pathways; adding a new section to chapter 18.73 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 49.12 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that school districts across the state have spent significant resources to develop and offer skill center programs and career and technical education programs for high school students. Many of these programs are designed to allow students to begin working in the field during or upon completion of the program; however, some state agencies have enacted rules that place age restrictions on when a student can start a program, test for a license or certification, or work in a profession for which they have been issued a certification or license. These restrictions are not required by federal law, are inconsistent with many other states, and are barriers to 16 and 17 year old students being able to continue with more advanced coursework or otherwise work in a profession after completing training and certification or licensure.

Therefore, the legislature intends to direct specified state agencies to revise rules or policies that have been identified as barriers to 16 and 17 year old students being able to continue with more advanced coursework or otherwise work in a profession after completing training and certification or licensure.

NEW SECTION. **Sec. 2.** A new section is added to chapter 18.73 RCW to read as follows:

The department shall develop a process for authorizing a student who is 16 years of age to begin an emergency medical services training course administered by a state-approved skill center or other bona fide vocational educational program approved by the office of the superintendent of public instruction, provided that the program requires continuous training until the student graduates from high school or turns 18 years of age, whichever is earlier.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.43 RCW to read as follows:

(1) The director of fire protection shall assess its policies affecting students who are participating in fire services training offered at: A community and technical college, including through the running start program established in RCW 28A.600.300; a preparatory secondary career and technical education program under chapter 28A.700 RCW, including a program administered by a skill center under chapter 28A.245 RCW; and other relevant educational programs. The policies, including age restrictions for fire services training, examinations, and certification, must be assessed for the purposes of increasing professional and volunteer opportunities in the fire service.

(2) The director of fire protection shall report to the legislature by October 1, 2025, on any changes made to its policies and practices and any recommendations on changes to state laws and rules for purposes of improving professional and volunteer opportunities in the fire service.

NEW SECTION. **Sec. 4.** A new section is added to chapter 49.12 RCW to read as follows:

The department may not prohibit a minor from participating in an occupation based on the risk of exposure to bodily fluids or transmission of infectious agents if the minor has a valid professional license or certification issued by the department of health under Title 18 RCW and said license or certification requires competency in relevant procedures for preventing transmission of bloodborne pathogens and infectious diseases.

Passed by the House March 8, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 99

[Substitute House Bill 1821]

PREVAILING WAGE—INTERESTED PARTIES—JOINT LABOR-MANAGEMENT COOPERATION COMMITTEES

AN ACT Relating to expanding the definition of "interested party" for the purposes of prevailing wage laws; amending RCW 39.12.010, 39.12.010, and 39.12.120; providing an effective date; and providing an expiration date.

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

Sec. 1. RCW 39.12.010 and 2019 c 242 s 2 are each amended to read as follows:

(1) The "prevailing rate of wage" is the rate of hourly wage, usual benefits, and overtime paid in the locality, as hereinafter defined, to the majority of workers, laborers, or mechanics, in the same trade or occupation. In the event that there is not a majority in the same trade or occupation paid at the same rate, then the average rate of hourly wage and overtime paid to such laborers, workers, or mechanics in the same trade or occupation is the prevailing rate. If the wage paid by any contractor or subcontractor to laborers, workers, or mechanics on any public work is based on some period of time other than an hour, the hourly wage is mathematically determined by the number of hours worked in such period of time.

(2) The "locality" is the largest city in the county wherein the physical work is being performed.

(3) The "usual benefits" includes the amount of:

(a) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

(b) The rate of costs to the contractor or subcontractor, which may be reasonably anticipated in providing benefits to workers, laborers, and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workers, laborers, and mechanics affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of such benefits.

(4) An "interested party" includes a contractor, subcontractor, an employee of a contractor or subcontractor, an organization whose members' wages, benefits, and conditions of employment are affected by this chapter, a joint labor-management cooperation committee established pursuant to the federal labor management cooperation act of 1978, a Taft-Hartley trust, and the director of labor and industries or the director's designee.

(5) An "inadvertent filing or reporting error" is a mistake and is made notwithstanding the use of due care by the contractor, subcontractor, or employer. An inadvertent filing or reporting error includes a contractor who, in good faith, relies on a written determination provided by the department of labor and industries and pays its workers, laborers, and mechanics accordingly, but is later found to have not paid the proper prevailing wage rate.

(6) "Unpaid prevailing wages" or "unpaid wages" means the employer fails to pay all of the prevailing rate of wages owed for any workweek by the regularly established payday for the period in which the workweek ends. Every employer must pay all wages, other than usual benefits, owing to its employees not less than once a month. Every employer must pay all usual benefits owing to its employees by the regularly established deadline for those benefits.

(7) "Rate of contribution" means the effective annual rate of usual benefit contributions for all hours, public and private, worked during the year by an employee (commonly referred to as "annualization" of benefits). The only

exemption to the annualization requirements is for defined contribution pension plans that have immediate participation and vesting.

Sec. 2. RCW 39.12.010 and 2024 c 7 s 2 are each amended to read as follows:

(1) The "prevailing rate of wage" is the rate of hourly wage, usual benefits, and overtime paid in the locality, as hereinafter defined, to the majority of workers, laborers, or mechanics, in the same trade or occupation. In the event that there is not a majority in the same trade or occupation paid at the same rate, then the average rate of hourly wage and overtime paid to such laborers, workers, or mechanics in the same trade or occupation is the prevailing rate. If the wage paid by any contractor or subcontractor to laborers, workers, or mechanics on any public work is based on some period of time other than an hour, the hourly wage is mathematically determined by the number of hours worked in such period of time.

(2) The "locality" is the largest city in the county wherein the physical work is being performed.

(3) The "usual benefits" includes the amount of:

(a) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

(b) The rate of costs to the contractor or subcontractor, which may be reasonably anticipated in providing benefits to workers, laborers, and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workers, laborers, and mechanics affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of such benefits.

(4) An "interested party" includes a contractor, subcontractor, an employee of a contractor or subcontractor, an organization whose members' wages, benefits, and conditions of employment are affected by this chapter, a joint labor-management cooperation committee established pursuant to the federal labor management cooperation act of 1978, a Taft-Hartley trust, and the director of labor and industries or the director's designee.

(5) An "inadvertent filing or reporting error" is a mistake and is made notwithstanding the use of due care by the contractor, subcontractor, or employer. An inadvertent filing or reporting error includes a contractor who, in good faith, relies on a written determination provided by the department of labor and industries and pays its workers, laborers, and mechanics accordingly, but is later found to have not paid the proper prevailing wage rate.

(6) "Unpaid prevailing wages" or "unpaid wages" means the employer fails to pay all of the prevailing rate of wages owed for any workweek by the regularly established payday for the period in which the workweek ends. Every employer must pay all wages, other than usual benefits, owing to its employees

not less than once a month. Every employer must pay all usual benefits owing to its employees by the regularly established deadline for those benefits.

(7) "Rate of contribution" means the effective annual rate of usual benefit contributions for all hours, public and private, worked during the year by an employee (commonly referred to as "annualization" of benefits). The only exemption to the annualization requirements is for defined contribution pension plans that have immediate participation and vesting.

(8) "Contractor" means any prime contractor, subcontractor, or other employer as defined by rules adopted by the department of labor and industries. "Contractor" includes an entity, however organized, with substantially identical operations, corporate, or management structure to an entity that has been found in violation under RCW 39.12.050, 39.12.055, or 39.12.065, or any associated rules. The nonexclusive factors used to determine substantial identity include an assessment of whether there is: Substantial continuity of the same business operation; use of the same machinery, equipment, or both tangible and intangible real or personal property; similarity of jobs and types of working conditions; continuity of supervisors; and similarity of product or services. An entity with operational, corporate, and management structures distinct from an entity that has been found in violation under RCW 39.12.050, 39.12.055, or 39.12.065, or any associated rules, shall not be deemed a substantially identical entity.

Sec. 3. RCW 39.12.120 and 2019 c 242 s 5 are each amended to read as follows:

(1) Each contractor, subcontractor, or employer shall keep accurate payroll records for three years from the date of acceptance of the public works project by the contract awarding agency, showing the employee's full name, address, social security number, trade or occupation, classification, straight and overtime rates, hourly rate of usual benefits, and hours worked each day and week, including any employee authorizations executed pursuant to RCW 49.28.065, and the actual gross wages, itemized deductions, withholdings, and net wages paid, for each laborer, worker, and mechanic employed by the contractor for work performed on a public works project.

(2) A contractor, subcontractor, or employer shall file a copy of its certified payroll records using the department of labor and industries' online system at least once per month. If the department of labor and industries' online system is not used, a contractor, subcontractor, or employer shall file a copy of its certified payroll records directly with the department of labor and industries in a format approved by the department of labor and industries at least once per month.

(3) The department of labor and industries shall provide, upon request, a copy of an employer's certified payroll records to an interested party. A joint labor-management cooperation committee may only use the information provided under this subsection for purposes of filing complaints under RCW 39.12.065 and may not use the information for any other purpose, including union organizing or commercial activity.

(4) A contractor, subcontractor, or employer's noncompliance with this section constitutes a violation of RCW 39.12.050.

NEW SECTION. **Sec. 4.** Section 1 of this act expires January 1, 2026.

NEW SECTION. **Sec. 5.** Section 2 of this act takes effect January 1, 2026.

Passed by the House March 7, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 100

[House Bill 1858]

DOCUMENT RECORDING CHARGES—ASSIGNMENTS OR SUBSTITUTIONS OF DEEDS OF TRUST

AN ACT Relating to eliminating the exemption for assignments or substitutions of previously recorded deeds of trust from the document recording fee and the covenant homeownership program assessment; and amending RCW 36.22.185 and 36.22.250.

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

Sec. 1. RCW 36.22.185 and 2023 c 340 s 2 are each amended to read as follows:

(1) Beginning January 1, 2024, except as provided in subsection (2) of this section, the county auditor must collect a covenant homeownership program assessment of $100 for each document recorded, which is in addition to any other charge, surcharge, or assessment allowed by law. The county auditor may retain up to one percent of the moneys for collection of the assessment and must remit the remainder of the moneys to the state treasurer to be deposited in the covenant homeownership account created in RCW 43.181.020.

(2) The assessment imposed in this section does not apply to: (a) ((~~Assignments or substitutions of previously recorded deeds of trust; (b) documents~~)) Documents recording a birth, marriage, divorce, or death; (((~~(c)~~))) (b) any recorded documents otherwise exempted from a recording fee or additional assessments under state law; (((~~(d)~~))) (c) marriage licenses issued by the county auditor; (((~~(e)~~))) (d) documents recording a name change order under RCW 4.24.130; or (((~~(f)~~))) (e) documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

Sec. 2. RCW 36.22.250 and 2023 c 277 s 1 are each amended to read as follows:

(1) A surcharge of $183 per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The following are exempt from this surcharge:

(a) ((~~Assignments or substitutions of previously recorded deeds of trust; (b)~~)) Documents recording a birth, marriage, divorce, or death;

(((~~(c)~~))) (b) Any recorded documents otherwise exempted from a recording fee or additional surcharges under state law;

(((~~(d)~~))) (c) Marriage licenses issued by the county auditor; and

(((~~(e)~~))) (d) Documents recording a federal, state, county, city, or water-sewer district, or wage lien or satisfaction of lien.

(2) Funds collected pursuant to this section must be distributed and used as follows:

(a) One percent of the total funds collected shall be retained by the county auditor for its fee collection activities;

(b) 30 percent of the total funds collected shall be retained by the county and used by the county as provided in subsection (3) of this section;

(c) 54.1 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the home security fund account created in RCW 43.185C.060 and shall be used by the department of commerce as provided in subsection (4) of this section;

(d) 13.1 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the affordable housing for all account created in RCW 43.185C.190 and shall be used by the department of commerce as provided in subsection (5) of this section;

(e) 1.8 percent of the total funds collected shall be transmitted to the state treasurer to be deposited in the landlord mitigation program account created in RCW 43.31.615 and shall be used by the department of commerce as provided in subsection (6) of this section.

(3) The county shall use their portion of the collected funds as follows:

(a) Up to 10 percent for the county's administration and local distribution of the funds collected from the surcharge in this section, and administrative costs related to the county's homeless housing plan;

(b) At least 75 percent will be retained and used by the county to accomplish the purposes of its local homeless housing plan pursuant to chapter 484, Laws of 2005. For each city in the county that elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this subsection equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use up to 10 percent for administrative costs for its homeless housing program;

(c) At least 15 percent will be retained and used by the county for eligible housing activities, as described in this subsection, that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below 30 percent of the area median income. Eligible housing activities to be funded are limited to:

(i) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below 50 percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(ii) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below 50 percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(iii) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below 50 percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(iv) Operating costs for emergency shelters and licensed overnight youth shelters.

(4) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the home security fund account as follows, except that the department of commerce shall provide counties with the right of first refusal to receive grant funds distributed under (b) of this subsection (4). If a county refuses the funds or does not respond within a time frame established by the department, the department shall make good faith efforts to identify one or more suitable alternative grantees operating within that county. The alternative grantee shall distribute the funds in a manner that is in compliance with this chapter. Funding provided through the office of homeless youth prevention and protection programs created in RCW 43.330.705 is exempt from the county first refusal requirement.

(a) Up to 10 percent for administration of the programs established in chapter 43.185C RCW and in conformance with this subsection (4), including the costs of creating and implementing strategic plans, collecting and evaluating data, measuring and reporting performance, providing technical assistance to local governments, providing training to entities delivering services, and developing and maintaining stakeholder relationships;

(b) At least 90 percent for homelessness assistance grant programs administered by the department, including but not limited to: Temporary rental assistance; eviction prevention rental assistance per RCW 43.185C.185; emergency shelter and transitional housing operations and maintenance; outreach; diversion; HOPE and crisis residential centers; young adult housing; homeless services and case management for adult, family, youth, and young adult homeless populations and those at risk of homelessness; project-based vouchers for nonprofit housing providers or public housing authorities; tenant-based rent assistance; housing services; rapid rehousing; emergency housing; acquisition; operations; maintenance; and service costs for permanent supportive housing as defined in RCW 36.70A.030 for individuals with disabilities. Grantees may also use these funds in partnership with permanent supportive housing programs administered by the office of apple health and homes created in RCW 43.330.181. Priority for use must be given to purposes intended to house persons who are chronically homeless or to maintain housing for individuals with disabilities and prior experiences of homelessness, including families with children.

(5) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the affordable housing for all account as follows:

(a) Up to 10 percent for program administration and technical assistance necessary for the delivery programs and activities under this subsection (5);

(b) At least 90 percent for the following:

(i) Grants for building operation and maintenance costs of housing projects, or units within housing projects, that are in the state's housing trust fund portfolio, are affordable to extremely low-income households with incomes at or below 30 percent of the area median income, and require a supplement to rent income to cover ongoing operating expenses;

(ii) Grants to support the building operations, maintenance, and supportive service costs for permanent supportive housing projects, or units within housing projects, that have received or will receive funding from the housing trust fund or other public capital funding programs. The supported projects or units must be dedicated as permanent supportive housing as defined in RCW 36.70A.030, be occupied by extremely low-income households with incomes at or below 30 percent of the area median income, and require a supplement to rent income to cover ongoing property operations, maintenance, and supportive services expenses.

(6) The department of commerce shall use the funds from the document recording fee or other fund sources deposited in the landlord mitigation program account to administer the landlord mitigation program as established in RCW 43.31.605. The department of commerce may use up to 10 percent of these funds for program administration and the development and maintenance of a database necessary to administer the program.

Passed by the House March 10, 2025.
Passed by the Senate April 11, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 101

[Substitute House Bill 1879]

HOSPITAL WORKERS—MEAL AND REST BREAKS—AGREEMENTS TO WAIVE

AN ACT Relating to meal and rest breaks for hospital workers; amending RCW 49.12.480; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that rest breaks and meal breaks are important for health care workers to provide a safe workplace and safe patient care. The department of labor and industries' rules governing rest breaks and meal breaks were promulgated at a time when work shifts of 10 hours or more were unusual, but these work shifts are now routine in Washington's hospitals and commonly requested by health care workers.

(2) The legislature therefore intends to clarify certain aspects of scheduling and taking rest breaks and meal breaks for covered health care workers while fully protecting health care employees' rights to receive all rest breaks and meal breaks to which they are entitled.

Sec. 2. RCW 49.12.480 and 2023 c 114 s 8 are each amended to read as follows:

(1) An employer shall provide employees with meal and rest periods as required by law, subject to the following:

(a) Rest periods must be scheduled at any point during each work period during which the employee is required to receive a rest period;

(b) Employers must provide employees with uninterrupted meal and rest breaks. This subsection (1)(b) does not apply in the case of:

(i) An unforeseeable emergent circumstance, as defined in RCW 49.28.130; or

(ii) An unforeseeable clinical circumstance, as determined by the employee that may lead to a significant adverse effect on the patient's condition, unless the employer or employer's designee determines that the patient may suffer life-threatening adverse effects;

(c) For any work period for which an employee is entitled to one or more meal periods and more than one rest period, the employee and the employer may agree that ((~~a meal period~~)) one or more meal or rest periods may be combined with ((~~a rest period~~)) one or more rest periods. This agreement may be revoked at any time by the employee. If the employee is required to remain on duty during the combined meal and rest period, the time shall be paid. If the employee is released from duty for an uninterrupted combined meal and rest period, the time corresponding to the meal period shall be unpaid, but the time corresponding to the rest period shall be paid.

(d)(i) An employer and employee may agree to waive:

(A) The meal period, if any, in a work shift of less than eight hours; or

(B) The second and/or third meal period in a work shift of eight hours or longer, so long as at least one meal period is provided and taken during the shift.

(ii) An employer and employee may also agree to waive otherwise applicable timing requirements for meal and rest periods, so long as the meal period starts no earlier than the third hour worked and no later than the second to last hour scheduled.

(iii) Any waiver must be in writing or electronic recordkeeping format. The employer must record the signed waiver in the applicable electronic information management system, and ensure the record is retrievable upon request. The waiver must include a summary of the applicable department rule governing meal and rest periods and advise the employee that the employee may have other rights under the applicable provisions of a collective bargaining agreement if one exists. Any waiver under this subsection (1)(d) must be voluntary, and the employer must expressly advise the employee that it is voluntary. The waiver must be agreed to by the employer and employee in advance of the first shift in which it is relied upon. Any waiver may be revoked at any time by the employer or employee. Where applicable, the written waiver must be submitted on a form agreed to between the employer and the collective bargaining organization for employees it represents.

(iv) Employers may inform employees of the meal and rest period waivers typically relied upon by employees on the shifts they are working and may make waivers available to employees, so long as those waivers comply with this subsection (1)(d).

(v) A waived meal or rest period does not constitute a missed meal or rest period for purposes of RCW 49.12.483, so long as those waivers comply with this subsection (1)(d).

(2)(a) The employer shall provide a mechanism to record when an employee misses a meal or rest period and maintain these records.

(b)(i) The employer must provide a quarterly report to the department ((~~of the~~)), including the following for the quarter covered by the report:

(A) The total meals and rest periods missed in violation of this section ((~~during the quarter covered by the report, and the~~));

(B) The total number of meal and rest periods waived by an agreement under subsection (1)(d) of this section; and

(C) The total number of meals and rest periods required during the quarter. ((~~The reports are~~))

(ii) Each quarterly report is due to the department 30 calendar days after the conclusion of the calendar quarter.

(c) The provisions of (b) in this subsection (2) do not apply to hospitals defined in RCW 70.41.420(7)(b)(iv) until July 1, 2026.

(3) For purposes of this section, the following terms have the following meanings:

(a) "Employee" means a person who:

(i) Is employed by an employer;

(ii) Is involved in direct patient care activities or clinical services; and

(iii) Receives an hourly wage or is covered by a collective bargaining agreement.

(b) "Employer" means hospitals licensed under chapter 70.41 RCW.

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2026.

Passed by the House March 4, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 102

[Substitute House Bill 1935]

LOCAL GOVERNMENT PROJECT REVIEW—BUILDING PERMITS

AN ACT Relating to the definition of project permit and project permit application; and amending RCW 36.70B.020 and 36.70B.140.

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

Sec. 1. RCW 36.70B.020 and 2023 c 338 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be

known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4)(a) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(b) "Project permit" or "project permit application" does not include building permits.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

Sec. 2. RCW 36.70B.140 and 2023 c 338 s 1 are each amended to read as follows:

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through ((~~36.70B.090~~)) 36.70B.080 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B.060 through ((~~36.70B.090~~)) 36.70B.080 and 36.70B.110 through 36.70B.130.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary adjustments and ((~~building and~~)) other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

(3) A local government must exclude project permits for interior alterations from site plan review, provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(4) Nothing in this section exempts interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.

(5) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

Passed by the House March 11, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 103

[Substitute House Bill 1967]

DESIGN-BUILD PUBLIC WORKS PROJECTS—DESIGN PORTION—BONDING REQUIREMENTS

AN ACT Relating to modifying bonding requirements in the design portion of design-build public works projects; and amending RCW 39.10.330 and 39.08.030.

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

Sec. 1. RCW 39.10.330 and 2023 c 395 s 9 are each amended to read as follows:

(1) Contracts for design-build services shall be awarded through a competitive process using public solicitation of proposals for design-build services. At a minimum, the public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be done, a notice of its request for qualifications from proposers for design-build services, and the availability and location of the request for proposal documents. The public body is encouraged to post the design-build opportunity in additional areas, such as websites for business associations or the office of minority and women's business enterprises, to further publicize the opportunity for qualified design-build teams. The request for qualifications documents shall include:

(a) A description of the project including the estimated design-build contract value and the intended use of the project;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer;

(d) A description of the process the public body will use to evaluate qualifications and finalists' proposals, including evaluation factors and the relative weight of factors and any specific forms to be used by the proposers;

(i) Evaluation factors for qualifications shall include technical qualifications, such as specialized experience and technical competence of the firms and the key design and construction personnel; capacity to perform; the proposer's past performance in utilization of business entities certified with the office of minority and women's business enterprises, including small businesses and business entities certified with the department of veterans affairs, to the extent permitted by law; ability to provide a performance and payment bond for the project; and other appropriate factors. Cost or price-related factors are not permitted in the request for qualifications phase;

(ii) Evaluation factors for finalists' proposals shall include the management plan to meet time and budget requirements and one or more price-related factors. Evaluation factors must include a proposer's inclusion plan for business entities certified with the office of minority and women's business enterprises, including small businesses and business entities certified with the department of veterans affairs as subconsultants, subcontractors, and suppliers for the project, to the extent permitted by law. Evaluation factors may also include, but not be limited to, the technical approach or the design concept;

(e) Protest procedures including time limits for filing a protest, which in no event may limit the time to file a protest to fewer than four business days from the date the proposer was notified of the selection decision;

(f) The proposed contract;

(g) The honorarium to be paid to finalists submitting responsive proposals and who are not awarded a design-build contract;

(h) The schedule for the procurement process and the project; and

(i) Other information relevant to the project.

(2) The public body shall establish an evaluation committee to evaluate the responses to the request for qualifications based solely on the factors, weighting, and process identified in the request for qualifications and any addenda issued by the public body. Based on the evaluation committee's findings, the public body shall select not more than five responsive and responsible finalists to submit proposals. The public body may, in its sole discretion, reject all proposals and shall provide its reasons for rejection in writing to all proposers.

(3) The public body must notify all proposers of the finalists selected to move to the next phase of the selection process. The process may not proceed to the next phase until two business days after all proposers are notified of the committee's selection decision. At the request of a proposer not selected as a finalist, the public body must provide the requesting proposer with a scoring summary of the evaluation factors for its proposal. Proposers filing a protest on the selection of the finalists must file the protest in accordance with the published protest procedures. The selection process may not advance to the next phase of selection until two business days after the final protest decision is transmitted to the protestor.

(4) Upon selection of the finalists, the public body shall issue a request for proposals to the finalists. The request for proposal documents shall include:

(a) Any specific forms to be used by the finalists; and

(b) Submission of a summary of the finalist's accident prevention program and an overview of its implementation.

(5) The public body shall establish an evaluation committee to evaluate the proposals submitted by the finalists. The finalists' proposals shall be evaluated and scored based solely on the factors, weighting, and process identified in the request for qualifications, the request for proposals, and in any addenda published by the public body. Public bodies may request best and final proposals from finalists. The public body may initiate negotiations with the finalist submitting the highest scored proposal. If the public body is unable to execute a contract with the finalist submitting the highest scored proposal, negotiations with that finalist may be suspended or terminated and the public body may proceed to negotiate with the next highest scored finalist. Public bodies shall

continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(6) The public body shall notify all finalists of the selection decision and make a selection summary of the final proposals available to all proposers within two business days of such notification. If the public body receives a timely written protest from a finalist firm, the public body may not execute a contract until two business days after the final protest decision is transmitted to the protestor. The protestor must submit its protest in accordance with the published protest procedures.

(7) The firm awarded the contract shall provide a performance and payment bond for the contracted amount before the start of construction and no later than 10 days upon request from the public body. A performance and payment bond is not required for the portion of the design-build contract that includes design services, preconstruction services, and other services that are not public works construction included in the contract.

(8) Any contract must require the firm awarded the contract to track and report to the public body and to the office of minority and women's business enterprises its utilization of the office of minority and women's business enterprises certified businesses and veteran certified businesses.

(9) The public body shall provide appropriate honorarium payments to finalists submitting responsive proposals that are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects. In determining the amount of the honorarium, the public body shall recognize the level of effort required to meet the selection criteria.

Sec. 2. RCW 39.08.030 and 2018 c 89 s 1 are each amended to read as follows:

(1)(a) The bond mentioned in RCW 39.08.010 must be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsection (2) of this section, and must be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities, towns, public transportation benefit areas, passenger-only ferry service districts, and water-sewer districts, in which cases such municipalities may by general ordinance or resolution fix and determine the amount of such bond and to whom such bond runs. However, the same may not be for a less amount than ((~~twenty-five~~)) 25 percent of the contract price of any such improvement for cities, towns, public transportation benefit areas, and passenger-only ferry service districts, and not less than the full contract price of any such improvement for water-sewer districts, and may designate that the same must be payable to such city, town, water-sewer district, public transportation benefit area, or passenger-only ferry service district, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements, and the state has a right of action for the collection of taxes, increases, and penalties specified in RCW 39.08.010: PROVIDED, That, except for the state with respect to claims for taxes, increases, and penalties specified in RCW 39.08.010, such persons do not have any right of action on such bond for any sum whatever, unless within

((~~thirty~~)) 30 days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or material supplier, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, must present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

> To (here insert the name of the state, county or municipality or other public body, city, town or district):
>
> Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or material supplier, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of . . . . . dollars (here insert the amount) against the bond taken from . . . . . (here insert the name of the principal and surety or sureties upon such bond) for the work of . . . . . (here insert a brief mention or description of the work concerning which said bond was taken).
>
> (here to be signed) . . . . . .

(b) Such notice must be signed by the person or corporation making the claim or giving the notice, and the notice, after being presented and filed, is a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items specified in this section, the claimant is entitled to recover in addition to all other costs, attorneys' fees in such sum as the court adjudges reasonable. However, attorneys' fees are not allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice as provided in this section. However, any city may avail itself of the provisions of RCW 39.08.010 ((~~through~~)), 39.08.015, and 39.08.030, notwithstanding any charter provisions in conflict with this section. Moreover, any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict with this section. The ((~~thirty~~)) 30-day notice requirement under this subsection does not apply to claims made by the state for taxes, increases, and penalties specified in RCW 39.08.010.

(2) Under the job order contracting procedure described in RCW 39.10.420, bonds will be in an amount not less than the dollar value of all open work orders. Under the design-build procedure described in RCW 39.10.330, bonds will be in an amount not less than the dollar value of the contracted amount of the construction portion of the contract. A performance and payment bond is not required for the portion of the design-build contract that includes design

services, preconstruction services, and other services that are not public works construction included in the contract.

(3) Where retainage is not withheld pursuant to RCW 60.28.011(1)(b), upon final acceptance of the public works project, the state, county, municipality, or other public body must within thirty days notify the department of revenue, the employment security department, and the department of labor and industries of the completion of contracts over ((~~thirty-five thousand dollars~~)) $35,000.

Passed by the House March 11, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 104

[Second Substitute House Bill 1273]

CAREER AND TECHNICAL EDUCATION DUAL CREDIT PROGRAMS—GRANTS—PILOT PROGRAM

AN ACT Relating to improving student access to dual credit programs including career and technical education dual credit programs; adding new sections to chapter 28B.50 RCW; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that students who participate in dual credit programs have higher rates of college enrollment, persistence, and completion. Dual credit programs are an important economic development for Washington because they equip students with the skills needed for high-skill, high-wage employment and continued education in high-demand sectors.

(2) Career and technical education (CTE) dual credit is the most commonly accessed form of dual credit in Washington and has significant potential to improve equitable access to postsecondary pathways for students from all backgrounds. However, it lags behind other course-based dual credit programs in ensuring that students receive a transcripted credit while in high school, and that the credit they earn will transfer to the postsecondary institution of their choice.

(3) Therefore, the legislature intends to extend and expand a pilot program for the purpose of increasing CTE dual credit participation and credential attainment in professional technical programs and receive recommendations on future amendments to state dual credit policies.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the college board shall administer, and award grant funding to, a regional pilot program, for the purpose of increasing career and technical education dual credit participation and credential attainment in professional technical programs.

(2) The pilot program must be a continuation of the pilot program established in section 601(47)(a), chapter 376, Laws of 2024. This pilot program may receive grant funding for up to two years.

(3) Community and technical colleges, public high schools, and skill centers participating in a pilot program may use grant funding to cover expenses for the following activities:

(a) Developing, and updating annually, a comprehensive catalog of dual credit courses and programs offered to students enrolled in public high schools;

(b) Aligning career and technical education dual credit programs with postsecondary credential pathways and apprenticeships leading to in-demand career fields;

(c) Providing technical assistance to public high schools and institutions of higher education to improve the accuracy and speed of awarding dual credits and updating transcripts;

(d) Providing professional development for staff of public high schools and institutions of higher education to develop, align, and articulate dual credit courses; and

(e) Supporting public high school staff in the following activities:

(i) Outreach to prospective students and students who have completed career and technical education dual credit courses and are eligible for postsecondary credit about how to receive and where to apply the credit;

(ii) Providing technical assistance in course curriculum alignment for career and technical education dual credit courses;

(iii) Partnering with institutions of higher education to develop articulation agreements for career and technical education dual credit courses; and

(iv) Awarding equipment and supplies grants for career and technical education dual credit courses that meet emerging needs in high-demand, high-paying industries.

(4) For the purposes of this section, the following definitions apply:

(a) "Public high school" means a public school as defined in RCW 28A.150.010 with any of grades nine through 12; and

(b) "Skill centers" refers to the regional career and technical education partnerships established under chapter 28A.245 RCW.

(5) This section expires July 1, 2030.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) In compliance with RCW 43.01.036, the college board, in consultation with the office of the superintendent of public instruction, shall jointly report to the appropriate committees of the legislature on the implementation of this act and with recommendations for additional improvements to state dual credit policies. The preliminary report is due by December 10, 2026, and the final report is due by August 10, 2027.

(2) One or both reports must include the following information:

(a) Findings regarding the pilot program created for the purpose of increasing career and technical education dual credit participation and credential attainment in professional technical programs under section 2 of this act; and

(b) Recommendations to the legislature and relevant state agencies for:

(i) Improving career and technical education course articulation and for the development of statewide articulation agreements;

(ii) Improving data collection and reporting methods;

(iii) Credit transcription and transfer processes;

(iv) Ensuring college and career counseling for high school students includes robust and accurate information about dual credit pathways, including career and technical education dual credit, and their alignment to postsecondary credential and apprenticeship opportunities;

(v) Further alignment of career and technical education dual credit with career-connected learning, apprenticeship, and credential pathways; and

(vi) Identification of additional priority career and technical education dual credit courses for statewide articulation, considering, but not limited to, the targeted industry sectors under RCW 43.330.090.

(3) The final report must establish recommendations to improve state career and technical education dual credit policies, create statewide articulation agreements, and improve the uniform transcription of earned credits. These recommendations must include input from a statewide organization representing career and technical education and other relevant interested parties and report on potential statutory changes and administrative rule improvements that support equitable student access to, and the effectiveness of, career and technical education dual credit programs.

(4) This section expires July 1, 2030.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 10, 2025.
Passed by the Senate April 11, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 105

[Engrossed Substitute House Bill 1531]

COMMUNICABLE DISEASE CONTROL—STATE POLICY

AN ACT Relating to preserving the ability of public officials to address communicable diseases using scientifically proven measures to control the spread of such diseases; adding a new section to chapter 70.54 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Communicable diseases remain a real threat to our communities and many are increasing in prevalence and severity. There are over 100 notifiable conditions that are required to be reported to local and state public health, the vast majority of which are communicable diseases.

(b) The H1N1 virus, or avian flu, remains a nationwide threat with 14 Washingtonians contracting this illness due to exposure to infected poultry in 2024. Tuberculosis remains prevalent despite the availability of effective treatment, with several local health jurisdictions experiencing their first active cases of tuberculosis in over a decade. Sexually transmitted infection rates are also increasing, particularly syphilis and gonorrhea, both of which can have serious health impacts if left untreated. For example, untreated syphilis during pregnancy can result in congenital syphilis that increases rates of stillbirth, disability, and death in infants.

(c) To address these challenges, the ability for state and local health officials to educate the public about evidence-based measures that use the best available science is critical to control the spread of communicable diseases.

(2) Therefore, the legislature intends to ensure that the public receives timely, well-researched, evidence-based, and science-driven information to make informed choices so that they can take personal control of their health and the health of their families.

(3) The legislature does not intend by this enactment to modify, limit, or expand any existing requirement or establish any new requirement for any individual to receive any vaccine or take any other similar measure to control the spread of communicable disease, nor does the legislature intend by this enactment to modify, limit, or expand any existing authority or grant any new authority to establish any such requirement.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.54 RCW to read as follows:

(1) It is the policy of the state that public health responses to address communicable diseases be guided by the best available science on the safety and efficacy of evidence-based measures to control the spread of such diseases, including immunizations and vaccines.

(2) Consistent with the policy in subsection (1) of this section, the state and local health officials must, within available resources, implement and promote evidence-based, appropriate measures to control the spread of communicable diseases, including immunizations and vaccines. The state and its political subdivisions may not enact statutes, ordinances, rules, or policies that prohibit the implementation and promotion of such measures. Any such statute, ordinance, rule, or policy in place on the effective date of this section is hereby declared null and void.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 8, 2025.
Passed by the Senate April 10, 2025.
Approved by the Governor April 21, 2025.
Filed in Office of Secretary of State April 21, 2025.

CHAPTER 106

[Engrossed Substitute House Bill 1141]

AGRICULTURAL CANNABIS WORKERS—COLLECTIVE BARGAINING—PUBLIC EMPLOYMENT RELATIONS COMMISSION

AN ACT Relating to placing certain agricultural workers who are engaged in cultivating, growing, harvesting, or producing cannabis under the jurisdiction of the public employment relations commission for purposes of collective bargaining; and adding a new chapter to Title 49 RCW.

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

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bargaining representative" means any lawful organization that represents employees in their employment relations with their employers.

(2) "Collective bargaining" means the performance of the mutual obligations of the employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours, and working conditions, which may be peculiar to an appropriate bargaining unit of such employer, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(3) "Commission" means the public employment relations commission created in RCW 41.58.010.

(4)(a) "Employee" means any person who is employed by an employer to perform the work of cultivating, growing, harvesting, or producing cannabis, including defoliating, drying, bucking, precuring, curing, drying, trimming, sorting, and loading, if performed on a farm.

(b) "Employee" does not include any person having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(5)(a) "Employer" means an employer that is operating pursuant to a cannabis producer's license issued under RCW 69.50.325(1), or a cannabis processor's license issued under RCW 69.50.325(2) if the licensed premises is colocated on a farm licensed for cannabis production. "Employer" also includes any person acting as an agent of an employer, directly or indirectly.

(b) In determining whether any person is acting as an agent of another person to make such other person responsible for their acts, the question of whether the specific acts performed were actually authorized or subsequently ratified is not controlling.

(6) "Executive director" means the executive director of the commission.

(7) "Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association of representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

(8) "Labor organization" means an organization of any kind, or an agency or employee representation committee or plan, in which employees participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of employment.

(9) "Person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees in bankruptcy, or receivers.

(10) "Unfair labor practice" means any activity listed in sections 14 and 15 of this act.

NEW SECTION. **Sec. 2.** No employer or other person may directly or indirectly interfere with, restrain, coerce, or discriminate against any employees or group of employees in the free exercise of their right to organize and designate bargaining representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this chapter.

NEW SECTION. **Sec. 3.** If an employer and its employees are in disagreement as to the selection of a bargaining representative, the commission must be invited to intervene as is provided in sections 4 through 6 of this act.

NEW SECTION. **Sec. 4.** (1)(a) The commission, upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining.

(b) In determining, modifying, or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the employees; the history of collective bargaining by the employees and their bargaining representatives; the extent of organization among the employees; and the desire of the employees.

(2) The commission shall determine the bargaining representative by conducting an election after a showing of interest by employees, as provided in section 5 of this act.

(3) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit.

(4) No question concerning representation may be raised if:

(a) Fewer than 12 months have elapsed since the last certification or election; or

(b) A valid collective bargaining agreement is in effect, except for that period of no more than 90 calendar days nor less than 60 calendar days before the expiration of the agreement.

NEW SECTION. **Sec. 5.** (1)(a) Upon request of a prospective bargaining representative showing written proof of at least 30 percent representation of the employees within the unit, the commission shall hold an election by ballot to determine the issue.

(b) The ballot must contain the name of the prospective bargaining representative and of any other bargaining representative showing written proof of at least 10 percent representation of the employees within the unit, together with a choice for any employee to designate that they do not desire to be represented by any bargaining representative.

(c) Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of valid ballots cast, a runoff election must be held. The runoff ballot must contain the two choices which received the largest and second largest number of votes.

(2)(a) Upon request of a prospective bargaining representative showing written proof of at least 50 percent representation of the employees within a bargaining unit for which there is no incumbent exclusive bargaining

representative, the commission shall hold an election through a cross-check process to determine the issue.

(b) The commission must compare the employee organization's membership records or bargaining authorization cards against the employment records of the employer.

NEW SECTION. **Sec. 6.** (1) The bargaining representative that has been determined to represent a majority of the employees in a bargaining unit must be certified by the commission as the exclusive bargaining representative of, and must represent, all the employees within the unit without regard to membership in the bargaining representative.

(2) An employee at any time may present their grievance to the employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect, and if the exclusive bargaining representative has been given reasonable opportunity to be present at any initial meeting called for the resolution of the grievance.

NEW SECTION. **Sec. 7.** RCW 41.56.037 applies to this chapter.

NEW SECTION. **Sec. 8.** No employer may refuse to engage in collective bargaining with the exclusive bargaining representative. Upon the failure of the employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the commission. If an employer implements its last and best offer where there is no contract settlement, allegations that either party is violating the terms of the implemented offer are subject to grievance arbitration procedures as such procedures are set forth in the parties' last contract or, should no such contract exist, as set forth in the implemented offer.

NEW SECTION. **Sec. 9.** (1) Upon the authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the exclusive bargaining representative. If the employer receives a request for authorization of deductions, the employer must forward the request to the exclusive bargaining representative as soon as practicable.

(b) Upon receiving notice of the employee's authorization from the exclusive bargaining representative, the employer must deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(d) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the exclusive bargaining representative in accordance with the terms and conditions of the authorization.

(e) After the employer receives confirmation from the exclusive bargaining representative that the employee has revoked authorization for deductions, the employer must end the deduction no later than the second payroll after receipt of the confirmation.

(f) The employer must rely on information provided by the exclusive bargaining representative regarding the authorization and revocation of deductions.

(3) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that includes requirements for deductions of other payments, the employer must make such deductions upon authorization of the employee.

NEW SECTION. **Sec. 10.** A collective bargaining agreement may provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

NEW SECTION. **Sec. 11.** (1) After the termination date of a collective bargaining agreement, all the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(2) This section does not apply to provisions of a collective bargaining agreement which both parties agree to exclude from the provisions of subsection (1) of this section and to provisions within the collective bargaining agreement with separate and specific termination dates.

(3) This section does not apply to collective bargaining agreements in effect or being bargained on the effective date of this section.

NEW SECTION. **Sec. 12.** In addition to any other method for selecting arbitrators, the parties may request the commission to appoint a qualified person who may be an employee of the commission to act as an arbitrator to assist in the resolution of a labor dispute between the employer and the bargaining representative arising from the application of the matters contained in a collective bargaining agreement. The arbitrator must conduct the arbitration of the dispute in a manner provided for in the collective bargaining agreement. The commission may not collect any fees or charges from the employer or the bargaining representative for services performed by the commission under this chapter. The provisions of chapter 49.08 RCW do not apply to this chapter.

NEW SECTION. **Sec. 13.** (1) If the employer has the information in the employer's records, the employer must provide to the exclusive bargaining representative the following information for each employee in an appropriate bargaining unit:

(a) The employee's name and date of hire;

(b) The employee's contact information, including: (i) Cellular, home, and work telephone numbers; (ii) work and the most up-to-date personal email addresses; and (iii) home address or personal mailing address; and

(c) Employment information, including the employee's job title, salary or rate of pay, and worksite location or duty station.

(2) The employer must provide the information to the exclusive bargaining representative in an editable digital file format:

(a) Within 21 business days from the date of hire for a newly hired employee in an appropriate bargaining unit; and

(b) Every 120 business days for all employees in an appropriate bargaining unit.

(3) When there is a state-level representative of the exclusive bargaining representative for a bargaining unit, the employer may provide the information to the state-level representative.

(4) The exclusive bargaining representative may use the information provided under this section only for representation purposes. This section does not give authority to any exclusive bargaining representative to sell or provide access to lists of employees or the information provided to the exclusive bargaining representative pursuant to this section requested for commercial purposes.

(5) If an employer fails to comply with this section, the exclusive bargaining representative may bring a court action to enforce compliance. The court may order the employer to pay costs and reasonable attorneys' fees incurred by the exclusive bargaining representative.

NEW SECTION. **Sec. 14.** It is an unfair labor practice for an employer to:

(1) Interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by this chapter;

(2) Control, dominate, or interfere with a bargaining representative;

(3) Engage in or create the impression of surveillance of activities protected by this chapter;

(4) Discriminate against an employee who has filed an unfair labor practice charge or who has given testimony under this chapter; or

(5) Refuse to engage in collective bargaining.

NEW SECTION. **Sec. 15.** It is an unfair labor practice for a bargaining representative to:

(1) Interfere with, restrain, or coerce employees in the exercise of their rights guaranteed by this chapter;

(2) Induce the employer to commit an unfair labor practice;

(3) Discriminate against an employee who has filed an unfair labor practice charge or who has given testimony under this chapter; or

(4) Refuse to engage in collective bargaining.

NEW SECTION. **Sec. 16.** (1) The commission must prevent unfair labor practices and issue appropriate remedial orders. However, a complaint may not be processed for an unfair labor practice occurring more than six months before the filing of the complaint with the commission or in superior court.

(2) If the commission determines that a person has engaged in or is engaging in an unfair labor practice, the commission must issue and serve upon the person an order requiring the person to cease and desist from the unfair labor practice. The commission may take action to carry out the purposes and policy of this chapter, including requiring the person to pay damages and reinstate employees.

(3) The commission may petition the superior court for the county in which the main office of the employer is located or in which the person who has engaged or is engaging in the unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief.

NEW SECTION. **Sec. 17.** The commission may adopt rules necessary to administer this chapter in conformity with the intent and purpose of this chapter and consistent with the best standards of labor-management relations.

NEW SECTION. **Sec. 18.** This chapter may not be interpreted by any court to apply to or otherwise extend any rights to any employee who is not specifically employed by an employer to perform the work of cultivating, growing, harvesting, or producing cannabis, including defoliating, drying, bucking, precuring, curing, drying, trimming, sorting, and loading, if performed on a farm.

NEW SECTION. **Sec. 19.** Sections 1 through 18 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. **Sec. 20.** 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.

Passed by the House March 11, 2025.

Passed by the Senate April 14, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 22, 2025.

CHAPTER 107

[Senate Bill 5021]

COURT EXHIBITS—MINIMUM RETENTION PERIOD

AN ACT Relating to retention of court exhibits; and amending RCW 36.23.070.

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

Sec. 1. RCW 36.23.070 and 1981 c 154 s 1 are each amended to read as follows:

A county clerk may at any time more than ((~~six~~)) five years after the entry of final judgment in any action apply to the superior court for an authorizing order and, upon such order being signed and entered, turn such exhibits of possible value over to the sheriff for disposal in accordance with the provisions of chapter 63.40 RCW, and destroy any other exhibits, unopened depositions, and reporters' notes which have theretofore been filed in such cause: PROVIDED, That reporters' notes in criminal cases must be preserved for at least ((~~fifteen~~)) 15 years: PROVIDED FURTHER, That any exhibits which are deemed to possess historical value may be directed to be delivered by the clerk to libraries or historical societies.

Passed by the Senate February 5, 2025.

Passed by the House April 9, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 22, 2025.

CHAPTER 108

[Engrossed Substitute Senate Bill 5200]

VETERANS' MEDICAL FOSTER HOMES

AN ACT Relating to veterans' medical foster homes; and amending RCW 70.128.030, 74.39A.009, 74.34.020, and 74.39A.056.

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

Sec. 1. RCW 70.128.030 and 2012 c 10 s 55 are each amended to read as follows:

The following residential facilities shall be exempt from the operation of this chapter:

(1) Nursing homes licensed under chapter 18.51 RCW;

(2) Assisted living facilities licensed under chapter 18.20 RCW;

(3) Facilities approved and certified under chapter 71A.22 RCW;

(4) Residential treatment centers for individuals with mental illness licensed under chapter 71.24 RCW;

(5) Hospitals licensed under chapter 70.41 RCW;

(6) Homes for individuals with developmental disabilities licensed under chapter 74.15 RCW; and

(7) A medical foster home, as defined in 38 C.F.R. 17.73, that is under the oversight and annually reviewed by the United States department of veterans affairs in which care is provided exclusively to three or fewer veterans, and its caregivers are in compliance with applicable state laws including any required training, certification, and background checks.

Sec. 2. RCW 74.39A.009 and 2024 c 224 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by an assisted living facility that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living facility" means a facility licensed under chapter 18.20 RCW.

(4) "Assisted living services" means services provided by an assisted living facility that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services; and the facility provides these services to residents who are living in private apartment-like units.

(5) "Community residential service business" means a business that:

(a) Is certified by the department of social and health services to provide to individuals who have a developmental disability as defined in RCW 71A.10.020(6):

(i) Group home services;

(ii) Group training home services;

(iii) Supported living services; or

(iv) Voluntary placement services provided in a licensed staff residential facility for children;

(b) Has a contract with the developmental disabilities administration to provide the services identified in (a) of this subsection; and

(c) All of the business's long-term care workers are subject to statutory or regulatory training requirements that are required to provide the services identified in (a) of this subsection.

(6) "Consumer" or "client" means a person who is receiving or has applied for services under this chapter, including a person who is receiving services from an individual provider.

(7) "Consumer directed employer" is a private entity that contracts with the department to be the legal employer of individual providers. The consumer directed employer is patterned after the agency with choice model, recognized by the federal centers for medicare and medicaid services for financial management in consumer directed programs. The entity's responsibilities are described in RCW 74.39A.515 and throughout this chapter and include: (a) Coordination with the consumer, who is the individual provider's managing employer; (b) withholding, filing, and paying income and employment taxes, including workers' compensation premiums and unemployment taxes, for individual providers; (c) verifying an individual provider's qualifications; and (d) providing other administrative and employment-related supports. The consumer directed employer is a social service agency and its employees are mandated reporters as defined in RCW 74.34.020.

(8) "Core competencies" means basic training topics, including but not limited to, communication skills, worker self-care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, long-term care worker roles and boundaries, supporting activities of daily living, and food preparation and handling.

(9) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(10) "Department" means the department of social and health services.

(11) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(12) "Direct care worker" means a paid caregiver who provides direct, hands-on personal care services to persons with disabilities or the elderly requiring long-term care.

(13) "Enhanced adult residential care" means services provided by an assisted living facility that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

(14) "Facility" means an adult family home, an assisted living facility, a nursing home, an enhanced services facility licensed under chapter 70.97 RCW, or a facility certified to provide medicare or medicaid services in nursing facilities or intermediate care facilities for individuals with intellectual disabilities under 42 C.F.R. Part 483.

(15) "Home and community-based services" means services provided in adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or federally recognized Indian tribes, or similar services provided by facilities and agencies licensed or certified by the department.

(16) "Home care aide" means a long-term care worker who is certified as a home care aide by the department of health under chapter 18.88B RCW.

(17) "Individual provider" is defined according to RCW 74.39A.240.

(18) "Legal employer" means the consumer directed employer, which along with the consumer, coemploys individual providers. The legal employer is responsible for setting wages and benefits for individual providers and must comply with applicable laws including, but not limited to, state minimum wage laws, workers compensation, and unemployment insurance laws.

(19) "Long-term care" means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age who are functionally disabled due to chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance provided by any individuals, groups, residential care settings, or professions unless otherwise required by law.

(20)(a) "Long-term care workers" include all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care workers employed by home care agencies or a consumer directed employer, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed assisted living facilities, enhanced services facilities, and adult family homes, respite care providers, direct care workers employed by community residential service businesses, medical foster home caregivers as under 38 C.F.R. 17.73, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include: (i) Persons employed by the following facilities or agencies: Nursing homes licensed under chapter 18.51 RCW, hospitals or other acute care settings, residential habilitation centers under chapter 71A.20 RCW, facilities certified under 42 C.F.R., Part 483, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers; or (ii) persons who are not paid by the state or by a private agency or facility licensed or certified by the state to provide personal care services.

(21) "Managing employer" means a consumer who coemploys one or more individual providers and whose responsibilities include (a) choosing potential individual providers and referring them to the consumer directed employer; (b) overseeing the day-to-day management and scheduling of the individual provider's tasks consistent with the plan of care; and (c) dismissing the individual provider when desired.

(22) "Nursing home" or "nursing facility" means a facility licensed under chapter 18.51 RCW or certified as a medicaid nursing facility under 42 C.F.R. Part 483, or both.

(23) "Person who is functionally disabled" means a person who because of a recognized chronic physical or mental condition or disease, including chemical dependency or developmental disability, is dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living," in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances may also be considered when assessing a person's functional ability to perform activities in the home and the community.

(24) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability.

(25) "Population specific competencies" means basic training topics unique to the care needs of the population the long-term care worker is serving, including but not limited to, mental health, dementia, developmental disabilities, young adults with physical disabilities, and older adults.

(26) "Qualified instructor" means a registered nurse or other person with specific knowledge, training, and work experience in the provision of direct, hands-on personal care and other assistance services to the elderly or persons with disabilities requiring long-term care.

(27) "Secretary" means the secretary of social and health services.

(28) "Training partnership" means a joint partnership or trust that includes the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and workforce development, or other services to individual providers.

(29) "Tribally licensed assisted living facility" means an assisted living facility licensed by a federally recognized Indian tribe in which a facility provides services similar to services provided by assisted living facilities licensed under chapter 18.20 RCW.

Sec. 3. RCW 74.34.020 and 2023 c 44 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing

or recording, voyeurism, indecent exposure, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(5) "Department" means the department of social and health services.

(6) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; ((~~or~~)) any other facility licensed or certified by the department; or a medical foster home as defined in 38 C.F.R. 17.73.

(7) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(8) "Financial institution" has the same meaning as in RCW 30A.22.040 and 30A.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(9) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(10) "Individual provider" has the same meaning as in RCW 74.39A.240.

(11) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(12)(a) "Isolate" or "isolation" means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.130 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(13) "Mandated reporter" is an employee of the department or the department of children, youth, and families; law enforcement officer; social worker; professional school personnel; individual provider; an operator of a facility or a certified residential services and supports agency under chapter 71A.12 RCW; an employee of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, hospice, or certified residential services and supports agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(14) "Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal

or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(15) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(16) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(17) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(18) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(19) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(20) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(22) "Vulnerable adult advocacy team" means a team of three or more persons who coordinate a multidisciplinary process, in compliance with chapter 266, Laws of 2017 and the protocol governed by RCW 74.34.320, for preventing, identifying, investigating, prosecuting, and providing services related to abuse, neglect, or financial exploitation of vulnerable adults.

Sec. 4. RCW 74.39A.056 and 2023 c 223 s 4 are each amended to read as follows:

(1)(a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a history that would disqualify them from working with vulnerable persons. The department must process background checks for long-term care workers and, based on this screening, inform employers, prospective employers, and others as authorized by law, whether screened applicants are ineligible for employment.

(b)(i) For long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system or its successor program. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) A long-term care worker who is not disqualified by the state background check can work and have unsupervised access pending the results of the federal bureau of investigation fingerprint background check as allowed by rules adopted by the department.

(2) A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry or on any other registry based upon a finding of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has made a founded finding of abuse or neglect of a child against the provider. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the finding, the provider is not disqualified under this section;

(c) A disciplining authority, including the department of health, has made a finding of abuse, abandonment, neglect, or financial exploitation of a minor or a vulnerable adult against the provider; or

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult. If the provider has received a certificate of parental improvement under chapter 74.13 RCW pertaining to the

finding of fact or conclusion of law, the provider is not disqualified under this section.

(3) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

(4) For the purposes of this section, "provider" means:

(a) An individual provider as defined in RCW 74.39A.240;

(b) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW; a nursing home under chapter 18.51 RCW; an assisted living facility under chapter 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a certified resident services and supports agency licensed or certified under chapter 71A.12 RCW; an adult family home under chapter 70.128 RCW; or any long-term care facility certified to provide medicaid or medicare services; ((~~and~~))

(c) Any contractor of the department who may have unsupervised access to vulnerable adults; and

(d) The caregivers of a medical foster home, as under 38 C.F.R. 17.73.

(5) The department shall adopt rules to implement this section.

Passed by the Senate March 3, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 109

[Substitute Senate Bill 5030]

EDUCATIONAL SERVICES—VITAL RECORDS—ALTERNATIVE DOCUMENTATION

AN ACT Relating to improving access to educational services by reducing barriers to obtaining vital records and allowing alternative forms of documentation; amending RCW 70.58A.560; adding a new section to chapter 43.216 RCW; adding a new section to chapter 28A.225 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that reducing barriers to enrollment in early learning programs and public schools will increase enrollment and well-being for students and families. The legislature finds that fees to obtain vital records, including birth certificates, present a burden to families earning lower incomes. The legislature therefore resolves to improve access to education services by waiving fees to obtain birth certificates for families receiving certain types of public assistance and allowing alternative forms of documentation for enrollment.

Sec. 2. RCW 70.58A.560 and 2019 c 148 s 24 are each amended to read as follows:

(1) The department and local registrars shall charge a fee of ((~~twenty five dollars~~)) $25 for a certification or informational copy of a vital record or for a search of the vital records system when no matching record was identified, except as provided in subsection (2) of this section.

(2) The department and local registrars may not charge a fee for issuing a certification of:

(a) A vital record for use in connection with a claim for compensation or pension pending before the veterans administration;

(b) The death of a sex offender, for use by a law enforcement agency in maintaining a registered sex offender database; ((~~or~~))

(c) The death of any offender, requested by a county clerk or court in the state for purposes of extinguishing the offender's legal financial obligation; or

(d) The birth of a child, requested by a parent or guardian who has a child who is a member of an assistance unit that is eligible for or receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program and is enrolling the child in an early learning program as defined in RCW 43.216.010 or a public school as defined in RCW 28A.150.010. Eligibility for benefits described in this subsection can be proven through a benefits letter or other documentation sufficient to demonstrate eligibility.

(3) The department may not charge a fee for issuing a birth certification for homeless persons as defined in RCW 43.185C.010 living in state.

(4) The department and local registrars may charge an electronic payment fee, in addition to the ((~~twenty-five dollar~~)) $25 fee for certification and informational copy of vital records or for a search of the vital records system, in cases where payment is made by credit card, charge card, debit card, smart card, stored value card, federal wire, automatic clearinghouse system, or other electronic communication.

(5) Local registrars shall keep a true and correct account of all fees received under this section for the issuance of certifications and informational copies.

(6) A portion of the ((~~twenty-five dollar~~)) $25 fee collected by the local registrars must be transmitted to the state treasurer on a monthly basis as follows:

(a) ((~~Thirteen dollars~~)) $13 for each birth certification and birth informational copy issued;

(b) ((~~Thirteen dollars~~)) $13 for each first copy of a death certification and death informational copy; and

(c) ((~~Twenty dollars~~)) $20 for each additional death certification and death informational copy.

(7) For each fee turned over to the state treasurer by the local registrars, the state treasurer shall:

(a) Pay the department ((~~two dollars~~)) $2 of each fee for birth certifications and birth informational copies and first copies of death certifications and death informational copies;

(b) Pay the department ((~~nine dollars~~)) $9 of each fee for additional death certifications and death informational copies; and

(c) Hold ((~~eleven dollars~~)) $11 of each fee in the death investigations account established under RCW 43.79.445, except for an heirloom birth certification issued under RCW 70.58A.530.

(8) ((~~Eleven dollars~~)) $11 of the ((~~twenty-five dollar~~)) $25 fee collected by the department for certifications and informational copies issued by the department must be transmitted to the state treasurer for the death investigations account established under RCW 43.79.445.

(9) The department of children, youth, and families shall set a fee for an heirloom birth certification established under RCW 70.58A.530 for the children's trust fund established under RCW 43.121.100. The department shall collect the fee established under this subsection when issuing an heirloom birth certification and transmit the fees collected to the state treasurer for credit to the children's trust fund.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.216 RCW under the subchapter heading "early childhood education and assistance" to read as follows:

The department shall adopt a rule that requires early childhood education and assistance program contractors and providers to accept birth certificates, passports, and alternative documents to show a child's age or date of birth for the purposes of enrollment. Alternative documents include, but are not limited to, a religious, hospital, or physician's certificate showing the date of birth, an entry in a family bible, an adoption record, an affidavit from a parent, or a previously verified school record.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.225 RCW to read as follows:

The office of the superintendent of public instruction shall adopt a rule that requires public schools to accept birth certificates, passports, and alternative documents to show a child's age or date of birth for the purposes of enrollment. Alternative documents include, but are not limited to, a religious, hospital, or physician's certificate showing the date of birth, an entry in a family bible, an adoption record, an affidavit from a parent, or a previously verified school record.

Passed by the Senate March 12, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 110

[Substitute Senate Bill 5049]

PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE—MEETING SCHEDULE

AN ACT Relating to the public records exemptions accountability committee; and amending RCW 42.56.140.

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

Sec. 1. RCW 42.56.140 and 2007 c 198 s 2 are each amended to read as follows:

(1)(a) The public records exemptions accountability committee is created to review exemptions from public disclosure, with thirteen members as provided in this subsection.

(i) The governor shall appoint two members, one of whom represents the governor and one of whom represents local government.

(ii) The attorney general shall appoint two members, one of whom represents the attorney general and one of whom represents a statewide media association.

(iii) The state auditor shall appoint one member.

(iv) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(v) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(vi) The governor shall appoint four members of the public, with consideration given to diversity of viewpoint and geography.

(b) The governor shall select the chair of the committee from among its membership.

(c) Terms of the members shall be four years and shall be staggered, beginning August 1, 2007.

(2) The purpose of the public records exemptions accountability committee is to review public disclosure exemptions and provide recommendations pursuant to subsection (7)(d) of this section. The committee shall develop and publish criteria for review of public exemptions.

(3) All meetings of the committee shall be open to the public.

(4) The committee must consider input from interested parties.

(5) The office of the attorney general and the office of financial management shall provide staff support to the committee.

(6) Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7)(a) Beginning August 1, 2007, the code reviser shall provide the committee by August 1st of each year with a list of all public disclosure exemptions in the Revised Code of Washington.

(b) The committee shall develop a schedule to accomplish a review of each public disclosure exemption. The committee shall publish the schedule and publish any revisions made to the schedule.

(c) The chair shall convene an initial meeting of the committee by September 1, 2007. The committee shall meet at least ((~~once a quarter~~)) four times a year and may hold additional meetings at the call of the chair or by a majority vote of the members of the committee.

(d) For each public disclosure exemption, the committee shall provide a recommendation as to whether the exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated. By November 15th of each year, the committee shall transmit its recommendations to the governor, the attorney general, and the appropriate committees of the house of representatives and the senate.

Passed by the Senate February 25, 2025.
Passed by the House April 11, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 111

[Senate Bill 5037]

UNIFORM CUSTODIAL TRUST ACT

AN ACT Relating to the uniform custodial trust act; amending RCW 11.135.010; and adding a new chapter to Title 11 RCW.

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

NEW SECTION. **Sec. 1.** DEFINITIONS. As used in this chapter:

(1) "Adult" means an individual who is at least 18 years of age.

(2) "Beneficiary" means an individual for whom property has been transferred to or held under a declaration of trust by a custodial trustee for the individual's use and benefit under this chapter.

(3) "Conservator" means a person appointed or qualified by a court to manage the estate of an individual or a person legally authorized to perform substantially the same functions.

(4) "Court" means a superior court of this state.

(5) "Custodial trust property" means an interest in property transferred to or held under a declaration of trust by a custodial trustee under this chapter and the income from and proceeds of that interest.

(6) "Custodial trustee" means a person designated as trustee of a custodial trust under this chapter or a substitute or successor to the person designated.

(7) "Guardian" means a person appointed or qualified by a court as a guardian of an individual, including a limited guardian, but not a person who is only a guardian ad litem.

(8) "Incapacitated" means lacking the ability to manage property and business affairs effectively by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, confinement, detention by a foreign power, disappearance, minority, or other disabling cause.

(9) "Legal representative" means a personal representative or conservator.

(10) "Member of the beneficiary's family" means a beneficiary's spouse, state registered domestic partner, descendant, stepchild, parent, stepparent, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.

(12) "Personal representative" means an executor, administrator, or special administrator of a decedent's estate, a person legally authorized to perform substantially the same functions, or a successor to any of them.

(13) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(14) "Transferor" means a person who creates a custodial trust by transfer or declaration.

(15) "Trust company" means a financial institution, corporation, or other legal entity, authorized to exercise general trust powers.

NEW SECTION. **Sec. 2.** CUSTODIAL TRUST—GENERAL. (1) A person may create a custodial trust of property by a written transfer of the property to another person, evidenced by registration or by other instrument of transfer, executed in any lawful manner, naming as beneficiary, an individual who may be the transferor, in which the transferee is designated, in substance, as custodial trustee under the Washington uniform custodial trust act.

(2) A person may create a custodial trust of property by a written declaration, evidenced by registration of the property or by other instrument of declaration executed in any lawful manner, describing the property and naming as beneficiary an individual other than the declarant, in which the declarant as titleholder is designated, in substance, as custodial trustee under the Washington uniform custodial trust act. A registration or other declaration of trust for the sole benefit of the declarant is not a custodial trust under this chapter.

(3) Title to custodial trust property is in the custodial trustee and the beneficial interest is in the beneficiary.

(4) Except as provided in subsection (5) of this section, a transferor may not terminate a custodial trust.

(5) The beneficiary, if not incapacitated, or the conservator of an incapacitated beneficiary, may terminate a custodial trust by delivering to the custodial trustee a writing signed by the beneficiary or conservator declaring the termination. If not previously terminated, the custodial trust terminates on the death of the beneficiary.

(6) Any person may augment existing custodial trust property by the addition of other property pursuant to this chapter.

(7) The transferor may designate, or authorize the designation of, a successor custodial trustee in the trust instrument.

(8) This chapter does not displace or restrict other means of creating trusts. A trust whose terms do not conform to this chapter may be enforceable according to its terms under other law.

NEW SECTION. **Sec. 3.** CUSTODIAL TRUSTEE FOR FUTURE PAYMENT OR TRANSFER. (1) A person having the right to designate the recipient of property payable or transferable upon a future event may create a custodial trust upon the occurrence of the future event by designating in writing the recipient, followed in substance by: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act."

(2) Persons may be designated as substitute or successor custodial trustees to whom the property must be paid or transferred in the order named if the first designated custodial trustee is unable or unwilling to serve.

(3) A designation under this section may be made in a will, a trust, a deed, a multiple-party account, an insurance policy, an instrument exercising a power of appointment, or a writing designating a beneficiary of contractual rights. Otherwise, to be effective, the designation must be registered with or delivered to the fiduciary, payor, issuer, or obligor of the future right.

NEW SECTION. **Sec. 4.** FORM AND EFFECT OF RECEIPT AND ACCEPTANCE BY CUSTODIAL TRUSTEE—JURISDICTION. (1) Obligations of a custodial trustee, including the obligation to follow directions of

the beneficiary, arise under this chapter upon the custodial trustee's acceptance, express or implied, of the custodial trust property.

(2) The custodial trustee's acceptance may be evidenced by a writing stating in substance:

CUSTODIAL TRUSTEE'S RECEIPT AND ACCEPTANCE

I, ... (name of custodial trustee) acknowledge receipt of the custodial trust property described below or in the attached instrument and accept the custodial trust as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act. I undertake to administer and distribute the custodial trust property pursuant to the Washington uniform custodial trust act. My obligations as custodial trustee are subject to the directions of the beneficiary unless the beneficiary is designated as, is, or becomes incapacitated. The custodial trust property consists of . . . . . (description of property).

Dated: . . . (date) . . .

. . . . .

(Signature of custodial trustee)

(3) Upon accepting custodial trust property, a person designated as custodial trustee under this chapter is subject to personal jurisdiction of the court with respect to any matter relating to the custodial trust.

NEW SECTION. **Sec. 5.** TRANSFER TO CUSTODIAL TRUSTEE BY FIDUCIARY OR OBLIGOR—FACILITY OF PAYMENT. (1) Unless otherwise directed by an instrument designating a custodial trustee pursuant to section 3 of this act, a person, including a fiduciary other than a custodial trustee, who holds property of or owes a debt to an incapacitated individual not having a conservator may make a transfer to an adult member of the beneficiary's family or to a trust company as custodial trustee for the use and benefit of the incapacitated individual. If the value of the property or the debt exceeds $20,000, the transfer is not effective unless authorized by the court.

(2) A written acknowledgment of delivery, signed by a custodial trustee, is a sufficient receipt and discharge for property transferred to the custodial trustee pursuant to this section.

NEW SECTION. **Sec. 6.** MULTIPLE BENEFICIARIES—SEPARATE CUSTODIAL TRUSTS—SURVIVORSHIP. (1) Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or declaration for use and benefit of spouses or state registered domestic partners, for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to community or marital property.

(2) Custodial trust property held under this chapter by the same custodial trustee for the use and benefit of the same beneficiary may be administered as a single custodial trust.

(3) A custodial trustee of custodial trust property held for more than one beneficiary shall separately account to each beneficiary pursuant to sections 7 and 15 of this act for the administration of the custodial trust.

NEW SECTION. **Sec. 7.** GENERAL DUTIES OF CUSTODIAL TRUSTEE. (1) If appropriate, a custodial trustee shall register or record the instrument vesting title to custodial trust property.

(2) If the beneficiary is not incapacitated, a custodial trustee shall follow the directions of the beneficiary in the management, control, investment, or retention of the custodial trust property. In the absence of effective contrary direction by the beneficiary while not incapacitated, the custodial trustee shall observe the standard of care that would be observed by a prudent person dealing with property of another and is not limited by any other law restricting investments by fiduciaries. However, a custodial trustee, in the custodial trustee's discretion, may retain any custodial trust property received from the transferor. If a custodial trustee has a special skill or expertise or is named custodial trustee on the basis of representation of a special skill or expertise, the custodial trustee shall use that skill or expertise.

(3) Subject to subsection (2) of this section, a custodial trustee shall take control of and collect, hold, manage, invest, and reinvest custodial trust property.

(4) A custodial trustee at all times shall keep custodial trust property of which the custodial trustee has control, separate from all other property in a manner sufficient to identify it clearly as custodial trust property of the beneficiary. Custodial trust property, the title to which is subject to recordation, is so identified if an appropriate instrument so identifying the property is recorded, and custodial trust property subject to registration is so identified if it is registered, or held in an account in the name of the custodial trustee, designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act."

(5) A custodial trustee shall keep records of all transactions with respect to custodial trust property, including information necessary for the preparation of tax returns, and shall make the records and information available at reasonable times to the beneficiary or legal representative of the beneficiary.

(6) The exercise of a durable power of attorney for an incapacitated beneficiary is not effective to terminate or direct the administration or distribution of a custodial trust.

NEW SECTION. **Sec. 8.** GENERAL POWERS OF CUSTODIAL TRUSTEE. (1) A custodial trustee has the powers of a trustee under RCW 11.98.070.

(2) This section does not relieve a custodial trustee from liability for a violation of section 7 of this act.

NEW SECTION. **Sec. 9.** USE OF CUSTODIAL TRUST PROPERTY. (1) A custodial trustee shall pay to the beneficiary or expend for the beneficiary's use and benefit so much or all of the custodial trust property as the beneficiary while not incapacitated may direct from time to time.

(2) If the beneficiary is incapacitated, the custodial trustee shall expend so much or all of the custodial trust property as the custodial trustee considers advisable for the use and benefit of the beneficiary and individuals who were supported by the beneficiary when the beneficiary became incapacitated, or who are legally entitled to support by the beneficiary. Expenditures may be made in the manner, when, and to the extent that the custodial trustee determines suitable and proper, without court order and without regard to other support, income, or property of the beneficiary.

(3) A custodial trustee may establish checking, savings, or other similar accounts of reasonable amounts under which either the custodial trustee or the

beneficiary may withdraw funds from, or draw checks against, the accounts. Funds withdrawn from, or checks written against, the account by the beneficiary are distributions of custodial trust property by the custodial trustee to the beneficiary.

NEW SECTION. **Sec. 10.** DETERMINATION OF INCAPACITY—EFFECT. (1) The custodial trustee shall administer the custodial trust as for an incapacitated beneficiary if: (a) The custodial trust was created under section 5 of this act; (b) the transferor has so directed in the instrument creating the custodial trust; or (c) the custodial trustee has determined that the beneficiary is incapacitated.

(2) A custodial trustee may determine that the beneficiary is incapacitated in reliance upon: (a) Previous direction or authority given by the beneficiary while not incapacitated, including direction or authority pursuant to a durable power of attorney; (b) the certificate of the beneficiary's physician; or (c) other persuasive evidence.

(3) If a custodial trustee for an incapacitated beneficiary reasonably concludes that the beneficiary's incapacity has ceased, or that circumstances concerning the beneficiary's ability to manage property and business affairs have changed since the creation of a custodial trust directing administration as for an incapacitated beneficiary, the custodial trustee may administer the trust as for a beneficiary who is not incapacitated.

(4) On petition of the beneficiary, the custodial trustee, or other person interested in the custodial trust property or the welfare of the beneficiary, the court shall determine whether the beneficiary is incapacitated.

(5) Absent determination of incapacity of the beneficiary under subsection (2) or (4) of this section, a custodial trustee who has reason to believe that the beneficiary is incapacitated shall administer the custodial trust in accordance with the provisions of this chapter applicable to an incapacitated beneficiary.

(6) Incapacity of a beneficiary does not terminate: (a) The custodial trust; (b) any designation of a successor custodial trustee; (c) rights or powers of the custodial trustee; or (d) any immunities of third persons acting on instructions of the custodial trustee.

NEW SECTION. **Sec. 11.** EXEMPTION OF THIRD PERSON FROM LIABILITY. A third person in good faith and without a court order may act on instructions of, or otherwise deal with, a person purporting to make a transfer as, or purporting to act in the capacity of, a custodial trustee. In the absence of knowledge to the contrary, the third person is not responsible for determining:

(1) The validity of the purported custodial trustee's designation;

(2) The propriety of, or the authority under this chapter for, any action of the purported custodial trustee;

(3) The validity or propriety of an instrument executed or instruction given pursuant to this chapter either by the person purporting to make a transfer or declaration or by the purported custodial trustee; or

(4) The propriety of the application of property vested in the purported custodial trustee.

NEW SECTION. **Sec. 12.** LIABILITY TO THIRD PERSON. (1) A claim based on a contract entered into by a custodial trustee acting in a fiduciary capacity, an obligation arising from the ownership or control of custodial trust

property, or a tort committed in the course of administering the custodial trust, may be asserted by a third person against the custodial trust property by proceeding against the custodial trustee in a fiduciary capacity, whether or not the custodial trustee or the beneficiary is personally liable.

(2) A custodial trustee is not personally liable to a third person:

(a) On a contract properly entered into in a fiduciary capacity unless the custodial trustee fails to reveal that capacity or to identify the custodial trust in the contract; or

(b) For an obligation arising from control of custodial trust property or for a tort committed in the course of the administration of the custodial trust unless the custodial trustee is personally at fault.

(3) A beneficiary is not personally liable to a third person for an obligation arising from beneficial ownership of custodial trust property or for a tort committed in the course of administration of the custodial trust unless the beneficiary is personally in possession of the custodial trust property giving rise to the liability or is personally at fault.

(4) Subsections (2) and (3) of this section do not preclude actions or proceedings to establish liability of the custodial trustee or beneficiary to the extent the person sued is protected as the insured by liability insurance.

NEW SECTION. **Sec. 13.** DECLINATION, RESIGNATION, INCAPACITY, DEATH, OR REMOVAL OF CUSTODIAL TRUSTEE, DESIGNATION OF SUCCESSOR CUSTODIAL TRUSTEE. (1) Before accepting the custodial trust property, a person designated as custodial trustee may decline to serve by notifying the person who made the designation, the transferor, or the transferor's legal representative. If an event giving rise to a transfer has not occurred, the substitute custodial trustee designated under section 3 of this act becomes the custodial trustee, or, if a substitute custodial trustee has not been designated, the person who made the designation may designate a substitute custodial trustee pursuant to section 3 of this act. In other cases, the transferor or the transferor's legal representative may designate a substitute custodial trustee.

(2) A custodial trustee who has accepted the custodial trust property may resign by: (a) Delivering written notice to a successor custodial trustee, if any, the beneficiary, and, if the beneficiary is incapacitated, the beneficiary's conservator, if any; and (b) transferring or registering, or recording an appropriate instrument relating to, the custodial trust property, in the name of, and delivering the records to, the successor custodial trustee identified under subsection (3) of this section.

(3) If a custodial trustee or successor custodial trustee is ineligible, resigns, dies, or becomes incapacitated, the successor designated under section 2(7) or 3 of this act becomes custodial trustee. If there is no effective provision for a successor, the beneficiary, if not incapacitated, may designate a successor custodial trustee. If the beneficiary is incapacitated, or fails to act within 90 days after the ineligibility, resignation, death, or incapacity of the custodial trustee, the beneficiary's conservator becomes successor custodial trustee. If the beneficiary does not have a conservator or the conservator fails to act, the resigning custodial trustee may designate a successor custodial trustee.

(4) If a successor custodial trustee is not designated pursuant to subsection (3) of this section, the transferor, the legal representative of the transferor or of

the custodial trustee, an adult member of the beneficiary's family, the guardian of the beneficiary, a person interested in the custodial trust property, or a person interested in the welfare of the beneficiary, may petition the court to designate a successor custodial trustee.

(5) A custodial trustee who declines to serve or resigns, or the legal representative of a deceased or incapacitated custodial trustee, as soon as practicable, shall put the custodial trust property and records in the possession and control of the successor custodial trustee. The successor custodial trustee may enforce the obligation to deliver custodial trust property and records and becomes responsible for each item as received.

(6) A beneficiary, the beneficiary's conservator, an adult member of the beneficiary's family, a guardian of the person of the beneficiary, a person interested in the custodial trust property, or a person interested in the welfare of the beneficiary, may petition the court to remove the custodial trustee for cause and designate a successor custodial trustee, to require the custodial trustee to furnish a bond or other security for the faithful performance of fiduciary duties, or for other appropriate relief.

NEW SECTION. **Sec. 14.** EXPENSES, COMPENSATION, AND BOND OF CUSTODIAL TRUSTEE. Except as otherwise provided in the instrument creating the custodial trust, in an agreement with the beneficiary, or by court order, a custodial trustee:

(1) Is entitled to reimbursement from custodial trust property for reasonable expenses incurred in the performance of fiduciary services;

(2) Has a noncumulative election, to be made no later than six months after the end of each calendar year, to charge a reasonable compensation for fiduciary services performed during that year; and

(3) Need not furnish a bond or other security for the faithful performance of fiduciary duties.

NEW SECTION. **Sec. 15.** REPORTING AND ACCOUNTING BY CUSTODIAL TRUSTEE—DETERMINATION OF LIABILITY OF CUSTODIAL TRUSTEE. (1) Upon the acceptance of custodial trust property, the custodial trustee shall provide a written statement describing the custodial trust property and shall thereafter provide a written statement of the administration of the custodial trust property: (a) Once each year; (b) upon request at reasonable times by the beneficiary or the beneficiary's legal representative; (c) upon resignation or removal of the custodial trustee; and (d) upon termination of the custodial trust. The statements must be provided to the beneficiary or to the beneficiary's legal representative, if any. Upon termination of the beneficiary's interest, the custodial trustee shall furnish a current statement to the person to whom the custodial trust property is to be delivered.

(2) A beneficiary, the beneficiary's legal representative, an adult member of the beneficiary's family, a person interested in the custodial trust property, or a person interested in the welfare of the beneficiary may petition the court for an accounting by the custodial trustee or the custodial trustee's legal representative.

(3) A successor custodial trustee may petition the court for an accounting by a predecessor custodial trustee.

(4) In an action or proceeding under this chapter or in any other proceeding, the court may require or permit the custodial trustee or the custodial trustee's

legal representative to account. The custodial trustee or the custodial trustee's legal representative may petition the court for approval of final accounts.

(5) If a custodial trustee is removed, the court shall require an accounting and order delivery of the custodial trust property and records to the successor custodial trustee and the execution of all instruments required for transfer of the custodial trust property.

(6) On petition of the custodial trustee or any person who could petition for an accounting, the court, after notice to interested persons, may issue instructions to the custodial trustee or review the propriety of the acts of a custodial trustee or the reasonableness of compensation determined by the custodial trustee for the services of the custodial trustee or others.

NEW SECTION. **Sec. 16.** LIMITATIONS OF ACTION AGAINST CUSTODIAL TRUSTEE. (1) Except as provided in subsection (3) of this section, unless previously barred by adjudication, consent, or limitation, a claim for relief against a custodial trustee for accounting or breach of duty is barred as to a beneficiary, a person to whom custodial trust property is to be paid or delivered, or the legal representative of an incapacitated or deceased beneficiary or payee:

(a) Who has received a final account or statement fully disclosing the matter unless an action or proceeding to assert the claim is commenced within two years after receipt of the final account or statement; or

(b) Who has not received a final account or statement fully disclosing the matter unless an action or proceeding to assert the claim is commenced within three years after the termination of the custodial trust.

(2) Except as provided in subsection (3) of this section, a claim for relief to recover from a custodial trustee for fraud, misrepresentation, or concealment related to the final settlement of the custodial trust or concealment of the existence of the custodial trust, is barred unless an action or proceeding to assert the claim is commenced within five years after the termination of the custodial trust.

(3) A claim for relief is not barred by this section if the claimant:

(a) Is a minor, until the earlier of two years after the claimant becomes an adult or dies;

(b) Is an incapacitated adult, until the earliest of two years after: (i) The appointment of a conservator; (ii) the removal of the incapacity; or (iii) the death of the claimant; or

(c) Was an adult, now deceased, who was not incapacitated, until two years after the claimant's death.

NEW SECTION. **Sec. 17.** DISTRIBUTION ON TERMINATION. (1) Upon termination of a custodial trust, the custodial trustee shall transfer the unexpended custodial trust property:

(a) To the beneficiary, if not incapacitated or deceased;

(b) To the conservator or other recipient designated by the court for an incapacitated beneficiary; or

(c) Upon the beneficiary's death, in the following order:

(i) As last directed in a writing signed by the deceased beneficiary while not incapacitated and received by the custodial trustee during the life of the deceased beneficiary;

(ii) To the survivor of multiple beneficiaries if survivorship is provided for pursuant to section 6 of this act;

(iii) As designated in the instrument creating the custodial trust; or

(iv) To the estate of the deceased beneficiary.

(2) If, when the custodial trust would otherwise terminate, the distributee is incapacitated, the custodial trust continues for the use and benefit of the distributee as beneficiary until the incapacity is removed or the custodial trust is otherwise terminated.

(3) Death of a beneficiary does not terminate the power of the custodial trustee to discharge obligations of the custodial trustee or beneficiary incurred before the termination of the custodial trust.

NEW SECTION. **Sec. 18.** METHODS AND FORMS FOR CREATING CUSTODIAL TRUSTS. (1) If a transaction, including a declaration with respect to or a transfer of specific property, otherwise satisfies applicable law, the criteria of section 2 of this act are satisfied by:

(a) The execution and either delivery to the custodial trustee or recording of an instrument in substantially the following form:

TRANSFER UNDER THE WASHINGTON UNIFORM CUSTODIAL TRUST ACT

I, ... (name of transferor or name and representative capacity if a fiduciary), transfer to . . . . . (name of trustee other than transferor), as custodial trustee for . . . . . (name of beneficiary) as beneficiary and . . . . . (name of distributee) as distributee on termination of the trust in absence of direction by the beneficiary under the Washington uniform custodial trust act, the following:

. . . . .

. . . . .

(insert a description of the custodial trust property legally sufficient to identify and transfer each item of property)

Dated: . . . (date)

. . . . .

(Signature); or

(b) The execution and the recording or giving notice of its execution to the beneficiary of an instrument in substantially the following form:

DECLARATION OF TRUST UNDER THE WASHINGTON UNIFORM CUSTODIAL TRUST ACT

I, ... (name of owner of property), declare that henceforth I hold as custodial trustee for . . . . . (name of beneficiary other than transferor) as beneficiary and . . . . . (name of distributee) as distributee on termination of the trust in absence of direction by the beneficiary under the Washington uniform custodial trust act, the following:

. . . . .

. . . . .

(insert a description of the custodial trust property legally sufficient to identify and transfer each item of property)

Dated: . . . (date)

. . . . .

(Signature)

(2) Customary methods of transferring or evidencing ownership of property may be used to create a custodial trust, including any of the following:

(a) Registration of a security in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act";

(b) Delivery of a certificated security, or a document necessary for the transfer of an uncertificated security, together with any necessary endorsement, to an adult other than the transferor or to a trust company as custodial trustee, accompanied by an instrument in substantially the form prescribed in subsection (1)(a) of this section;

(c) Payment of money or transfer of a security held in the name of a broker or a financial institution or its nominee to a broker or financial institution for credit to an account in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act";

(d) Registration of ownership of a life or endowment insurance policy or annuity contract with the issuer in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act";

(e) Delivery of a written assignment to an adult other than the transferor or to a trust company whose name in the assignment is designated in substance by the words: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act";

(f) Irrevocable exercise of a power of appointment, pursuant to its terms, in favor of a trust company, an adult other than the donee of the power, or the donee who holds the power if the beneficiary is other than the donee, whose name in the appointment is designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act";

(g) Delivery of a written notification or assignment of a right to future payment under a contract to an obligor which transfers the right under the contract to a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, whose name in the notification or assignment is designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act";

(h) Execution, delivery, and recordation of a conveyance of an interest in real property in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act";

(i) Issuance of a certificate of title by an agency of a state or of the United States which evidences title to tangible personal property:

(A) Issued in the name of a trust company, an adult other than the transferor, or the transferor if the beneficiary is other than the transferor, designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act"; or

(B) Delivered to a trust company or an adult other than the transferor or endorsed by the transferor to that person, designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act"; or

(j) Execution and delivery of an instrument of gift to a trust company or an adult other than the transferor, designated in substance: ". . . . . as custodial trustee for . . . . . (name of beneficiary) under the Washington uniform custodial trust act."

NEW SECTION. **Sec. 19.** APPLICABLE LAW. (1) This chapter applies to a transfer or declaration creating a custodial trust that refers to this chapter if, at the time of the transfer or declaration, the transferor, beneficiary, or custodial trustee is a resident of or has its principal place of business in this state or custodial trust property is located in this state. The custodial trust remains subject to this chapter despite a later change in residence or principal place of business of the transferor, beneficiary, or custodial trustee, or removal of the custodial trust property from this state.

(2) A transfer made pursuant to an act of another state substantially similar to this chapter is governed by the law of that state and may be enforced in this state.

NEW SECTION. **Sec. 20.** UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. **Sec. 21.** SHORT TITLE. This chapter may be known and cited as the Washington uniform custodial trust act.

Sec. 22. RCW 11.135.010 and 2024 c 188 s 2 are each amended to read as follows:

In this chapter:

(1) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(2) "Electronic signature" means an electronic symbol or process attached to or logically associated with a record that uses a security procedure and is executed or adopted by a person with the intent to sign the record.

(3) "Information" includes data, text, images, codes, computer programs, software, databases, and the like, and does not include videos or sounds.

(4) "Nontestamentary estate planning document" means a record relating to estate planning that is readable as text at the time of signing and is not a will or contained in a will. The term:

(a) Includes a record readable as text at the time of signing that creates, exercises, modifies, releases, or revokes:

(i) An inter vivos trust governed by chapters 11.97, 11.98, 11.98B, 11.103, 11.110, ((~~and~~)) 11.118, and 11.--- (the new chapter created in section 23 of this act) RCW;

(ii) A trust power held by a trustor, a trustee, a beneficiary((~~[,]~~)), or a third party that is granted under the terms of a trust, under this title, specifically including chapters 11.97, 11.98, 11.98B, 11.103, 11.110, and 11.118 RCW, or by any other statute or rule of law related to trusts that requires a writing, written instrument, or a signed record or document;

(iii) A certification of a trust under RCW 11.98.075;

(iv) A power of attorney, including for health care of the principal or of the principal's minor children, that is durable under chapter 11.125 RCW;

(v) An agent's certification under RCW 11.125.430 of the validity of a power of attorney and the agent's authority;

(vi) A power of appointment;

(vii) A health care directive under chapter 70.122 RCW;

(viii) A document appointing an agent to dispose of an individual's remains, directing disposition of an individual's remains after death, or expressing wishes regarding an anatomical gift;

(ix) A nomination of a guardian or conservator for the signing individual;

(x) A nomination of a guardian or conservator for a minor child or disabled adult child or a delegation of parental powers for a minor child pursuant to RCW 11.130.145;

(xi) A mental health advance directive under chapter 71.32 RCW;

(xii) A community property agreement as described in RCW 26.16.120;

(xiii) A disclaimer under RCW 11.86.011(5);

(xiv) A trust decanting under chapter 11.107 RCW;

(xv) A separate writing directing the disposition of tangible personal property under RCW 11.12.260; and

(xvi) Any other record intended to carry out an individual's intent regarding property or health care while incapacitated or on death; and

(b) Does not include:

(i) A deed of real property or certificate of title for a motor vehicle, watercraft, or aircraft; or

(ii) A nonjudicial settlement agreement under RCW 11.96A.220.

(5) "Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(6) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(7) "Sign" means, with present intent to authenticate or adopt a record, to:

(a) Execute or adopt a tangible symbol; or

(b) Attach to or logically associate with the record an electronic signature.

(8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

NEW SECTION. **Sec. 23.** Sections 1 through 21 of this act constitute a new chapter in Title 11 RCW.

NEW SECTION. **Sec. 24.** SEVERABILITY. 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.

Passed by the Senate February 5, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 112

[Senate Bill 5306]

LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM PLAN 2—PURCHASE OF SERVICE CREDIT—LEAVES OF ABSENCE

AN ACT Relating to the purchase of pension service credit for authorized leaves of absence; and amending RCW 41.26.520.

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

Sec. 1. RCW 41.26.520 and 2016 c 115 s 2 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.26.410 through 41.26.550.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The basic salary reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (7) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. <u>If the member retires instead of returning to work, the member is eligible for this credit.</u> Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner.

(4) A law enforcement member may be authorized by an employer to work part time and to go on a part-time leave of absence. During a part-time leave of absence a member is prohibited from any other employment with their employer. A member is eligible to receive credit for any portion of service credit not earned during a month of part-time leave of absence if the member makes the employer, member, and state contributions, plus interest, as determined by the department for the period of the authorized leave within five years of resumption of full-time service or prior to retirement whichever comes sooner. Any service credit

purchased for a part-time leave of absence is included in the two-year maximum provided in subsection (3) of this section.

(5) If a member fails to meet the time limitations of subsection (3) or (4) of this section, the member may receive a maximum of two years of service credit during a member's working career for those periods when a member is on unpaid leave of absence authorized by an employer. This may be done by paying the amount required under RCW 41.50.165(2) prior to retirement.

(6) For the purpose of subsection (3) or (4) of this section, the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW 41.45.060, 41.45.061, and 41.45.067. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment. If the member retires instead of returning to work, the contributions required shall be based on the member's basic salary at the time the authorized leave of absence was granted adjusted for any cost-of-living or other pay increases provided to similar jobs or job classes during the leave period.

(7) A member who leaves the employ of an employer to enter the uniformed services of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the uniformed services of the United States, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the uniformed services; and

(ii) The member makes the employee contributions required under RCW 41.45.060, 41.45.061, and 41.45.067 within five years of resumption of service or prior to retirement, whichever comes sooner; or

(iii) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2); or

(iv) Prior to retirement the member provides to the director proof that the member's interruptive military service was during a period of war as defined in RCW 41.04.005. Any member who made payments for service credit for interruptive military service during a period of war as defined in RCW 41.04.005 may, prior to retirement and on a form provided by the department, request a refund of the funds standing to his or her credit for up to five years of such service, and this amount shall be paid to him or her. Members with one or more periods of interruptive military service credit during a period of war may receive no more than five years of free retirement system service credit under this subsection.

(b) Upon receipt of member contributions under (a)(ii), (d)(iii), or (e)(iii) of this subsection, or adequate proof under (a)(iv), (d)(iv), or (e)(iv) of this subsection, the department shall establish the member's service credit and shall bill the employer and the state for their respective contributions required under RCW 41.26.450 for the period of military service, plus interest as determined by the department.

(c) The contributions required under (a)(ii), (d)(iii), or (e)(iii) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

(d) The surviving spouse, domestic partner, or eligible child or children of a member who left the employ of an employer to enter the uniformed services of the United States and died while serving in the uniformed services may, on behalf of the deceased member, apply for retirement system service credit under this subsection up to the date of the member's death in the uniformed services. The department shall establish the deceased member's service credit if the surviving spouse or eligible child or children:

(i) Provides to the director proof of the member's death while serving in the uniformed services;

(ii) Provides to the director proof of the member's honorable service in the uniformed services prior to the date of death; and

(iii) Pays the employee contributions required under chapter 41.45 RCW within five years of the date of death or prior to the distribution of any benefit, whichever comes first; or

(iv) Prior to the distribution of any benefit, provides to the director proof that the member's interruptive military service was during a period of war as defined in RCW 41.04.005. If the deceased member made payments for service credit for interruptive military service during a period of war as defined in RCW 41.04.005, the surviving spouse or eligible child or children may, prior to the distribution of any benefit and on a form provided by the department, request a refund of the funds standing to the deceased member's credit for up to five years of such service, and this amount shall be paid to the surviving spouse or children. Members with one or more periods of interruptive military service during a period of war may receive no more than five years of free retirement system service credit under this subsection.

(e) A member who leaves the employ of an employer to enter the uniformed services of the United States and becomes totally incapacitated for continued employment by an employer while serving in the uniformed services is entitled to retirement system service credit under this subsection up to the date of discharge from the uniformed services if:

(i) The member obtains a determination from the director that he or she is totally incapacitated for continued employment due to conditions or events that occurred while serving in the uniformed services;

(ii) The member provides to the director proof of honorable discharge from the uniformed services; and

(iii) The member pays the employee contributions required under chapter 41.45 RCW within five years of the director's determination of total disability or prior to the distribution of any benefit, whichever comes first; or

(iv) Prior to retirement the member provides to the director proof that the member's interruptive military service was during a period of war as defined in RCW 41.04.005. Any member who made payments for service credit for interruptive military service during a period of war as defined in RCW 41.04.005 may, prior to retirement and on a form provided by the department, request a refund of the funds standing to his or her credit for up to five years of

such service, and this amount shall be paid to him or her. Members with one or more periods of interruptive military service credit during a period of war may receive no more than five years of free retirement system service credit under this subsection.

(f) The surviving spouse, domestic partner, or eligible child or children of a member who left the employ of an employer to enter the uniformed services of the United States, federal emergency management agency, or national disaster medical system of the United States department of health and human services and died while performing service in response to a disaster, major emergency, special event, federal exercise, or official training on or after March 22, 2014, may, on behalf of the deceased member, apply for retirement system service credit under this subsection up to the date of the member's death in such service. The department shall establish the deceased member's service credit if the surviving spouse or eligible child or children provides to the director proof of the member's death while in such service.

(g) A member who leaves the employ of an employer to enter the uniformed services of the United States, federal emergency management agency, or national disaster medical system of the United States department of health and human services and becomes totally incapacitated for continued employment by an employer while providing such service is entitled to retirement system service credit under this subsection up to the date of separation from such service if the member obtains a determination from the director that he or she is totally incapacitated for continued employment due to conditions or events that occurred while performing such service.

(8) A member receiving benefits under Title 51 RCW who is not receiving benefits under this chapter shall be deemed to be on unpaid, authorized leave of absence.

Passed by the Senate February 19, 2025.

Passed by the House April 9, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 22, 2025.

CHAPTER 113

[Substitute Senate Bill 5040]

INTEREST ARBITRATION RIGHTS—DEFINITION OF UNIFORMED PERSONNEL

AN ACT Relating to expanding the definition of uniformed personnel to all law enforcement officers employed by a city, town, county, or governing body of a municipal airport operating under the provisions of chapter 14.08 RCW; and amending RCW 41.56.030.

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

Sec. 1. RCW 41.56.030 and 2024 c 124 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures, subject to RCW 41.58.070, and collective negotiations on personnel matters, including wages, hours, and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Fish and wildlife officer" means a fish and wildlife officer as defined in RCW 77.08.010 who ranks below lieutenant and includes officers, detectives, and sergeants of the department of fish and wildlife.

(9) "Individual provider" means an individual provider as defined in RCW 74.39A.240(3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(10) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(11)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services, whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers who provided these services on or after January 1, 2019; or

(iii) For state agencies who provided these services on or after January 1, 2019.

(b) "Language access provider" does not mean a manager or employee of a broker or a language access agency.

(12) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a

multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(13) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court. For the purposes of this chapter, public employer does not include a comprehensive cancer center participating in a collaborative arrangement as defined in RCW 28B.10.930 that is operated in conformance with RCW 28B.10.930.

(14) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town ((~~with a population of two thousand five hundred or more and~~)), law enforcement officers employed by the governing body of any county ((~~with a population of ten thousand or more~~)), and law enforcement officers employed by the governing body of a municipal airport operating under the provisions of chapter 14.08 RCW; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, in a correctional facility created under RCW 70.48.095, or in a detention facility created under chapter 13.40 RCW that is located in a county with a population over one million five hundred thousand, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; (i) court marshals of any county who are employed by, trained for, and commissioned by the

county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order; or (j) public safety telecommunicators, as defined in RCW 38.60.020, employed by a public employer. This subsection (14)(j) does not apply to public safety telecommunicators employed by the Washington state patrol or any other state agency.

Passed by the Senate February 25, 2025.
Passed by the House April 12, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 114

[Engrossed Substitute Senate Bill 5459]
CALL CENTER EMPLOYERS—RELOCATION

AN ACT Relating to call center retention; adding a new chapter to Title 50 RCW; and prescribing penalties.

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

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Call center" means a facility or other operation in which the primary activity is workers making or receiving phone calls or other electronic communication for the purpose of providing customer assistance or other service.

(2) "Employer" means any employer as defined in RCW 50.04.080 that employs, for purposes of a call center: (a) 50 or more workers, excluding part-time workers; or (b) 50 or more workers who in the aggregate work at least 1,500 hours per week, excluding overtime.

(3) "Part-time worker" means an individual who works for an average of fewer than 20 hours per week or who has worked for fewer than six of the 12 months preceding the date on which notice is required under section 2 of this act.

(4) "State agency" means any state department, office, division, board, commission, or higher education institution.

(5) "Work" means personal service performed by an employee or contractor for a wage or under any contract calling for the performance of written or oral personal services, express or implied.

NEW SECTION. **Sec. 2.** (1)(a) An employer that intends to relocate a call center, or one or more facilities or operating units within a call center comprising at least 25 percent of the call center's or operating unit's total volume when measured against the previous 12-month average call volume of operations or substantially similar operations from the state to a foreign country must notify the commissioner at least 120 days before such relocation.

(b) For state agencies, the requirements in this subsection only apply to relocations to a foreign country, not to another state.

(c) For state agencies, the requirements in this subsection do not apply to any facilities or other operations in which the primary activity or work is providing language interpretation services.

(2) An employer that violates subsection (1) of this section is subject to a civil penalty not to exceed $10,000 for each day of such violation, except that the commissioner may reduce such amount if the governor or the president has declared a state of emergency for the location of the call center.

(3) The commissioner must compile a semiannual list of all employers that have notified the commissioner under subsection (1) of this section and post the list on the employment security department's website. The commissioner must also distribute the list to all state agencies.

NEW SECTION. **Sec. 3.** (1) A call center employer that appears on the list specified in section 2 of this act is ineligible for any direct or indirect grants or loans awarded by a state agency for five years after the employer appears on the list. The employment security department, in consultation with the appropriate state agency, may waive the ineligibility if the employer applying for a grant or loan demonstrates that the lack of the grant or loan would result in substantial job loss in the state or would harm the environment.

(2) If a state agency finds that a call center employer was ineligible under this section for a grant or loan that was awarded after the effective date of this section, the employer must immediately remit the value of the grant or loan.

NEW SECTION. **Sec. 4.** State agency contracts made after the effective date of this section for purchases of call center services, with the exception of interpreter services, must provide that the work performed by the contractor or its agents or subcontractors be performed entirely within the United States of America.

NEW SECTION. **Sec. 5.** This chapter does not permit withholding or denial of any payments or benefits under any other law to workers that relocate to a foreign country.

NEW SECTION. **Sec. 6.** This chapter may be known and cited as the Washington call center jobs act.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 50 RCW.

NEW SECTION. **Sec. 8.** 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.

Passed by the Senate March 3, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 115

[Substitute Senate Bill 5501]

EMPLOYER DRIVING REQUIREMENTS

AN ACT Relating to employer requirements for driving; amending RCW 49.58.090; adding a new section to chapter 49.58 RCW; and prescribing penalties.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.58 RCW to read as follows:

(1) Unless driving is one of the essential job functions or is related to a legitimate business purpose for a position, it is unlawful for an employer to:

(a) Require a valid driver's license as a condition of employment; or

(b) Include a statement in a posting for a job opening for the position that an applicant must have a valid driver's license.

(2)(a) The director must investigate complaints regarding compliance with this section and any related rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(b) If the director determines a violation occurred, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or $5,000, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(c) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty.

(i) For a first violation, the civil penalty may not exceed $500.

(ii) For a repeat violation, the civil penalty may not exceed $1,000 or 10 percent of the damages, whichever is greater.

(d) If the investigation finds that the complainant's allegation cannot be substantiated, the department shall issue a closure letter to the complainant and the employer detailing such finding.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from four years from the last violation before the complaint.

Sec. 2. RCW 49.58.090 and 2018 c 116 s 11 are each amended to read as follows:

The department may adopt rules to implement ((~~RCW 49.58.005 and 49.58.020 through 49.58.060~~)) this chapter.

Passed by the Senate February 26, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 116

[Engrossed Senate Bill 5065]

TRAVELING ANIMAL ACTS—CERTAIN ANIMALS

AN ACT Relating to prohibiting the use of certain animals in traveling animal acts; adding a new chapter to Title 9 RCW; and prescribing penalties.

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

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Covered animal" means any of the following animals, and hybrids thereof:

(a) *Elephantidae*;

(b) *Felidae*, including any hybrids thereof, but excluding domestic cats;

(c) Nonhuman primate; and

(d) *Ursidae*.

(2) "Mobile or traveling housing facility" means a transporting vehicle such as a truck, trailer, or railway car, used to transport or house animals while traveling for exhibition or other performance.

(3) "Performance" means any exhibition, public showing, presentation, display, exposition, fair, animal act, circus, ride, trade show, petting zoo, carnival, parade, race, or similar undertaking in which animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience.

(4) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

(5) "Traveling animal act" means any performance of animals where such animals are transported to, from, or between locations for the purpose of such performance, in a mobile or traveling housing facility.

NEW SECTION. **Sec. 2.** Notwithstanding any other provision of law, no person shall allow for the participation of a covered animal in a traveling animal act.

NEW SECTION. **Sec. 3.** This chapter shall not apply to a performance that: (1) Takes place at a nonmobile, permanent institution or other fixed facility licensed by the United States department of agriculture; and (2) is conducted by the nonmobile, permanent institution or fixed facility.

NEW SECTION. **Sec. 4.** A violation of this chapter is a gross misdemeanor.

NEW SECTION. **Sec. 5.** A city or county may adopt an ordinance governing traveling animal acts that is more restrictive than this chapter.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 9 RCW.

NEW SECTION. **Sec. 7.** 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.

Passed by the Senate February 7, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 117

[Substitute Senate Bill 5074]

TURF SEED PRODUCTION AND PURCHASE CONTRACTS

AN ACT Relating to payment of seed contracts; and adding a new chapter to Title 15 RCW.

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

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authenticate" means to sign or with present intent to adopt or accept a record, to attach to, or logically associate with the record, an electronic sound, symbol, or process.

(2) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(3) "Seed bailment contract" means any bailment contract for the increase in agricultural seeds where the bailor retains the title to seed, seed stock, plant life, and the seed crop resulting therefrom.

(4) "Turfgrass seed" means Kentucky bluegrass, perennial ryegrass, tall fescue, hard fescue, slender fescue, and creeping red fescue. Forage fescue and reclamation grass seed are excluded from this order.

(5) "Turf seed dealer" means a person that in the ordinary course of business contracts to buy turfgrass seed grown in this state by a producer or contracts with a producer for the growing of turfgrass seed in this state. "Turf seed dealer" does not include a common carrier used to transport an agricultural commodity.

(6) "Turf seed producer" means a person that grows turfgrass seed in this state on a commercial basis without entering into a contract with a turf seed dealer before harvesting of the seed.

(7) "Turf seed production contract" means a written agreement between a producer and a turf seed dealer for the growing of turfgrass seed in this state.

(8) "Turf seed purchase contract" means a written agreement for a turf seed dealer to purchase turfgrass seed that has been grown by a turf seed producer. "Turf seed purchase contract" does not include a seed production contract.

(9) "Variety not stated seed" means seed that is sold in unmarked plastic bags or other unmarked containers without any reference to a variety name for the seed.

NEW SECTION. **Sec. 2.** (1) If the turf seed production contract does not settle the price of the turfgrass seed, the contract is enforceable and the price shall be determined as described in RCW 62A.2-305 (1) through (3).

(2) Except as provided in section 3 of this act, payment to the producer is due by the earliest of the following:

(a) The dates specified in the contract;

(b) 30 days after seed delivery; or

(c) May 1st of the calendar year following the harvesting of the seed.

(3) Unless expressly provided otherwise in a turf seed production contract that is authenticated by the producer and turf seed dealer before the producer planting the turfgrass seed, the risk of loss and the responsibility for the payment of storage fees transfer from the producer to the turf seed dealer upon the earlier of:

(a) The delivery of the seed to the turf seed dealer pursuant to a notice from the turf seed dealer; or

(b) The delivery to the turf seed dealer of test results establishing that the seed meets quality standards set forth in the contract.

(4) It is an implied condition of any price or payment requirement described in subsections (1) through (3) of this section that the producer is performing, or has completed performance, in accordance with the seed production contract and has not otherwise breached the contract.

(5) Except as provided in subsection (7) of this section, a turf seed production contract described in this section may contain any additional terms agreed to by the parties.

(6) If a turf seed production contract is extended or renewed, for the extension or renewal period the parties may:

(a) Subject to (b) of this subsection, continue the terms of the original contract or agree to new or different contract terms; and

(b) Agree to payment due date terms as provided under this section or section 3(3) of this act.

(7) A turf seed production contract may not:

(a) Provide for exclusive venue or jurisdiction in another state;

(b) Provide for the terms of the contract to be interpreted under the laws of another state;

(c) Waive the application of sections 1 through 9 of this act to the contract; or

(d) Authorize a unilateral material modification of the contract.

(8) Subject to RCW 62A.2-201, subsections (1) and (7) of this section also apply to a nonwritten agreement for the production of turfgrass seed.

(9) A term in a turf seed production contract that conflicts with subsection (1) or (7) of this section is void.

NEW SECTION. **Sec. 3.** (1) A turf seed production contract that is authenticated by the producer and turf seed dealer before the producer planting the turfgrass seed may contain payment due date terms that differ from the payment due date terms described in section 2(2) of this act if the contract states the date by which final payment for the turfgrass seed is due.

(2) If a turf seed production contract that is authenticated by the producer and turf seed dealer before the producer planting the turfgrass seed does not contain the information required under subsection (1) of this section, notwithstanding any contrary payment due date terms stated in the contract, the payment due date terms of the contract are subject to section 2(2) of this act.

(3) An extension or renewal of any turf seed production contract, regardless of when the contract was authenticated, may contain payment due date terms that differ from the payment due date terms described in section 2(2) of this act if the extension or renewal contains the information required under subsection (1) of this section. If an extension or renewal of a turf seed production contract does not contain the information required under subsection (1) of this section, notwithstanding any contrary payment due date terms stated in the extension or renewal, the payment due date terms for the extension or renewal are subject to section 2(2) of this act.

(4) It is an implied condition of any payment requirement created as provided under this section that the producer is performing, or has completed performance, in accordance with the turf seed production contract and has not otherwise breached the contract.

NEW SECTION. **Sec. 4.** (1) A seed bailment contract or seed purchase contract does not create a possessory security interest in goods under the uniform commercial code, chapter 62A.9A RCW. For a seed bailment contract, filing, recording, or notice of the contract is not a requirement for establishing, during the term of the contract, the validity of the contract or for establishing and confirming in the turf seed dealer the title to all seed, seed stock, and plant life grown or used by the bailee under the terms of the contract.

(2) Payments due from a turf seed dealer to a bailee under the terms of a seed bailment contract, or due to a turf seed producer under the terms of a turf seed purchase contract, are subject to lien under chapter 60.11 RCW and to security interests perfected as provided under Title 62A RCW.

NEW SECTION. **Sec. 5.** (1) The terms of a turf seed purchase contract must include:

(a) The estimated date for seed delivery;

(b) The terms and estimated date for the turf seed dealer to pay the seed producer;

(c) The amount of turfgrass seed to be purchased; and

(d) The species, cultivars, and quality standards of the turfgrass seed to be purchased.

(2) If the turf seed purchase contract does not settle the price of the turfgrass seed, the contract is enforceable and price shall be determined as described in RCW 62A.2-305 (1) through (3). A turf seed purchase contract must require the turf seed dealer to make payment to the turf seed producer within 30 days after seed delivery. However, upon written mutual agreement of the turf seed producer and the turf seed dealer, the producer may extend the period available for the dealer to make payment.

NEW SECTION. **Sec. 6.** (1) A turf seed dealer that requests modification to the payment terms of a seed production contract for turfgrass seed shall pay an amount equal to at least 25 percent of the value of the contract prior to modification of the contract.

(2) A party to a turf seed production contract or turf seed purchase contract may not, as a condition of performance, require the other party to agree to a material modification of the contract. A contract modification obtained in violation of this subsection is unenforceable.

(3) In any action to recover damages for breach of a turf seed production contract or turf seed purchase contract, if the court finds that a party to the contract failed to act in good faith as defined in RCW 62A.1-201, the court may award the prevailing party court costs and reasonable attorneys' fees.

NEW SECTION. **Sec. 7.** (1) If testing as provided under a turf seed production contract establishes that turfgrass seed does not meet the quality standards set forth in the contract, the producer may at any time send the test results to the turf seed dealer and inquire whether the turf seed dealer intends to purchase the seed. If, within 30 days after the turf seed dealer receives the test results and inquiry from the producer, the turf seed dealer delivers a response informing the producer that the turf seed dealer intends to purchase the seed, the response is an accord that forms a turf seed purchase contract for the seed purchased under this subsection. Except as provided in this subsection regarding price, the parties may establish the terms of the turf seed purchase contract as

provided under section 4 of this act. The price of the seed that is subject to the turf seed purchase contract shall be:

(a) Any price stated in the turf seed production contract for seed not meeting quality standards;

(b) If not determined by the turf seed production contract, any price agreed to by the parties; or

(c) If not determined by the turf seed production contract or by agreement, the market price for seed of the same kind and quality as the produced seed. However, a seed price established by the use of market price may not exceed any price established in the turf seed production contract for seed that meets quality standards.

(2) An accord that creates a turf seed purchase contract under subsection (1) of this section does not affect the terms of a turf seed production contract for any seed that was not described in the test results and inquiry sent by the producer.

(3) A producer may send test results and make an inquiry under subsection (1) of this section in any manner that documents turf seed dealer receipt of the test results and inquiry. A turf seed dealer may send a response under subsection (1) of this section to a producer in any manner that documents producer receipt of the response.

(4) If, within 30 days after the turf seed dealer receives the test results and inquiry from the producer, the turf seed dealer has not delivered a response informing the producer that the turf seed dealer intends to purchase the seed, the turf seed dealer is deemed to have refused purchase of the seed and to have authorized the producer to sell the seed in a commercially legal manner as variety not stated seed. This subsection does not authorize the sale of any seed, seed stock, or plant life of a protected variety grown or used by the producer other than a sale of seed as variety not stated seed. The remedy provided under this subsection is in addition to any other remedy available to a producer by law. An authorization for sale arising under this subsection is in addition to any other conditional or unconditional authorization for sale that a turf seed dealer may grant to a producer.

NEW SECTION. **Sec. 8.** (1) If a seed dealer fails to pay a producer for turfgrass seed when payment is due under a turf seed production contract or fails to pay a seed grower for turfgrass seed when payment is due under a seed purchase contract, the producer or turfgrass seed grower may notify the department. Upon notification by a producer or turfgrass seed grower, the department shall determine whether payment has been made when due. If the department determines that the turf seed dealer has not made a payment that is due under a turf seed production contract or turf seed purchase contract, the department shall notify the seed dealer in writing that the dealer has 30 days to pay the producer or turfgrass seed grower all delinquent amounts plus interest on each delinquent amount at the rate of one percent per month simple interest from the final payment date for that delinquent amount.

(2) A turf seed production contract or turf seed purchase contract may not vary the terms of the remedy provided by this section. This section does not prevent a producer or turfgrass seed grower from filing a notice of lien against a turf seed dealer.

(3) If a turf seed dealer fails to make payment as required by a notice given by the department under this section, the department, in accordance with chapter

20.01 RCW, shall suspend any turf seed dealer license issued to the dealer until the dealer demonstrates to the satisfaction of the department that the dealer is current on all payments due to all producers and turfgrass seed growers.

(4) A seed dealer that fails to make payment on a seed production contract or seed purchase contract as required by a notice given by the department under this section is considered to have authorized the producer or turfgrass seed grower to sell in a commercially reasonable manner any seed from the contract that is still in the possession of the producer. This subsection does not prevent a turf seed dealer from giving consent to the producer or turfgrass seed grower by other means and does not supersede the terms of a consent given by other means.

(5) To enforce this chapter, the department may charge a turf seed producer in accordance with RCW 20.01.480.

NEW SECTION. **Sec. 9.** (1) The department may adopt rules to require, as a condition of issuing a seed dealer license under chapter 20.01 RCW, that each seed dealer provide the department financial assurance for the performance by the seed dealer under any turf seed production contract or turf seed purchase contract entered into by the seed dealer.

(2) The department may refuse to issue a seed dealer license to an applicant if the applicant, any owner or officer of the applicant, or any individual exercising substantial control over the turf seed industry activities of the applicant:

(a) Is a seed dealer for which the license has been suspended under section 8 of this act;

(b) Is or was an owner or officer of a seed dealer at the time of an event that resulted in the license of the seed dealer being suspended under section 8 of this act; or

(c) Was an individual who exercised substantial control over the seed industry activities of a turf seed dealer at the time of an event that resulted in the license of the seed dealer being suspended under section 8 of this act.

(3) An agent that enters into a turf seed production contract on behalf of a turf seed dealer is conclusively presumed to have actual authority to establish the performance obligations of the seed dealer under the contract.

(4) For the purposes of this section:

(a) "Officer" means any of the following individuals:

(i) A president, vice president, secretary, treasurer, or director of a corporation;

(ii) A general partner in a limited partnership;

(iii) A manager in a manager-managed limited liability company;

(iv) A member of a member-managed limited liability company;

(v) A trustee; or

(vi) An individual who is an officer as defined by the department by rule. A definition of "officer" adopted by department rule may include individuals not listed in this subsection (4)(a) who may exercise substantial control over a business.

(b) "Owner" means:

(i) A sole proprietor of, partner in, or holder of a controlling interest in an applicant; or

(ii) Any person who is an owner as defined by the department by rule.

NEW SECTION. **Sec. 10.** (1) The department may adopt rules for the administration and enforcement of sections 1 through 9 of this act.

(2) The director may make mediation services available through the department for the resolution of turf seed production contract disputes and seed purchase contract disputes.

NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act apply to seed contracts entered into, extended, or renewed on or after the effective date of this section.

NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act constitute a new chapter in Title 15 RCW.

Passed by the Senate March 3, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 118

[Substitute Senate Bill 5076]

NONSPOT SHRIMP POT-PUGET SOUND FISHERY LICENSE

AN ACT Relating to establishing a Puget Sound nonspot shrimp pot fishery license; amending RCW 77.70.005, 77.70.410, 77.70.420, and 77.65.220; and adding a new section to chapter 77.70 RCW.

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

Sec. 1. RCW 77.70.005 and 2011 c 147 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter and related rules adopted by the department unless the context clearly requires otherwise.

(1) "Deliver" or "delivery" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters.

(2) "Nonspot shrimp" means a species complex composed of the following species of pandalid shrimp including Dock shrimp (*Pandalus danae*), coonstripe shrimp (*Pandalus hypsinotus*), humpy shrimp (*Pandalus goniurus*), ocean pink shrimp (*Pandalus jordani*), pink shrimp (*Pandalus eous*), and side stripe shrimp (*Pandalus* (*Pandalopsis*) *dispar*).

(3) "Pacific sardine" and "pilchard" means the species *Sardinops sagax*.

(((~~(3)~~))) (4) "Spot shrimp" means the species *Pandalus platyceros*.

Sec. 2. RCW 77.70.410 and 2001 c 105 s 1 are each amended to read as follows:

(1) The shrimp pot-Puget Sound fishery is a limited entry fishery and a person shall not fish for spot shrimp or nonspot shrimp taken from Puget Sound for commercial purposes with shrimp pot gear except under the provisions of a shrimp pot-Puget Sound fishery license issued under RCW 77.65.220.

(2) A shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held a shrimp pot-Puget Sound fishery license during the previous year, except upon the death of the licensee the license shall be treated as analogous to personal property for purposes of inheritance and intestacy.

(3) No more than two shrimp pot-Puget Sound fishery licenses may be owned by a licensee. The licensee must transfer the second license into the licensee's name, and designate on the second license the same vessel as is designated on the first license at the time of the transfer. Licensees who hold two shrimp pot-Puget Sound fishery licenses may not transfer one of the two licenses for a ((~~twelve-month~~)) 12-month period beginning on the date the second license is transferred to the licensee, but the licensee may transfer both licenses to another natural person. The nontransferability provisions of this subsection start anew for the receiver of the two licenses. Licensees who hold two shrimp pot-Puget sound fishery licenses may fish one and one-half times the maximum number of pots allowed for Puget Sound shrimp, and may retain and land one and one-half times the maximum catch limits established for Puget Sound shrimp taken with shellfish pot gear.

(4) Through December 31, 2001, shrimp pot-Puget Sound fishery licenses are transferable only to a current shrimp pot-Puget Sound fishery licensee, or upon death of the licensee. Beginning January 1, 2002, shrimp pot-Puget Sound commercial fishery licenses are transferable, except holders of two shrimp pot-Puget Sound licenses are subject to nontransferability provisions as provided for in this section.

(5) Through December 31, 2001, a shrimp pot-Puget Sound licensee may designate any natural person as the alternate operator for the license. Beginning January 1, 2002, a shrimp pot-Puget Sound licensee may designate only an immediate family member, as defined in RCW 77.12.047, or the immediate family member of a shrimp pot-Puget Sound licensee's spouse as the alternate operator((~~.~~)) with the following exceptions: A licensee with a bona fide medical emergency may designate a person other than an immediate family member as the alternate operator for a period not to exceed two years, provided the licensee documents the medical emergency with letters from two medical doctors describing the illness or condition that prevents the licensee from participating in the fishery. The two-year period may be extended by the director upon recommendation of a department-appointed Puget Sound shrimp pot advisory board. ((~~If the licensee has no immediate family member who is capable of operating the license, the~~)) A licensee may ((~~make a request to~~)) designate any natural person as the alternate operator by requesting the Puget Sound shrimp pot advisory board to designate an alternate operator who is not an immediate family member, and upon recommendation of the Puget Sound shrimp pot advisory board, the director may allow designation of an alternate operator who is not an immediate family member.

Sec. 3. RCW 77.70.420 and 2001 c 105 s 2 are each amended to read as follows:

(1) The shrimp trawl-Puget Sound fishery is a limited entry fishery and a person shall not fish for nonspot shrimp taken from Puget Sound for commercial purposes with shrimp trawl gear except under the provisions of a shrimp trawl-Puget Sound fishery license issued under RCW 77.65.220.

(2) A shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held a shrimp trawl-Puget Sound fishery license during the previous licensing year, except upon the death of the licensee the license shall be treated as analogous to personal property for purposes of inheritance and intestacy. Upon the death of the licensee, the shrimp trawl-Puget Sound fishery

license is converted to a nonspot shrimp pot-Puget Sound fishery license for purposes of inheritance and intestacy.

(3) No more than one shrimp trawl-Puget Sound fishery license may be owned by a licensee.

(4) Through December 31, 2001, shrimp trawl-Puget Sound fishery licenses are nontransferable, except upon death of the licensee. Beginning January 1, 2002, through July 31, 2025, shrimp trawl-Puget Sound licenses are transferable. Beginning August 1, 2025, shrimp trawl-Puget Sound fishery licenses are only transferable if the license is converted to a nonspot shrimp pot-Puget Sound fishery license.

(5) Through December 31, 2001, a shrimp trawl-Puget Sound licensee may designate any natural person as the alternate operator for the license. Beginning January 1, 2002, a shrimp trawl-Puget Sound licensee may designate only an immediate family member, as defined in RCW 77.12.047, or an immediate family member of a shrimp trawl-Puget Sound licensee's spouse as the alternate operator((~~.~~)) with the following exceptions: A licensee with a bona fide medical emergency may designate a person other than an immediate family member as the alternate operator for a period not to exceed two years, provided the licensee documents the medical emergency with letters from two medical doctors describing the illness or condition that prevents the immediate family member from participating in the fishery. The two-year period may be extended by the director upon recommendation of a department-appointed Puget Sound shrimp trawl advisory board. ((~~If the licensee has no immediate family member who is capable of operating the license, the licensee may make a request to~~)) A licensee may designate any natural person as the alternate operator by requesting the Puget Sound shrimp trawl advisory board to designate an alternate operator who is not an immediate family member, and upon recommendation of the Puget Sound shrimp trawl advisory board, the director may allow designation of an alternate operator who is not an immediate family member.

(6) A holder of a shrimp trawl-Puget Sound fishery license issued under RCW 77.65.220 may harvest members of the nonspot shrimp species within the waters of Puget Sound.

(7) No more than one shrimp trawl-Puget Sound fishery license or nonspot shrimp pot-Puget Sound fishery license may be owned by a licensee.

(8) The combined number of shrimp trawl-Puget Sound fishery licenses and nonspot shrimp pot-Puget Sound fishery licenses issued under RCW 77.65.220 is limited to five licenses in total.

NEW SECTION. **Sec. 4.** A new section is added to chapter 77.70 RCW to read as follows:

(1) The nonspot shrimp pot-Puget Sound fishery is a limited entry fishery and a person may not fish for nonspot shrimp for commercial purposes with nonspot shrimp pot gear except under the provisions of a nonspot shrimp pot-Puget Sound fishery license or a shrimp pot-Puget Sound fishery license issued under RCW 77.65.220.

(2) A nonspot shrimp pot-Puget Sound fishery license may designate only an immediate family member, as defined in RCW 77.12.047, or an immediate family member of a nonspot shrimp pot-Puget Sound licensee's spouse as the alternate operator with the following exceptions: A licensee with a bona fide medical emergency may designate a person other than an immediate family

member as the alternate operator for a period not to exceed two years, provided the licensee documents the medical emergency with letters from two medical doctors describing the illness or condition that prevents the immediate family member from participating in the fishery. The two-year period may be extended by the director upon recommendation of a department-appointed Puget Sound shrimp trawl advisory board. A licensee may designate any natural person as the alternate operator by requesting the Puget Sound shrimp trawl advisory board to designate an alternate operator who is not an immediate family member, and upon recommendation of the Puget Sound shrimp trawl advisory board, the director may allow designation of an alternate operator who is not an immediate family member.

(3) A holder of a nonspot shrimp pot-Puget Sound fishery license issued under RCW 77.65.220 may harvest members of the nonspot shrimp species within the waters of Puget Sound.

(4) The combined number of shrimp trawl-Puget Sound fishery licenses and nonpot shrimp pot-Puget Sound fishery licenses issued under RCW 77.65.220 is limited to five licenses in total.

(5) A nonspot shrimp pot-Puget Sound fishery license may only be issued to a natural person who held a nonspot shrimp pot-Puget Sound fishery license or a shrimp trawl-Puget Sound fishery license issued during the previous licensing year, except upon the death of the licensee the license must be treated as analogous to personal property for purposes of inheritance and intestacy.

(6) No more than one shrimp trawl-Puget Sound fishery license or nonspot shrimp pot-Puget Sound fishery license may be owned by a licensee.

(7) A shrimp trawl-Puget Sound fishery license may be converted to a limited entry nonspot shrimp pot-Puget Sound fishery license by any holder of a shrimp trawl-Puget Sound fishery license. A shrimp trawl-Puget Sound fishery license that is converted to a limited entry nonspot shrimp pot-Puget Sound fishery license is permanently retired as a shrimp trawl license.

(8) A converted limited entry nonspot shrimp pot-Puget Sound fishery license may only fish on nonspot shrimp resources previously allocated to shrimp trawl-Puget Sound fishery license holders. If all shrimp trawl-Puget Sound fishery licenses convert to nonspot shrimp pot-Puget Sound fishery licenses, the department shall work with stakeholders to review the allocation of the commercial nonspot shrimp resources and develop recommendations for future allocations.

(9) Nonspot shrimp pot-Puget Sound fishery license holders reserve the right to cooperatively modify and design gear with the department via a director's issued permit to efficiently and economically harvest *Pandalus eous*, *Pandalus jordani*, and *Pandalus dispar*. The process to modify and design gear is intended to develop the fishery to ensure a means to harvest all nonspot shrimp species for these license holders.

Sec. 5. RCW 77.65.220 and 2018 c 235 s 7 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Application Fee	Vessel Required?	Limited Entry?
	Resident	Nonresident			
(a) Burrowing shrimp	$235	$620	$105	Yes	No
(b) Crab ring net-Puget Sound	$180	$565	$ 70	Yes	No
(c) Dungeness crab-coastal (RCW 77.70.280)	$345	$730	$105	Yes	Yes
(d) Dungeness crab-Puget Sound (RCW 77.70.110)	$180	$565	$105	Yes	Yes
(e) Emerging commercial fishery (RCW 77.70.160 and 77.65.400)	$335	$720	$105	Determined by rule	Determined by rule
(f) Geoduck (RCW 77.70.220)	$ 0	$ 0	$ 70	Yes	Yes
(g) Hardshell clam mechanical harvester (RCW 77.65.250)	$580	$965	$ 70	Yes	No
(h) Nonspot shrimp pot-Puget Sound (section 4 of this act)	$335	$720	$105	Yes	Yes
(i) Oyster reserve (RCW 77.65.260)	$180	$565	$ 70	No	No
(((~~i~~))) (j) Razor clam	$180	$565	$105	No	No
(((~~j~~))) (k) Sea cucumber dive (RCW 77.70.190)	$280	$665	$105	Yes	Yes
(((~~k~~))) (l) Sea urchin dive (RCW 77.70.150)	$280	$665	$105	Yes	Yes
(((~~l~~))) (m) Shellfish dive	$180	$565	$ 70	Yes	No
(((~~m~~))) (n) Shellfish pot	$180	$565	$ 70	Yes	No
(((~~n~~))) (o) Shrimp pot-Puget Sound (RCW 77.70.410)	$335	$720	$105	Yes	Yes
(((~~o~~))) (p) Shrimp trawl-Puget Sound (RCW 77.70.420)	$335	$720	$105	Yes	Yes
(((~~p~~))) (q) Spot shrimp-coastal	$335	$720	$ 70	Yes	Yes
(((~~q~~))) (r) Squid	$335	$720	$ 70	Yes	No

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

Passed by the Senate February 19, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 119

[Engrossed Substitute Senate Bill 5129]
COMMON INTEREST COMMUNITIES

AN ACT Relating to common interest communities; amending RCW 64.32.250, 64.32.260, 64.34.076, 64.38.095, 64.90.010, 64.90.015, 64.90.210, 64.90.300, 64.90.360, 64.90.365, 64.90.405, 64.90.410, 64.90.420, 64.90.435, 64.90.445, 64.90.455, 64.90.475, 64.90.480, 64.90.485, 64.90.513, 64.90.525, 64.90.530, 64.90.535, 64.90.580, 64.90.600, 64.90.610, 64.90.635, 64.90.640, 64.90.665, and 61.24.030; adding a new section to chapter 64.38 RCW; repealing RCW 64.32.290, 64.32.350, 64.34.332, 64.34.393, 64.34.395, 64.38.035, 64.38.062, 64.38.180, and 64.90.509; repealing 2024 c 337 s 4; providing effective dates; and providing an expiration date.

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

Sec. 1. RCW 64.32.250 and 1963 c 156 s 25 are each amended to read as follows:

(1) All apartment owners, tenants of such owners, employees of such owners and tenants, and any other person that may in any manner use the property or any part thereof submitted to the provisions of this chapter, shall be subject to this chapter and to the declaration and bylaws of the association of apartment owners adopted pursuant to the provisions of this chapter.

(2) All agreements, decisions and determinations made by the association of apartment owners under the provisions of this chapter, the declaration, or the bylaws and in accordance with the voting percentages established in this chapter, the declaration, or the bylaws, shall be deemed to be binding on all apartment owners.

(3) In case of any conflict between Title 23B RCW or chapter 23.86, 24.03A, 24.06, or 25.15 RCW and this chapter, this chapter controls.

Sec. 2. RCW 64.32.260 and 2024 c 321 s 433 are each amended to read as follows:

(1) This chapter does not apply to common interest communities as defined in RCW 64.90.010:

(a) Created on or after July 1, 2018; or

(b) That have amended their governing documents to provide that chapter 64.90 RCW will apply to the common interest community pursuant to RCW 64.90.370.

(2) Pursuant to RCW 64.90.365, the following provisions of chapter 64.90 RCW apply, and any inconsistent provisions of this chapter do not apply, to a common interest community created before July 1, 2018:

(a) RCW 64.90.370;

(b) RCW 64.90.405(1) (b) and (c);
(c) RCW 64.90.445;
(d) RCW 64.90.480(10);
(e) RCW 64.90.502;
(f) RCW 64.90.513;
(g) RCW 64.90.525; ((~~and~~
~~(d)~~)) (h) RCW 64.90.545; and
(i) RCW 64.90.580.

Sec. 3. RCW 64.34.076 and 2024 c 321 s 434 are each amended to read as follows:

(1) This chapter does not apply to common interest communities as defined in RCW 64.90.010:

(a) Created on or after July 1, 2018; or

(b) That have amended their governing documents to provide that chapter 64.90 RCW will apply to the common interest community pursuant to RCW 64.90.370.

(2) Pursuant to RCW 64.90.365, the following provisions of chapter 64.90 RCW apply, and any inconsistent provisions of this chapter do not apply, to a common interest community created before July 1, 2018:

(a) RCW 64.90.370;
(b) RCW 64.90.405(1) (b) and (c);
(c) RCW 64.90.445;
(d) RCW 64.90.480(10);
(e) RCW 64.90.502;
(f) RCW 64.90.513;
(g) RCW 64.90.525; ((~~and~~
~~(d)~~)) (h) RCW 64.90.545; and
(i) RCW 64.90.580.

Sec. 4. RCW 64.38.095 and 2024 c 321 s 435 are each amended to read as follows:

(1) This chapter does not apply to common interest communities as defined in RCW 64.90.010:

(a) Created on or after July 1, 2018; or

(b) That have amended their governing documents to provide that chapter 64.90 RCW will apply to the common interest community pursuant to RCW 64.90.370.

(2) Pursuant to RCW 64.90.365, the following provisions of chapter 64.90 RCW apply, and any inconsistent provisions of this chapter do not apply, to a common interest community created before July 1, 2018:

(a) RCW 64.90.370;
(b) RCW 64.90.405(1) (b) and (c);
(c) RCW 64.90.445;
(d) RCW 64.90.480(10);
(e) RCW 64.90.502;
(f) RCW 64.90.513;
(g) RCW 64.90.525; ((~~and~~
~~(d)~~)) (h) RCW 64.90.545; and
(i) RCW 64.90.580.

NEW SECTION. **Sec. 5.** A new section is added to chapter 64.38 RCW to read as follows:

In case of any conflict between Title 23B RCW or chapter 23.86, 24.03A, 24.06, or 25.15 RCW and this chapter, this chapter controls.

Sec. 6. RCW 64.90.010 and 2024 c 321 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant. For purposes of this subsection:

(a) A person controls a declarant if the person:

(i) Is a general partner, managing member, officer, director, or employer of the declarant;

(ii) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than 20 percent of the voting interest in the declarant;

(iii) Controls in any manner the election or appointment of a majority of the directors, managing members, or general partners of the declarant; or

(iv) Has contributed more than 20 percent of the capital of the declarant.

(b) A person is controlled by a declarant if the declarant:

(i) Is a general partner, managing member, officer, director, or employer of the person;

(ii) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than 20 percent of the voting interest in the person;

(iii) Controls in any manner the election or appointment of a majority of the directors, managing members, or general partners of the person; or

(iv) Has contributed more than 20 percent of the capital of the person.

(c) Control does not exist if the powers described in this subsection (1) are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the following interests allocated to each unit:

(a) In a condominium, the undivided interest in the common elements, the common expense liability, and votes in the association;

(b) In a cooperative, the common expense liability, the ownership interest, and votes in the association; and

(c) In a plat community and miscellaneous community, the common expense liability and the votes in the association, and also the undivided interest in the common elements if owned in common by the unit owners rather than an association.

(3) "Assessment" means all sums chargeable by the association against a unit, including any assessments levied pursuant to RCW 64.90.480, fines or fees levied or imposed by the association pursuant to this chapter or the governing documents, interest and late charges on any delinquent account, and all costs of collection incurred by the association in connection with the collection of a delinquent owner's account, including reasonable attorneys' fees.

(4) "Association" or "unit owners association" means the unit owners association organized under RCW 64.90.400 and, to the extent necessary to construe sections of this chapter made applicable to common interest communities pursuant to RCW 64.90.365, 64.90.090, or 64.90.370, the association organized or created to administer such common interest communities.

(5) "Ballot" means a record designed to cast or register a vote or consent in a form provided or accepted by the association.

(6) "Board" means the body, regardless of name, designated in the declaration, map, or organizational documents, with primary authority to manage the affairs of the association.

(7) "Common elements" means:

(a) In a condominium or cooperative, all portions of the common interest community other than the units;

(b) In a plat community or miscellaneous community, any real estate other than a unit within a plat community or miscellaneous community that is owned or leased either by the association or in common by the unit owners rather than an association; and

(c) In all common interest communities, any other interests in real estate for the benefit of any unit owners that are subject to the declaration.

(8) "Common expense" means ((~~any expense of the association, including allocations to reserves, allocated to all of the unit owners in accordance with common expense liability~~)) expenditures made by, or financial liabilities of, the association, together with any allocations to reserves.

(9) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.90.235.

(10) "Common interest community" means real estate described in a declaration with respect to which a person, by virtue of the person's ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. "Common interest community" does not include an arrangement described in RCW 64.90.110 or 64.90.115. A common interest community may be a part of another common interest community.

(11) "Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

(12) "Condominium notice" means the notice given to tenants pursuant to subsection (13)(c) of this section.

(13)(a) "Conversion building" means a building:

(i) That at any time before creation of the common interest community was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, who did not receive a ((~~condominium~~)) notice pursuant to (c) of this subsection prior to entering into the rental agreement or lawfully taking occupancy, whichever event occurred first; or

(ii) That at any time within the 12 months preceding the first acceptance of an agreement with the declarant to convey, or the first conveyance of, any unit in the building, whichever event occurred first, to any person who was not a declarant or dealer, or affiliate of a declarant or dealer, was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, who did not receive a condominium notice prior to entering into the rental agreement or lawfully taking occupancy, whichever event occurred first.

(b) A building in a common interest community is a conversion building only if:

(i) The building contains more than two attached dwelling units as defined in RCW 64.55.010(1); and

(ii) Acceptance of an agreement to convey, or conveyance of, any unit in the building to any person who was not a declarant or dealer, or affiliate of a declarant or dealer, did not occur prior to July 1, 2018.

(c) The notice referred to in (a)(i) and (ii) of this subsection must be in writing and must state: "The unit you will be occupying is, or may become, part of a common interest community and subject to sale."

(14) "Convey" or "conveyance" means, with respect to a unit, any transfer of ownership of the unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold common interest community or a proprietary lease in a cooperative, a transfer by lease or assignment of the unit, but does not include the creation, transfer, or release of a security interest.

(15) "Cooperative" means a common interest community in which the real estate is owned by an association, each member of which is entitled by virtue of the member's ownership interest in the association and by a proprietary lease to exclusive possession of a unit.

(16) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a common interest community or 50 percent or more of the units in a common interest community containing more than two units.

(17) "Declarant" means:

(a) Any person who executes as declarant a declaration;

(b) Any person who reserves or succeeds to any special declarant right in a declaration;

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred of record. The holding or exercise of rights to maintain sales offices, signs advertising the common interest community, and models, and related right of access, does not confer the status of being a declarant; or

(d) Any person who is the owner of a fee interest in the real estate that is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.90.425 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the common interest community created by the recording of the instrument.

(18) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint or remove any officer or board member of the association or to veto or approve a proposed action of any board or association, pursuant to RCW 64.90.415(1)(a).

(19) "Declaration" means the instrument, however denominated, that creates a common interest community, including any amendments to the instrument.

(20) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to:

(a) Add real estate or improvements to a common interest community;

(b) Create units, common elements, or limited common elements within a common interest community;

(c) Subdivide or combine units or convert units into common elements;

(d) Withdraw real estate from a common interest community; or

(e) Reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(21) "Effective age" means the difference between the useful life and remaining useful life.

(22) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(23) "Electronic transmission" or "electronically transmitted" means any electronic communication (a) not directly involving the physical transfer of a record in a tangible medium and (b) that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(24) "Eligible mortgagee" means the holder of a security interest on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(25) "Foreclosure" means a statutory forfeiture or a judicial or nonjudicial foreclosure of a security interest or a deed or other conveyance in lieu of a security interest.

(26) "Full funding plan" means a reserve funding goal of achieving 100 percent fully funded reserves by the end of the 30-year study period described under RCW 64.90.550, in which the reserve account balance equals the sum of the estimated costs required to maintain, repair, or replace the deteriorated portions of all reserve components.

(27) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of that reserve component by its effective age, then dividing the result by that reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(28) "Governing documents" means the organizational documents, map, declaration, rules, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(29) "Identifying number" means a symbol or address that identifies only one unit or limited common element in a common interest community.

(30) "Leasehold common interest community" means a common interest community in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the common interest community or reduce its size.

(31) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of RCW 64.90.210 (1)(b) or (3) for the exclusive use of one or more, but fewer than all, of the unit owners.

(32) "Map" means: (a) With respect to a plat community, the plat as defined in RCW 58.17.020 and complying with the requirements of Title 58 RCW, and (b) with respect to a condominium, cooperative, or miscellaneous community, a map prepared in accordance with the requirements of RCW 64.90.245.

(33) "Master association" means:

(a) A unit owners association that serves more than one common interest community; or

(b) An organization that holds a power delegated under RCW 64.90.300(1)(a).

(34) "Miscellaneous community" means a common interest community in which units are lawfully created in a manner not inconsistent with chapter 58.17 RCW and that is not a condominium, cooperative, or plat community.

(35) "Nominal reserve costs" means that the current estimated total replacement costs of the reserve components are less than 50 percent of the annual budgeted expenses of the association, excluding contributions to the reserve fund, for a condominium or cooperative containing horizontal unit boundaries, and less than 75 percent of the annual budgeted expenses of the association, excluding contributions to the reserve fund, for all other common interest communities.

(36) "Organizational documents" means the instruments filed with the secretary of state to create an entity and the instruments governing the internal affairs of the entity including, but not limited to, any articles of incorporation, certificate of formation, bylaws, and limited liability company or partnership agreement.

(37) "Person" means an individual, corporation, business trust, estate, the trustee or beneficiary of a trust that is not a business trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal entity.

(38) "Plat community" means a common interest community in which units have been created by subdivision or short subdivision as both are defined in RCW 58.17.020 and in which the boundaries of units are established pursuant to chapter 58.17 RCW.

(39) "Proprietary lease" means a written and recordable lease that is executed and acknowledged by the association as lessor and that otherwise complies with requirements applicable to a residential lease of more than one year and pursuant to which a member is entitled to exclusive possession of a unit in a cooperative. A proprietary lease governed under this chapter is not subject to chapter 59.18 RCW except as provided in the declaration.

(40) "Purchaser" means a person, other than a declarant or a dealer, which by means of a voluntary transfer acquires a legal or equitable interest in a unit other than as security for an obligation.

(41) "Qualified financial institution" means a bank, savings association, or credit union whose deposits are insured by the federal government.

(42) "Real estate" means any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not

described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

(43) "Real estate contract" has the same meaning as defined in RCW 61.30.010.

(44) "Record," when used as a noun, means information inscribed on a tangible medium or contained in an electronic transmission.

(45) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

(46) "Replacement cost" means the estimated total cost to maintain, repair, or replace a reserve component to its original functional condition.

(47) "Reserve component" means a physical component of the common interest community which the association is obligated to maintain, repair, or replace, which has an estimated useful life of less than 30 years, and for which the cost of such maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(48) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to prepare a reserve study in accordance with RCW 64.90.545 and 64.90.550. For the purposes of this subsection, "independent" means a person who is not an employee, officer, or director, and has no pecuniary interest in the declarant, association, or any other party for whom the reserve study is prepared.

(49) "Residential purposes" means use for dwelling or recreational purposes, or both.

(50) "Rule" means a policy, guideline, restriction, procedure, or regulation of an association, however denominated, that is not set forth in the declaration or organizational documents.

(51) "Security interest" means an interest in real estate or personal property, created by contract or conveyance that secures payment or performance of an obligation. "Security interest" includes a lien created by a mortgage, deed of trust, real estate contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in an association, and any other consensual lien or title retention contract intended as security for an obligation.

(52) "Special declarant rights" means rights reserved for the benefit of a declarant to:

(a) Complete any improvements the declarant is not obligated to make that are indicated on the map or described in the declaration or the public offering statement;

(b) Exercise any development right, pursuant to RCW 64.90.250;

(c) Maintain sales offices, management offices, signs advertising the common interest community, and models, pursuant to RCW 64.90.275;

(d) Use easements through the common elements for the purpose of making improvements within the common interest community or within real estate that may be added to the common interest community, pursuant to RCW 64.90.280;

(e) Make the common interest community subject to a master association, pursuant to RCW 64.90.300;

(f) Merge or consolidate a common interest community with another common interest community, pursuant to RCW 64.90.310;

(g) Appoint or remove any officer or board member of the association or any master association or to veto or approve a proposed action of any board or association, pursuant to RCW 64.90.415(1);

(h) Control any construction, design review, or aesthetic standards committee or process, pursuant to RCW 64.90.505(3);

(i) Attend meetings of the unit owners and, except during an executive session, the board, pursuant to RCW 64.90.445;

(j) Have access to the records of the association to the same extent as a unit owner, pursuant to RCW 64.90.495.

(53) "Specially allocated expense" means any common expense of the association, including allocations to reserves, allocated on a basis other than the common expense liability pursuant to RCW 64.90.480.

(54) "Survey" has the same meaning as defined in RCW 58.09.020.

(55) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(56) "Timeshare" has the same meaning as defined in RCW 64.36.010.

(57) "Transition meeting" means the meeting held pursuant to RCW 64.90.415(4).

(58)(a) "Unit" means a physical portion of the common interest community designated for separate ownership or occupancy, the boundaries of which are described pursuant to RCW 64.90.225(1)(d).

(b) If a unit in a cooperative is owned by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit that is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not affected.

(c) Except as provided in the declaration, a mobile home or manufactured home for which title has been eliminated pursuant to chapter 65.20 RCW is part of the unit described in the title elimination documents.

(59)(a) "Unit owner" means (i) a declarant or other person that owns a unit or (ii) a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the common interest community, but does not include a person having an interest in a unit solely as security for an obligation.

(b) "Unit owner" also means the vendee, not the vendor, of a unit under a recorded real estate contract.

(c) In a condominium, plat community, or miscellaneous community, the declarant is the unit owner of any unit created by the declaration. In a cooperative, the declarant is treated as the unit owner of any unit to which allocated interests have been allocated until that unit has been conveyed to another person.

(60) "Useful life" means the estimated time during which a reserve component is expected to perform its intended function without major maintenance, repair, or replacement.

(61) "Writing" does not include an electronic transmission.

(62) "Written" means embodied in a tangible medium.

Sec. 7. RCW 64.90.015 and 2018 c 277 s 103 are each amended to read as follows:

(1) Except as expressly provided in this chapter, the effect of the provisions of this chapter may not be varied by agreement, and rights conferred by this chapter may not be waived. Except as provided otherwise in RCW 64.90.110, a declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or the declaration.

(2) Except as provided in subsection (3) of this section, the governing documents may not vary a provision of this chapter that gives a right to or imposes an obligation or liability on a unit owner, declarant, association, or board.

(3) The governing documents may vary the following provisions as provided in the provision:

(a) RCW 64.90.020(1), concerning classification of a cooperative unit as real estate or personal property;

(b) RCW 64.90.030 (2) and (3), concerning reallocation of allocated interests and allocation of proceeds after a taking by eminent domain;

(c) RCW 64.90.360(4), 64.90.370, and 64.90.100, concerning elections regarding applicability of this chapter;

(d) RCW 64.90.100 (1), (2), and (3), concerning communities restricted to nonresidential uses;

(e) RCW 64.90.200(3) (a) and (b), concerning the timing of the conveyance of common elements to the association, and the vesting of real estate owned by the association on termination;

(f) RCW 64.90.210, concerning boundaries between units and common elements;

(g) RCW 64.90.240 (2) and (3), concerning reallocation of limited common elements;

(h) RCW 64.90.245(11), concerning horizontal boundaries of units;

(i) RCW 64.90.255, concerning alterations of units and common elements made by unit owners;

(j) RCW 64.90.260 (1) and (2), concerning relocation of boundaries between units;

(k) RCW 64.90.265 (1) and (2), concerning subdivision and combination of units;

(l) RCW 64.90.275, concerning sales offices, management offices, models, and signs maintained by a declarant;

(m) RCW 64.90.280 (1) and (3), concerning easements through, and rights to use, common elements;

(n) RCW 64.90.285 (1) and (8), concerning the percentage of votes and consents required to amend the declaration;

(o) RCW 64.90.290 (1) and (8), concerning the percentage of votes required to terminate a common interest community and priority of creditors of a cooperative;

(p) RCW 64.90.360(4)(a), concerning small communities;

(q) RCW 64.90.405 (4)(c) and (5)(c), concerning an association's assignment of rights to future income, the number of votes required to reject a proposal to borrow funds, and the right to terminate a lease or evict a tenant;

(r) RCW 64.90.410 (1) and (2), concerning the board acting on behalf of the association and the election of officers by the board;

(s) RCW 64.90.420(2), concerning costs of audits;

(t) RCW 64.90.435(1)(b), concerning election of officers by unit owners;

(u) RCW 64.90.440 (1) and (4), concerning responsibility for maintenance, repair, and replacement of units and common elements and treatment of income or proceeds from real estate subject to development rights;

(v) RCW 64.90.445 (1)(b) and (2)(i), concerning meetings;

(w) RCW 64.90.450, concerning quorum requirements for meetings;

(x) RCW 64.90.455 (3), (4), (5), and (8), concerning unit owner voting;

(y) RCW 64.90.465 (1), (2), and (7), concerning the percentage of votes required to convey or encumber common elements and the effect of conveyance or encumbrance of common elements;

(z) RCW 64.90.470 (2) and (11), concerning insurance where the units are attached, and insurance for a nonresidential common interest community;

(aa) RCW 64.90.475(2), concerning payment of surplus funds of the association;

(bb) RCW 64.90.485 (7) and (20), concerning priority and foreclosure of liens held by two or more associations;

(cc) RCW 64.90.505 (1) and (3), concerning the adoption of rules;

(dd) RCW 64.90.513(8), concerning responsibility for electric vehicle charging stations;

(ee) RCW 64.90.520(4), concerning the board's ability to remove an officer elected by the board;

(ff) RCW 64.90.525(1), concerning the percentage of votes required to reject a budget;

(gg) RCW 64.90.545(2), concerning applicability of reserve study requirements to certain types of common interest communities; and

(hh) RCW 64.90.580(7), concerning responsibility for heat pumps.

Sec. 8. RCW 64.90.210 and 2018 c 277 s 203 are each amended to read as follows:

((~~(1)~~)) Except as provided by the declaration or, in the case of a plat community or miscellaneous community, by the map:

(1)(a) If walls, floors, or ceilings are designated as boundaries of a unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the finished surfaces thereof are a part of the unit, and all other portions of the walls, floors, or ceilings are a part of the common elements.

(b) If any chute, flue, duct, wire, conduit, bearing wall, bearing column, or any other fixture lies partially within and partially outside the designated boundaries of a unit, any portion thereof serving only that unit is a limited common element allocated solely to that unit, and any portion thereof serving more than one unit or any portion of the common elements is a part of the common elements.

(2) Subject to subsection (1)(b) of this section, all spaces, interior partitions, and other fixtures and improvements within the boundaries of a unit are a part of the unit.

(3) Any fireplaces, shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, decks, patios, and all exterior doors and windows or other

fixtures designed to serve a single unit, but located outside the unit's boundaries, are limited common elements allocated exclusively to that unit.

Sec. 9. RCW 64.90.300 and 2024 c 321 s 203 are each amended to read as follows:

(1) A declaration may:

(a) Delegate a power under RCW 64.90.405((~~(1)~~)) from the unit owners association to a master association;

(b) Provide for exercise of the powers under RCW 64.90.405((~~(1)~~)) by a master association that also serves as the unit owners association for the common interest community; and

(c) Reserve a special declarant right to make the common interest community subject to a master association.

(2) All provisions of this chapter applicable to unit owners associations apply to the master association, except as modified by this section.

(3) A unit owners association may delegate a power under RCW 64.90.405((~~(1)~~)) to a master association without amending the declaration. The board of the unit owners association shall give notice to the unit owners of a proposed delegation and include a statement that unit owners may object in a record to the delegation not later than 30 days after delivery of the notice. The delegation becomes effective if the board does not receive a timely objection from unit owners of units to which at least 10 percent of the votes in the association are allocated. If the board receives a timely objection by at least 10 percent of the votes, the delegation becomes effective only if the unit owners vote under RCW 64.90.455 to approve the delegation by a majority vote. The delegation is not effective until the master association accepts the delegation.

(4) A delegation under subsection (1)(a) of this section may be revoked only by an amendment to the declaration.

(5) At a meeting of the unit owners which lists in the notice of the meeting the subject of delegation of powers from the board to a master association, the unit owners may revoke the delegation by a majority of the votes cast at the meeting. The effect of revocation on the rights and obligations of parties under a contract between a unit owners association and a master association is determined by law of this state other than this chapter.

(6) Unless it is acting in the capacity of a unit owners association, a master association may exercise the powers set forth in RCW 64.90.405(1)(b) only to the extent expressly permitted in the declarations of common interest communities that are part of the master association or expressly described in the delegations of power from those common interest communities to the master association.

(7) After a unit owners association delegates a power to a master association, the unit owners association, its board members, and its officers are not liable for an act or omission of the master association with respect to the delegated power.

(8) The rights and responsibilities of unit owners with respect to the unit owners association set forth in RCW 64.90.410, 64.90.445, 64.90.450, 64.90.455, 64.90.465, and 64.90.505 apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise unit owners within the meaning of this chapter.

(9) Not later than 90 days after termination of a period of declarant control of the master association, the board of the master association must be elected in one of the following ways:

(a) The unit owners of all common interest communities subject to the master association may elect all members of the master association's board; or

(b) The unit owners in, or the board of, each common interest community subject to the master association elect one or more members of the master association's board if the instruments governing the master association apportion the seats on the board to each common interest community in a manner roughly proportional to the number of units in each common interest community.

(10) A period of declarant control of the master association under subsection (9) of this section terminates not later than the earlier of:

(a) The termination under RCW 64.90.415 of all periods of declarant control of all common interest communities subject to the master association under RCW 64.90.415; or

(b) 60 days after conveyance to unit owners other than a declarant of 75 percent of the units that may be created in all common interest communities subject to the master association.

Sec. 10. RCW 64.90.360 and 2024 c 321 s 506 are each amended to read as follows:

(1) Except as provided otherwise in this section, RCW 64.90.365 and 64.90.375, this chapter applies to all common interest communities.

(2) Before January 1, 2028, this chapter applies only to:

(a) A common interest community created on or after July 1, 2018; and

(b) A common interest community created before July 1, 2018, that amends its declaration to elect to be subject to this chapter.

(3) Chapters 58.19, 64.32, 64.34, and 64.38 RCW:

(a) Do not apply to common interest communities subject to this chapter; and

(b) Apply to a common interest community created before July 1, 2018, only until the community becomes subject to this chapter.

(4)(a) Unless the declaration provides that this entire chapter is applicable, a plat community or miscellaneous community that is not subject to any development right is subject only to RCW 64.90.010, 64.90.015, 64.90.020, 64.90.025, ((~~and~~)) 64.90.030, 64.90.035, 64.90.040, 64.90.045, 64.90.050, 64.90.055, 64.90.060, 64.90.065, 64.90.070, 64.90.085, 64.90.090, 64.90.100, 64.90.105, 64.90.110, 64.90.115, 64.90.210, 64.90.225, 64.90.230, 64.90.235, 64.90.240, 64.90.245, 64.90.255, 64.90.260, 64.90.265, 64.90.280, 64.90.285, 64.90.290, 64.90.300, 64.90.340, 64.90.350, 64.90.360, 64.90.400, 64.90.405, 64.90.410, 64.90.415, 64.90.420, 64.90.435, 64.90.445, 64.90.450, 64.90.455, 64.90.465, 64.90.480, 64.90.485, 64.90.490, 64.90.495, 64.90.502, 64.90.505, 64.90.510, 64.90.511, 64.90.5111, 64.90.512, 64.90.513, 64.90.515, 64.90.518, 64.90.520, 64.90.525, 64.90.530, 64.90.535, 64.90.540, 64.90.545, 64.90.550, 64.90.555, 64.90.560, 64.90.565, 64.90.570, 64.90.575, 64.90.580, 64.90.585, 64.90.640, and 64.90.685, if the community: (i) Contains no more than ((~~12~~)) 50 units; and (ii) provides in its declaration that the annual average assessment of all units restricted to residential purposes, exclusive of optional user fees ((~~and any insurance premiums paid by the association~~)), may not exceed ((~~$300~~)) $1,000, as adjusted pursuant to RCW 64.90.065.

(b) The exemption provided in this subsection applies only if:

(i) The declarant reasonably believes in good faith that the maximum stated assessment will be sufficient to pay the expenses of the association for the community; and

(ii) The declaration provides that the assessment may not be increased above the limitation in (a)(ii) of this subsection prior to the transition meeting without the consent of unit owners, other than the declarant, holding 90 percent of the votes in the association.

(5) Before January 1, 2028, except as otherwise provided in RCW ((~~64.90.080~~)) 64.90.365, this chapter does not apply to any common interest community created within this state on or after July 1, 2018, if:

(a) That common interest community is made part of a common interest community created in this state prior to July 1, 2018, pursuant to a right expressly set forth in the declaration of the preexisting common interest community; and

(b) The declaration creating that common interest community expressly subjects that common interest community to the declaration of the preexisting common interest community pursuant to such right described in (a) of this subsection.

Sec. 11. RCW 64.90.365 and 2024 c 321 s 508 are each amended to read as follows:

(1) Except for a plat community or miscellaneous community described in RCW 64.90.360(4) and a nonresidential or mixed-use common interest community described in RCW 64.90.100, the following sections apply to a common interest community created before July 1, 2018, and any inconsistent provisions of chapter 58.19, 64.32, 64.34, or 64.38 RCW do not apply:

(a) RCW 64.90.370;

(b) RCW 64.90.405(1) (b) and (c);

(c) RCW 64.90.445;

(d) RCW 64.90.480(10);

(e) RCW 64.90.502;

(f) RCW 64.90.513;

(g) RCW 64.90.525;

(((~~(d)~~))) (h) RCW 64.90.545; ((~~and~~

~~(e)~~)) (i) RCW 64.90.580; and

(j) RCW 64.90.010, to the extent necessary to construe this subsection.

(2) Except to the extent provided in this subsection, the sections listed in subsection (1) of this section apply only to events and circumstances occurring on or after July 1, 2018, and do not invalidate existing provisions of the governing documents of those common interest communities existing on July 1, 2018. To protect the public interest, RCW ((~~64.90.095~~)) 64.90.370 and 64.90.525 supersede existing provisions of the governing documents of all plat communities and miscellaneous communities previously subject to chapter 64.38 RCW.

(3) This section does not apply to a common interest community that becomes subject to this chapter under RCW 64.90.360(1) or by election under RCW 64.90.360(4), 64.90.370(1)(b), or 64.90.100.

Sec. 12. RCW 64.90.405 and 2024 c 321 s 311 are each amended to read as follows:

(1) An association must:

(a) Adopt organizational documents;

(b) Adopt budgets as provided in RCW 64.90.525;

(c) Impose assessments for common expenses ((~~and specially allocated expenses~~)) on the unit owners as provided in RCW 64.90.480(1) and 64.90.525;

(d) Prepare financial statements as provided in RCW 64.90.530; and

(e) Deposit and maintain the funds of the association in accounts as provided in RCW 64.90.530.

(2) Except as provided otherwise in subsection (4) of this section and subject to the provisions of the declaration, the association may:

(a) Amend organizational documents and adopt and amend rules;

(b) Amend budgets under RCW 64.90.525;

(c) Hire and discharge managing agents and other employees, agents, and independent contractors;

(d) Institute, defend, or intervene in litigation or in arbitration, mediation, or administrative proceedings or any other legal proceeding in its own name on behalf of itself or two or more unit owners on matters affecting the common interest community;

(e) Make contracts and incur liabilities subject to subsection (4) of this section;

(f) Regulate the use, maintenance, repair, replacement, and modification of common elements;

(g) Cause additional improvements to be made as a part of the common elements;

(h) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but:

(i) Common elements in a condominium, plat community, or miscellaneous community may be conveyed or subjected to a security interest pursuant to RCW 64.90.465 only; and

(ii) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest pursuant to RCW 64.90.465 only;

(i) Grant easements, leases, and licenses through or over the common elements, but a grant to a unit owner that benefits the unit owner's unit is allowed only by reallocation under RCW 64.90.240(3) of the common elements to a limited common element, and petition for or consent to the vacation of streets and alleys. Notwithstanding the foregoing, a reallocation shall not be required in regard to the installation of an electric vehicle charging station on the common elements;

(j) Impose and collect any reasonable payments, fees, or charges for:

(i) The use, rental, or operation of the common elements, other than limited common elements described in RCW 64.90.210 (1)(b) and (3);

(ii) Services provided to unit owners; and

(iii) Moving in, moving out, or transferring title to units to the extent provided for in the declaration;

(k) Collect assessments and impose and collect reasonable charges for late payment of assessments;

(l) Enforce the governing documents and, after notice and opportunity to be heard, impose and collect reasonable fines for violations of the governing documents in accordance with a previously established schedule of fines adopted by the board of directors and furnished to the owners pursuant to the requirements for notice in RCW 64.90.505;

(m) Impose and collect reasonable charges for the preparation and recordation of amendments to the declaration, resale certificates required under RCW 64.90.640, lender questionnaires, or statements of unpaid assessments;

(n) Provide for the indemnification of its officers and board members, to the extent provided in RCW 23B.17.030;

(o) Maintain directors' and officers' liability insurance;

(p) Subject to subsection (4) of this section, assign its right to future income, including the right to receive assessments;

(q) Join in a petition for the establishment of a parking and business improvement area, participate in the ratepayers' board or other advisory body set up by the legislative authority for operation of a parking and business improvement area, and pay special assessments levied by the legislative authority on a parking and business improvement area encompassing the condominium property for activities and projects that benefit the condominium directly or indirectly;

(r) Establish and administer a reserve account as described in RCW 64.90.535;

(s) Prepare a reserve study as described in RCW 64.90.545;

(t) Exercise any other powers conferred by the declaration or organizational documents;

(u) Exercise all other powers that may be exercised in this state by the same type of entity as the association;

(v) Exercise any other powers necessary and proper for the governance and operation of the association;

(w) Require that disputes between the association and unit owners or between two or more unit owners regarding the common interest community, other than those governed by chapter 64.50 RCW, be submitted to nonbinding alternative dispute resolution as a prerequisite to commencement of a judicial proceeding; and

(x) Suspend any right or privilege of a unit owner who fails to pay an assessment which suspension may be imposed for a reasonable amount of time not to exceed one business day after the association receives full payment of the delinquent assessment and the board has received confirmation of payment and cleared funds, but may not:

(i) Deny a unit owner or other occupant access to the owner's unit, or any limited common elements allocated only to that unit, or any common elements necessary to access the unit;

(ii) Suspend a unit owner's right to vote; or

(iii) Withhold services provided to a unit or a unit owner by the association if the effect of withholding the service would be to endanger the health, safety, or property of any person.

(3) The declaration may not limit the power of the association beyond the limit authorized in subsection (2)(w) of this section to:

(a) Deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons; or

(b) Institute litigation or an arbitration, mediation, or administrative proceeding against any person, subject to the following:

(i) The association must comply with chapter 64.50 RCW, if applicable, before instituting any proceeding described in chapter 64.50 RCW in connection with construction defects; and

(ii) The board must promptly provide notice to the unit owners of any legal proceeding in which the association is a party other than proceedings involving enforcement of rules or to recover unpaid assessments or other sums due the association.

(4) Any borrowing by an association that is to be secured by an assignment of the association's right to receive future income pursuant to subsection (2)(e) and (p) of this section requires ratification by the unit owners as provided in this subsection.

(a) The board must provide notice of the intent to borrow to all unit owners. The notice must include the purpose and maximum amount of the loan, the estimated amount and term of any assessments required to repay the loan, a reasonably detailed projection of how the money will be expended, and the interest rate and term of the loan.

(b) In the notice, the board must set a date for a meeting of the unit owners, which must not be less than 14 and no more than 50 days after mailing of the notice, to consider ratification of the borrowing.

(c) Unless at that meeting, whether or not a quorum is present, unit owners holding a majority of the votes in the association or any larger percentage specified in the declaration reject the proposal to borrow funds, the association may proceed to borrow the funds in substantial accordance with the terms contained in the notice.

(5) If a tenant of a unit owner violates the governing documents, in addition to exercising any of its powers against the unit owner, the association may:

(a) Exercise directly against the tenant the powers described in subsection (2)(l) of this section;

(b) After giving notice to the tenant and the unit owner and an opportunity to be heard, levy reasonable fines against the tenant and unit owner for the violation; and

(c) Enforce any other rights against the tenant for the violation that the unit owner as the landlord could lawfully have exercised under the lease or that the association could lawfully have exercised directly against the unit owner, or both; but the association does not have the right to terminate a lease or evict a tenant unless permitted by the declaration. The rights referred to in this subsection (5)(c) may be exercised only if the tenant or unit owner fails to cure the violation within 10 days after the association notifies the tenant and unit owner of that violation.

(6) Unless a lease otherwise provides, this section does not:

(a) Affect rights that the unit owner has to enforce the lease or that the association has under other law; or

(b) Permit the association to enforce a lease to which it is not a party in the absence of a violation of the governing documents.

(7) The board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commencing an action for a violation of the governing documents, including whether to compromise any claim for unpaid assessments or other claim made by or against it.

(8) The board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction, or rule being enforced is, or is likely to be construed as, inconsistent with law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

(9) The board's decision under subsections (7) and (8) of this section to not pursue enforcement under one set of circumstances does not prevent the board from taking enforcement action under another set of circumstances, but the board may not be arbitrary or capricious in taking enforcement action.

Sec. 13. RCW 64.90.410 and 2024 c 321 s 312 are each amended to read as follows:

(1)(a) Except as provided otherwise in the governing documents, subsection (4) of this section, or other provisions of this chapter, the board may act on behalf of the association.

(b) In the performance of their duties, officers and board members must exercise the degree of care and loyalty to the association required of an officer or director of a corporation organized, are subject to the conflict of interest rules governing directors and officers, and are entitled to the immunities from liability available to officers and directors under chapter 24.06 RCW. The standards of care and loyalty, and conflict of interest rules and immunities described in this section apply regardless of the form in which the association is organized.

(2)(a) Except as provided otherwise in RCW 64.90.300(9), effective as of the transition meeting held in accordance with RCW 64.90.415(4), the board must be comprised of at least three members, at least a majority of whom must be unit owners. However, the number of board members need not exceed the number of units then in the common interest community.

(b) Unless the declaration or organizational documents provide for the election of officers by the unit owners, the board must elect the officers.

(c) Unless provided otherwise in the declaration or organizational documents, board members and officers must take office upon adjournment of the meeting at which they were elected or appointed or, if not elected or appointed at a meeting, at the time of such election or appointment, and must serve until their successor takes office.

(d) In determining the qualifications of any officer or board member of the association, "unit owner" includes, unless the declaration or organizational documents provide otherwise, any board member, officer, member, partner, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner.

(e) Any officer or board member of the association who would not be eligible to serve as such if he or she were not a board member, officer, partner in, or trustee of such a person is disqualified from continuing in office if he or she ceases to have any such affiliation with that person or that person would have been disqualified from continuing in such office as a natural person.

(3) Except when voting as a unit owner, the declarant may not appoint or elect any person or to serve itself as a voting, ex officio or nonvoting board member following the transition meeting.

(4) The board may not, without vote or agreement of the unit owners:

(a) Amend the declaration, except as provided in RCW 64.90.285;

(b) Amend the organizational documents of the association;

(c) Terminate the common interest community;

(d) Elect members of the board, but may fill vacancies in its membership not resulting from removal for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of board members; or

(e) Determine the qualifications, powers, duties, or terms of office of board members.

(5) The board must adopt budgets as provided in RCW 64.90.525.

(6) Except for committees appointed by the declarant pursuant to special declarant rights, all committees of the association must be appointed by the board. Committees authorized to exercise any power reserved to the board must include at least two board members who have exclusive voting power for that committee. Committees that are not so composed may not exercise the authority of the board and are advisory only.

(7) A declaration may provide for the appointment of specified positions on the board by persons other than the unit owners or the declarant or an affiliate of the declarant during or after the period of declarant control. It also may provide a method for filling vacancies in those positions, other than by election by the unit owners. However, after the period of declarant control, appointed members:

(a) May not comprise more than one-third of the board; and

(b) Have no greater authority than any other board member.

Sec. 14. RCW 64.90.420 and 2024 c 321 s 314 are each amended to read as follows:

(1) No later than 30 days following the date of the transition meeting held pursuant to RCW 64.90.415(4), the declarant must deliver or cause to be delivered to the board elected at the transition meeting all property of the unit owners and association as required by the declaration or this chapter including, but not limited to:

(a) The original or a copy of the recorded declaration and each amendment to the declaration;

(b) The organizational documents of the association;

(c) The minute books, including all minutes, and other books and records of the association;

(d) Current rules and regulations that have been adopted;

(e) Resignations of officers and members of the board who are required to resign because the declarant is required to relinquish control of the association;

(f) The financial records, including canceled checks, bank statements, and financial statements of the association, and source documents from the time of

formation of the association through the date of transfer of control to the unit owners;

(g) Association funds or the control of the funds of the association;

(h) Originals or copies of any recorded instruments of conveyance for any common elements included within the common interest community but not appurtenant to the units;

(i) All tangible personal property of the association;

(j) Except for alterations to a unit done by a unit owner other than the declarant, a copy of the most recent plans and specifications used in the construction or remodeling of the common interest community, except for buildings containing fewer than three units;

(k) Originals or copies of insurance policies for the common interest community and association;

(l) Originals or copies of any certificates of occupancy that may have been issued for the common interest community;

(m) Originals or copies of any other permits obtained by or on behalf of the declarant and issued by governmental bodies applicable to the common interest community;

(n) Originals or copies of all written warranties that are still in effect for the common elements, or any other areas or facilities that the association has the responsibility to maintain and repair, from the contractor, subcontractors, suppliers, and manufacturers and all owners' manuals or instructions furnished to the declarant with respect to installed equipment or building systems;

(o) A roster of unit owners and eligible mortgagees and their addresses and telephone numbers, if known, as shown on the declarant's records and the date of closing of the first sale of each unit sold by the declarant;

(p) Originals or copies of any leases of the common elements and other leases to which the association is a party;

(q) Originals or photocopies of any employment contracts or service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have an obligation or a responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service;

(r) Originals or copies of any qualified warranty issued to the association as provided for in RCW 64.35.505;

(s) Originals or copies of all other contracts to which the association is a party; and

(t) Originals or copies of the most recent reserve study prepared pursuant to RCW 64.90.545, if one exists.

(2) ((~~Within~~)) No later than 60 days ((~~of~~)) following the transition meeting, the board must retain the services of a certified public accountant to audit the records of the association as of the date of the transition meeting in accordance with generally accepted auditing standards unless the unit owners, other than the declarant, to which a majority of the votes are allocated elect to waive the audit. The cost of the audit must be a common expense unless otherwise provided in the declaration. The accountant performing the audit must examine supporting documents and records, including the cash disbursements and related paid invoices, to determine if expenditures were for association purposes and the

billings, cash receipts, and related records to determine if the declarant was charged for and paid the proper amount of assessments.

Sec. 15. RCW 64.90.435 and 2018 c 277 s 308 are each amended to read as follows:

(1) Unless provided for in the declaration, the organizational documents of the association must:

(a) Provide the number of board members and the titles of the officers of the association;

(b) Provide for election by the board or, if the declaration requires, by the unit owners of a president, treasurer, secretary, and any other officers of the association the organizational documents specify;

(c) Specify the qualifications, powers and duties, terms of office, and manner of electing and removing board members and officers and filling vacancies in accordance with RCW 64.90.410;

(d) ((~~Specify~~)) If applicable, specify the powers the board or officers may delegate to other persons or to a managing agent;

(e) Specify a method for the unit owners to amend the organizational documents;

(f) Describe the budget ratification process required under RCW 64.90.525, if not provided in the declaration;

(g) Contain any provision necessary to satisfy requirements in this chapter or the declaration concerning meetings, voting, quorums, and other activities of the association; and

(h) Provide for any matter required by law of this state other than this chapter to appear in the organizational documents of organizations of the same type as the association.

(2) Subject to the declaration and this chapter, the organizational documents may provide for any other necessary or appropriate matters.

Sec. 16. RCW 64.90.445 and 2024 c 321 s 316 are each amended to read as follows:

(1) The following requirements apply to unit owner meetings:

(a) A meeting of the association must be held at least once each year. Failure to hold an annual meeting does not cause a forfeiture or give cause for dissolution of the association and does not affect otherwise valid association acts.

(b)(i) An association must hold a special meeting of unit owners to address any matter affecting the common interest community or the association if its president, a majority of the board, or unit owners having at least 20 percent, or any lower percentage specified in the organizational documents, of the votes in the association request that the secretary call the meeting.

(ii) If the association does not provide notice to unit owners of a special meeting within 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly provide notice to all the unit owners of the meeting. The unit owners may discuss at a special meeting a matter not described in the notice under (c) of this subsection but may not take action on the matter without the consent of all unit owners.

(c) An association must provide notice to unit owners of the time, date, and place of each annual and special unit owners meeting not less than 14 days and

not more than 50 days before the meeting date. Notice may be by any means described in RCW 64.90.515. The notice of any meeting must state the time, date, and place of the meeting and the items on the agenda, including:

(i) The text of any proposed amendment to the declaration or organizational documents; and

(ii) ((~~Any changes in the previously approved budget that result in a change in the assessment obligations; and~~

~~(iii)~~)) Any proposal to remove a board member or, if the declaration or organizational documents provide for the election of officers by the unit owners, any proposal to remove an officer.

(d) Unit owners must be given a reasonable opportunity at any meeting to comment regarding any matter affecting the common interest community or the association.

(e) A meeting of unit owners is not required to be held at a physical location if((~~:~~

~~(i) The~~)) the meeting is conducted ((~~by a means of communication that enables owners in different locations to communicate in real time to the same extent as if they were physically present in the same location, provided that such means of communication must have an option for owners to communicate by telephone; and~~

~~(ii) The declaration or organizational documents do not require that the owners meet at a physical location~~)) in accordance with subsection (3) of this section.

(f) In the notice for a meeting held at a physical location, the board may notify all unit owners that they may participate remotely in the meeting by a means of communication described in ((~~(e) of this~~)) subsection (3) of this section.

(2) The following requirements apply to meetings of the board and committees authorized to act for the board:

(a) Meetings must be open to the unit owners except during executive sessions, but the board may expel or prohibit attendance by any person who, after warning by the chair of the meeting, disrupts the meeting. The board and those committees may hold an executive session only during a regular or special meeting of the board or a committee. A final vote or action may not be taken during an executive session.

(b) An executive session may be held only to:

(i) Consult with the association's attorney concerning legal matters;

(ii) Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings;

(iii) Discuss labor or personnel matters;

(iv) Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage; or

(v) Prevent public knowledge of the matter to be discussed if the board or committee determines that public knowledge would violate the privacy of any person.

(c) For purposes of this subsection, a gathering of members of the board or committees at which the board or committee members do not conduct

association business is not a meeting of the board or committee. Board members and committee members may not use incidental or social gatherings to evade the open meeting requirements of this subsection.

(d) During the period of declarant control, the board must meet at least four times a year. At least one of those meetings must be held at the common interest community or at a place convenient to the community. After the transition meeting, unless the organizational documents provide otherwise, and except as otherwise provided in subsection (3) of this section, all board meetings must be at the common interest community or at a place convenient to the common interest community ((~~unless the unit owners amend the bylaws to vary the location of those meetings~~)).

(e) At each board meeting, the board must provide a reasonable opportunity for unit owners to comment regarding matters affecting the common interest community and the association. The board must provide at least 15 minutes at the beginning of each meeting for unit owners to comment about agenda items before the board votes. The board may place reasonable time restrictions of not less than 90 seconds per owner per unit, except that the time per owner per unit may be reduced and allocated equally if more than 10 unit owners wish to comment.

(f) Unless the meeting is included in a schedule given to the unit owners, the secretary or other officer specified in the organizational documents must provide notice of each board meeting to each board member and to the unit owners. The notice must be given at least 14 days before the meeting and must state the time, date, place, and agenda of the meeting. Notwithstanding the foregoing, notice of a meeting to address an event or condition that could not have been reasonably foreseen and for which it is impracticable to provide notice as otherwise required by this chapter must be given at least seven days before the meeting and by means of electronic communication to unit owners whose electronic address or phone number is known to the association.

(g) If any materials are distributed to the board before the meeting, the board must make copies of those materials reasonably available to the unit owners, except that the board need not make available copies of unapproved minutes or materials that are to be considered in executive session.

(h) ((~~Unless the organizational~~)) Notwithstanding the governing documents ((~~provide otherwise~~)), fewer than all board members may participate in a regular or special meeting by or conduct a meeting through the use of any means of communication by which all board members participating can hear each other during the meeting. A board member participating in a meeting by these means is deemed to be present in person at the meeting.

(((~~(i) Unless the organizational documents provide otherwise, the board may meet by participation of all board members by telephonic, video, or other conferencing process if:~~

~~(i) The meeting notice states the conferencing process to be used and provides information explaining how unit owners may participate in the conference directly or by meeting at a central location or conference connection; and~~

~~(ii) The process provides all unit owners the opportunity to hear or perceive the discussion and to comment as provided in (e) of this subsection.~~

~~(j) After the transition meeting, unit owners may amend the organizational documents to vary the procedures for meetings described in (i) of this subsection.~~

~~(k)~~)) (i) Prior to the transition meeting, without a meeting, the board may act by unanimous consent as documented in a record by all its members. Actions taken by unanimous consent must be kept as a record of the association with the meeting minutes. After the transition meeting, the board may act by unanimous consent only to undertake ministerial actions, actions subject to ratification by the unit owners, or to implement actions previously taken at a meeting of the board.

((~~(l)~~)) (j) A board member who is present at a board meeting at which any action is taken is presumed to have assented to the action taken unless the board member's dissent or abstention to such action is lodged with the person acting as the secretary of the meeting before adjournment of the meeting or provided in a record to the secretary of the association immediately after adjournment of the meeting. The right to dissent or abstain does not apply to a board member who voted in favor of such action at the meeting.

((~~(m)~~)) (k) A board member may not vote by proxy or absentee ballot.

((~~(n)~~)) (l) Even if an action by the board is not in compliance with this section, it is valid unless set aside by a court. An action seeking relief for failure of the board to comply with this section may not be brought more than 90 days after the minutes of the board of the meeting at which the action was taken are approved or the record of that action is distributed to unit owners, whichever is later.

(3) Notwithstanding the governing documents, any meeting may be held by telephonic, video, or other conferencing process if:

(a) The meeting notice states the conferencing process to be used and provides information explaining how to participate in the conference;

(b) The process provides all participants the opportunity to hear or perceive the discussion and to comment as provided in subsection (2)(e) of this section;

(c) Any votes of the board members are conducted by roll call or other verbal vote; and

(d) Any person entitled to participate in the meeting is given the option of participating by telephone.

(4) Minutes of all unit owner meetings and board meetings, excluding executive sessions, must be maintained in a record. The decision on each matter voted upon at a board meeting or unit owner meeting must be recorded in the minutes.

Sec. 17. RCW 64.90.455 and 2024 c 321 s 317 are each amended to read as follows:

(1) Unit owners may vote at a meeting under subsection (2) or (3) of this section or, when a vote is conducted without a meeting, by ballot in the manner provided in subsection (4) of this section.

(2) At a meeting of unit owners the following requirements apply:

(a) Unless the declaration or bylaws otherwise provide, and except as provided in subsection (9) of this section, unit owners or their proxy holders may vote by voice vote, show of hands, standing, written ballot, or any other method authorized at the meeting.

(b) If unit owners attend the meeting by a means of communication under RCW 64.90.445(1) (e) or (f), the association shall implement reasonable measures to verify the identity of each unit owner attending remotely.

(c) Whenever proposals or board members are to be voted upon at a meeting, a unit owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose. Any ballot provided by the association for election of board members by the unit owners must designate a blank space for unit owners to cast a vote for one or more candidates.

(d) When a unit owner votes by absentee ballot under (c) of this subsection, the association must be able to verify that the ballot is cast by the unit owner having the right to do so.

(3) Unless the declaration or organizational documents otherwise provide, unit owners may vote by proxy subject to the following requirements:

(a) Votes allocated to a unit may be cast pursuant to a directed or undirected proxy duly executed by a unit owner in the same manner as provided in RCW 24.06.110.

(b) When a unit owner votes by proxy, the association shall implement reasonable measures to verify the identity of the unit owner and the proxy holder.

(c) A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of a unit owner does not revoke a proxy given by the unit owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates 11 months after its date of issuance.

(4) Unless the declaration or organizational documents otherwise provide, an association may conduct a vote without a meeting. The following requirements apply:

(a) The association must notify the unit owners that the vote will be taken by ballot without a meeting.

(b) The notice under (a) of this subsection must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than 14 days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to approve each matter other than election of board members; and

(iii) The time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

(c) The association must deliver with the notice under (a) of this subsection:

(i) Instructions for casting a ballot;

(ii) A ballot in a tangible medium to every unit owner except a unit owner that has consented in a record to electronic voting; and

(iii) If the association allows electronic voting, instructions for electronic voting.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action. Any ballot provided by the association for election of board members by the unit owners must designate a blank space for unit owners to cast a vote for one or more candidates.

(e) A unit owner may revoke a ballot cast pursuant to this section before the date and time under (b) of this subsection by which the ballot must be delivered to the association only by actual notice to the association of revocation. The death or disability of a unit owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b)(i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board may extend the deadline for a reasonable period not to exceed 11 months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to unit owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(k) The association shall implement reasonable measures to verify that each ballot in a tangible medium and electronic ballot is cast by the unit owner having a right to do so.

(l) A unit owner consents to electronic voting by delivering to the association a record indicating such consent or by casting an electronic ballot.

(m) An association that allows electronic ballots shall create a record of electronic votes capable of retention, retrieval, and review.

(5) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than unit owners of leased units:

(a) This section applies to lessees as if they were unit owners;

(b) Unit owners that have leased their units to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners.

(6) Unit owners must also be given notice of all meetings at which lessees may be entitled to vote.

(7) In any vote of the unit owners, votes allocated to a unit owned by the association must be cast in the same proportion as the votes cast on the matter by unit owners other than the association.

(8)(a) Unless a different number or fraction of the votes in an association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of a vote taken at a meeting or without a meeting.

(b) If a unit is owned by more than one person and:

(i) Only one owner casts a vote, that vote must be counted as casting all votes allocated to the unit by the declaration; and

(ii) More than one owner casts a vote for the unit, no vote from any owner of the unit may be counted unless the declaration provides a manner for allocating votes cast by multiple owners of a unit.

(9)(a) Notwithstanding any other law or provision of the governing documents, the following votes of unit owners shall be conducted by secret ballot:

(((~~(a)~~))) (i) Election of board members; (((~~(b) removal~~)))

(ii) Removal of board members or, if the declaration or organizational documents provide for the election of officers by the unit owners, the removal of officers; (((~~(c) amendments~~)) or

(iii) Amendments to the ((~~declaration or~~)) governing documents((~~; or (d) unit owner approval of an amendment to the declaration for the reallocation of a common element as a limited common element for the exclusive use of an owner's unit pursuant to RCW 64.90.240~~)).

(b) At a meeting of unit owners held pursuant to this section, the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced, and recorded in the meeting minutes. A quorum is not required to be present when the secret ballots physically received by the association are opened and counted or the results of the secret ballots received by the association by electronic means are reviewed, announced, and recorded in the meeting minutes.

(c) The incumbent members of the board and each person whose name is placed on the ballot as a candidate for membership on the board may not possess, be given access to, or participate in the opening or counting of the secret ballots that the association physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means, before those secret ballots have been opened and counted or reviewed, announced, and recorded in the meeting minutes, as applicable, at a meeting of the association.

Sec. 18. RCW 64.90.475 and 2018 c 277 s 316 are each amended to read as follows:

(1) The association must establish and maintain its accounts and records in a manner that will enable it to credit assessments for common expenses ((~~and specially allocated expenses~~)), including allocations to reserves, and other income to the association, and to charge expenditures, to the account of the appropriate units in accordance with the provisions of the declaration.

(2) To assure that the unit owners are correctly assessed for the actual expenses of the association, the accounts of the association must be reconciled at least annually unless the board determines that a reconciliation would not result in a material savings to any unit owner. Unless provided otherwise in the declaration, any surplus funds of the association remaining after the payment of or provision for common expenses and any prepayment of reserves must be paid

annually to the unit owners in proportion to their common expense liabilities or credited to them to reduce their future common expense assessments.

Sec. 19. RCW 64.90.480 and 2024 c 321 s 207 are each amended to read as follows:

(1)(a) Assessments for common expenses ((~~and those specially allocated expenses that are subject to inclusion in a budget~~)) must be made at least annually based on a budget adopted at least annually by the association in the manner provided in RCW 64.90.525.

(b) Assessments for common expenses ((~~and specially allocated expenses~~)) must commence on all units that have been created upon the conveyance of the first unit in the common interest community; however, the declarant may delay commencement of assessments for some or all common expenses ((~~or specially allocated expenses~~)), in which event the declarant must pay all of the common expenses ((~~or specially allocated expenses~~)) that have been delayed. In a common interest community in which units may be added pursuant to reserved development rights, the declarant may delay commencement of assessments for such units in the same manner.

(2) The declaration may provide that, upon closing of the first conveyance of each unit to a purchaser or first occupancy of a unit, whichever occurs first, the association may assess and collect a working capital contribution for such unit. The working capital contribution may be collected prior to the commencement of common assessments under subsection (1) of this section. A working capital contribution may not be used to defray expenses that are the obligation of the declarant.

(3) Except as provided otherwise in this section, all common expenses must be assessed against all the units in accordance with their common expense liabilities, subject to the right of the declarant to delay commencement of certain common expenses under subsections (1) and (2) of this section. Any past due assessment or installment of past due assessment bears interest at the rate established by the association pursuant to RCW 64.90.485.

(4) The declaration may provide that any of the following <u>common</u> expenses of the association must be assessed against the units on some basis other than common expense liability. If and to the extent the declaration so provides, the association must assess:

(a) Expenses associated with the operation, maintenance, repair, or replacement of any specified limited common element against the units to which that limited common element is assigned, equally or in any other proportion that the declaration provides;

(b) Expenses specified in the declaration as benefiting fewer than all of the units or their unit owners exclusively against the units benefited in proportion to their common expense liability or in any other proportion that the declaration provides, but if the common expense is for the maintenance, repair, or replacement of a common element other than a limited common element, the expense may be assessed exclusively against them only if the declaration reasonably identifies the common expense by specific listing or category;

(c) The costs of insurance in proportion to risk; and

(d) The costs of one or more specified services or utilities in proportion to respective usage, whether metered, billed in bulk based on unit count, or

reasonably estimated, or upon the same basis as such ((~~utility~~)) charges are made by the service or utility provider.

(5) Assessments to pay a judgment against the association may be made only against the units in the common interest community at the time the judgment was entered, in proportion to their common expense liabilities.

(6) The association may assess exclusively against a unit owner's unit common expenses, including expenses relating to damage to or loss of property, caused by the:

(a) Willful misconduct or gross negligence of the unit owner or the unit owner's tenant, guest, invitee, or occupant;

(b) Failure of the unit owner to comply with a maintenance standard prescribed by the declaration or a rule, if the standard contains a statement that an owner may be liable for damage or loss caused by failure to comply with the standard; or

(c) Negligence of the unit owner or the unit owner's tenant, guest, invitee, or occupant, if the declaration contains a statement that an owner may be liable for damage or loss caused by such negligence.

(7) Before an association makes an assessment under subsection (6) of this section, the association must give notice to the unit owner and provide an opportunity for a hearing. The assessment is limited to the expense the association incurred under subsection (6) of this section less any insured proceeds received by the association, whether the difference results from the application of a deductible or otherwise.

(8) In the event of a loss or damage to a unit that would be covered by the association's property insurance policy, excluding policies for earthquake, flood, or similar losses that have higher than standard deductibles, but that is within the deductible under that policy and if the declaration so provides, the association may assess the amount of the loss up to the deductible against that unit. This subsection does not prevent a unit owner from asserting a claim against another person for the amount assessed if that other person would be liable for the damages under general legal principles.

(9) If common expense liabilities are reallocated, assessments and any installment of assessments not yet due must be recalculated in accordance with the reallocated common expense liabilities.

(10) An association must provide at least one method of accepting payment of assessments from unit owners at no charge or as a common expense.

Sec. 20. RCW 64.90.485 and 2024 c 321 s 319 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit

owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), ((~~along with any specially allocated assessments that are properly assessable against the unit under such periodic budget,~~)) which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed $2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of ((~~condominium~~)) common interest community, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within 60 days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480(6) ((~~or (7)~~)) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an

unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(e) No member of the association's board, or their immediate family members or affiliates, are eligible to bid for or purchase, directly or indirectly, any interest in a unit at a foreclosure of the association's lien. For the purposes of this subsection, "immediate family member" includes spouses, domestic partners, children, siblings, parents, parents-in-law, and stepfamily members; and "affiliate" of a board member includes any person controlled by the board member, including any entity in which the board member is a general partner, managing member, majority member, officer, or director. Nothing in this subsection prohibits an association from bidding for or purchasing interest in a unit at a foreclosure of the association's lien.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale

may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the

unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS
FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.
THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.
CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY**.
BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 21. RCW 64.90.513 and 2022 c 27 s 4 are each amended to read as follows:

(1)(a) A unit owners association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in compliance with the requirements of this section and for the personal noncommercial use of a unit owner, within the boundaries of a unit or in a designated parking space; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing reasonable restrictions on electric vehicle charging stations. However, it is the policy of the state to promote, encourage, and remove obstacles to the use of electric vehicle charging stations.

(c) Notwithstanding (a) or (b) of this subsection, an association of single-family homes, site condominiums, or a planned use development where the units are not immediately adjacent may not require approval of the installation of an electric vehicle charging station unless the electric vehicle charging station:

(i) Is installed within or upon a common element; or

(ii) Is connected to a common electrical power supply.

(2) A unit owners association may require a unit owner to submit an application for approval for the installation of an electric vehicle charging station before installing the charging station unless such installation is exempt from restrictions pursuant to subsection (1)(c) of this section.

(3)(a) If approval is required for the installation or use of an electric vehicle charging station subject to subsection (2) of this section, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) An association may not assess or charge a unit owner a fee for the placement of an electric vehicle charging station. An association may charge a reasonable fee for processing the application to approve the installation of an electric vehicle charging station, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation or use of an electric vehicle charging station subject to subsection (2) of this section, a unit owners association must approve the installation within the boundaries of a unit or in a designated parking space if the installation is reasonably possible and the unit owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the electric vehicle charging station;

(b) Engage an electrical contractor familiar with the standards for the installation of electric vehicle infrastructure to assess the existing infrastructure necessary to support the proposed electric vehicle charging station, identify additional infrastructure needs, and install the electric vehicle charging station;

(c)(i) Provide, within the time specified in (c)(ii) of this subsection, a certificate of insurance naming the association as an additional insured on the unit owner's insurance policy for any claim related to the installation, inspection, maintenance, or use of the electric vehicle charging station in a common interest community other than an association of single-family homes, site condominiums, or a planned use development where the units are not immediately adjacent;

(ii) A certificate of insurance required under (c)(i) of this subsection must be provided within 14 days after the association approves the installation of the electric vehicle charging station. Reimbursement for an increased insurance premium amount under (c)(i) of this subsection must be provided within 14 days after the unit owner receives the association's invoice for the amount attributable to the charging station;

(d) Register the electric vehicle charging station with the association within 30 days after installation;

(e) Pay for the electricity usage associated with the electric vehicle charging station and the required means to facilitate payment for the electricity; and

(f) Comply with the requirements of this section.

(5)(a) A unit owner must obtain any permit or approval for an electric vehicle charging station as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the unit owners association, a unit owner is responsible for the costs of installing an electric vehicle charging station.

(b) Electric vehicle charging station equipment that is installed at the unit owner's cost and is removable without damage to the property owned by others may be removed at the unit owner's cost. Nothing in this subsection requires the association to purchase the electric vehicle charging station.

(7) ((~~A~~)) When an installed electric vehicle charging station is not exempt from restrictions pursuant to subsection (1)(c) of this section, a unit owner must disclose to any prospective buyers of the unit:

(a) The existence of an electric vehicle charging station and the related responsibilities of the owner under this section; and

(b) Whether the electric vehicle charging station is removable and whether the owner intends to remove the charging station.

(8) ((~~The~~)) Except as set forth in the governing documents and without regard for when an electric vehicle charging station was first put into service and the location of any components thereof, the owner and each successive owner of

an electric vehicle charging station exclusively serving the owner's unit is responsible for:

(a) Costs for the inspection, maintenance, repair, and replacement of the electric vehicle charging station up until the station is removed;

(b) Costs for damage to the electric vehicle charging station, any unit, common element, or limited common element resulting from the installation, use, inspection, maintenance, repair, removal, or replacement of the electric vehicle charging station;

(c) The cost of electricity associated with the electric vehicle charging station;

(d) Obtaining and maintaining an insurance policy that meets the requirements in subsection (4)(c) of this section;

(e) If the owner decides to remove the electric vehicle charging station, costs for the removal and the restoration of the common element or limited common element after the removal; and

(f) Removing the electric vehicle charging station if reasonably necessary for the inspection, repair, maintenance, or replacement of the common element or limited common element.

(9) A unit owners association may install an electric vehicle charging station in the common elements for the use of all unit owners and, in that case, the association must develop appropriate terms of use for the charging station.

(10)(a) A unit owners association that willfully violates this section is liable to the unit owner for actual damages, and shall pay a civil penalty to the unit owner in an amount not to exceed $1,000.

(b) In any action by a unit owner requesting to have an electric vehicle charging station installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing unit owner.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Designated parking space" means a parking space that is specifically designated for use by a particular unit owner, including a garage, a deeded parking space, and a parking space in a limited common element that is restricted for use by one or more unit owners.

(b) "Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

(c) "Reasonable restriction" means a restriction that does not significantly increase the cost of an electric vehicle charging station or significantly decrease its efficiency or specified performance.

Sec. 22. RCW 64.90.525 and 2018 c 277 s 326 are each amended to read as follows:

(1)(a) Within thirty days after adoption of any proposed budget for the common interest community, the board must provide a copy of the budget to all the unit owners and set a date for a meeting of the unit owners to consider ratification of the budget not less than fourteen nor more than fifty days after providing the budget. Unless at that meeting the unit owners of units to which a

majority of the votes in the association are allocated or any larger percentage specified in the declaration reject the budget, the budget and the assessments against the units included in the budget are ratified, whether or not a quorum is present.

(b) If the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget proposed by the board.

(2) The budget must include:

(a) The projected income to the association by category;

(b) The projected common expenses ((~~and those specially allocated expenses that are subject to being budgeted, both~~)) by category;

(c) The amount of the assessments per unit and the date the assessments are due;

(d) The current amount of regular assessments budgeted for contribution to the reserve account;

(e) A statement of whether the association has a reserve study that meets the requirements of RCW 64.90.550 and, if so, the extent to which the budget meets or deviates from the recommendations of that reserve study; and

(f) The current deficiency or surplus in reserve funding expressed on a per unit basis.

(3) The board, at any time, may propose a special assessment. The assessment is effective only if the board follows the procedures for ratification of a budget described in subsection (1) of this section and the unit owners do not reject the proposed assessment. The board may provide that the special assessment may be due and payable in installments over any period it determines and may provide a discount for early payment.

Sec. 23. RCW 64.90.530 and 2018 c 277 s 327 are each amended to read as follows:

(1) The association must prepare, or cause to be prepared, at least annually, a financial statement of the association in accordance with accrual based accounting practices.

(2) The financial statements of associations with annual assessments of ((~~fifty thousand dollars~~)) $50,000 or more must be audited at least annually by a certified public accountant. In the case of an association with annual assessments of less than ((~~fifty thousand dollars~~)) $50,000, an annual audit is also required but may be waived annually by unit owners other than the declarant of units to which a majority of the votes in the association are allocated, excluding the votes allocated to units owned by the declarant.

(3) The association must keep all funds of the association in the name of the association with a qualified financial institution, except as provided in RCW 64.90.535. The funds must not be commingled with the funds of any other association or with the funds of any managing agent of the association or any other person, or be kept in any trust account or custodial account in the name of any trustee or custodian.

(4) A managing agent who accepts or receives funds belonging to the association must promptly deposit all such funds into an account maintained by the association as provided in subsection (3) of this section or RCW 64.90.535, as appropriate.

Sec. 24. RCW 64.90.535 and 2018 c 277 s 328 are each amended to read as follows:

(1) An association required to obtain a reserve study pursuant to RCW 64.90.545 must establish one or more accounts for the deposit of funds, if any, for the replacement costs of reserve components. ((~~Any reserve account must be an income-earning account maintained under the direct control of the board, and the board is responsible for administering the reserve account.~~)) Reserve accounts must be maintained such that reserve funds are not commingled with other funds of the association.

(2)(a) Except as otherwise provided in this subsection, reserve funds must be held in an interest-bearing account at a financial institution domiciled in the United States that is regulated by FINRA or by the office of the comptroller of the currency. The reserve account must be maintained by the board and titled solely in the name of the association, with authorized signatories for the account added or removed only at the direction of the board. The board is responsible for administering the reserve account.

(b)(i) Notwithstanding any contrary requirements of this section and the governing documents, reserve funds may be held in cash or invested in money market funds, certificates of deposit, or United States treasury bills, notes, or bonds. Any decision by the board to hold funds in certificates of deposit or United States treasury bills, notes, or bonds must consider all factors enumerated by RCW 11.100.020(3).

(ii) Decisions related to reserve funds held pursuant to this subsection (2)(b) must be made by the board, except the board may delegate decisions for maintaining funds in timed deposit durations less than or equal to 100 days. Such decisions must adhere to a duly adopted policy or resolution approved by the board that:

(A) Incorporates the factors enumerated by RCW 11.100.020(3);

(B) Complies with this chapter; and

(C) Complies with any greater requirements imposed by the governing documents.

(c) Unless provided otherwise by the governing documents, reserve funds may be invested in securities, provided that:

(i)(A) Except as provided in (c)(i)(B) of this subsection, new investments in securities, including reinvestments: (I) May only be made when the total value of reserve funds is equal to or greater than $250,000; and (II) may not be made if the total value of reserve funds held in accounts described in (b) of this subsection would be less than 50 percent upon making the new investment.

(B) The owners of units to which at least 75 percent of the votes in the association are allocated may vote to invest, including reinvestments, up to 100 percent of any available reserve funds subject to the additional requirements of this section;

(ii) The investments are approved as part of the budget ratification process under RCW 64.90.525;

(iii) The investments are administered according to the standards established by RCW 11.100.020; and

(iv) The investments are administered by a qualified third-party fiduciary or directly by the board in consultation with an independent, qualified investment adviser as defined in RCW 21.20.005.

(d) For purposes of this subsection:

(i) "FINRA" has the same meaning as defined in RCW 48.23.015;

(ii) "Independent" means a person who:

(A) Is not an employee, officer, or director of the association;

(B) Is not an immediate family member or affiliate, as these terms are defined in RCW 64.90.485, of an employee, officer, or director of the association; and

(C) Has no pecuniary interest in the association.

(iii) "Securities" has the same meaning as "security" as defined in RCW 21.20.005, but does not include accounts described in (a) or (b)(i) of this subsection.

(3) Except for investments and transfers between separate reserve accounts held by the same association, every disbursement of reserve funds requires:

(a) The signature of at least two persons who are officers or directors of the association; and

(b) Documentation of the expenses with supporting invoices including:

(i) Assigned components of the reserve study relating to the disbursement and their classification such as, but not limited to, common elements, residential common elements, or commercial common elements;

(ii) A statement that the disbursement is related to one or more reserve components not currently included in the reserve study and their classification such as, but not limited to, common elements, residential common elements, commercial common elements; or

(iii) A statement indicating a disbursement to borrow from the reserve that includes the repayment plan required by RCW 64.90.540(1).

Sec. 25. RCW 64.90.580 and 2024 c 128 s 4 are each amended to read as follows:

(1)(a) A unit owners association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that:

(i) Effectively prohibits or unreasonably restricts the installation or use of a heat pump in compliance with the requirements of this section and for the personal use of a unit owner within the boundaries of a unit; or

(ii) Is in conflict with the provisions of this section.

(b) Nothing in this section prohibits an association from imposing reasonable restrictions on heat pumps.

(c) This section must not be construed to permit installation by a unit owner of heat pump equipment on or in common elements without approval of the board which shall not be unreasonably withheld.

(2) A unit owners association may require a unit owner to submit an application for approval for the installation of a heat pump before installing the heat pump.

(3)(a) If approval is required for the installation of a heat pump, the application for approval must be processed and approved in the same manner as an application for approval of an architectural modification.

(b) The approval or denial of an application must be in writing and must not be willfully avoided or delayed.

(c) If an application is not denied in writing within 60 days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.

(d) An association may not assess or charge a unit owner a fee for the installation of a heat pump. An association may charge a reasonable fee for processing the application to approve the installation of a heat pump, but only if such a fee exists for all applications for approval of architectural modifications.

(4) If approval is required for the installation of a heat pump, a unit owners association must approve the installation if the installation is reasonably possible and the unit owner agrees in writing to:

(a) Comply with the association's reasonable architectural standards applicable to the installation of the heat pump;

(b) Engage a heating, ventilation, and air conditioning (HVAC) contractor familiar with the standards for the installation of heat pumps to assess the existing infrastructure necessary to support the proposed heat pump, identify additional infrastructure needs, and install the heat pump; and

(c) Comply with the requirements of this section.

(5)(a) A unit owner must obtain any permit or approval for a heat pump as required by the local government in which the common interest community is located and comply with all relevant building codes and safety standards.

(b) A heat pump must meet all applicable health and safety standards and requirements imposed by national, state, or local authorities, and all other applicable zoning, land use or other ordinances, building codes, or land use permits.

(6)(a) Unless otherwise agreed to by written contract with the unit owners association, a unit owner is responsible for the costs of installing a heat pump.

(b) Heat pump equipment that is installed at the unit owner's cost and is removable without damage to the property owned by others may be removed at the unit owner's cost.

(7) ((~~The~~)) Except as set forth in the governing documents and without regard for when a heat pump was first put into service and the location of any components thereof, the unit owner and each successive owner of ((~~the~~)) a heat pump exclusively serving the owner's unit is responsible for:

(a) Costs for the inspection, maintenance, repair, and replacement of the heat pump up until the heat pump is removed;

(b) Costs for damage to the heat pump, any unit, common element, or limited common element resulting from the installation, inspection, use, maintenance, repair, removal, or replacement of the heat pump;

(c) If the unit owner decides to remove the heat pump, costs for the removal and the restoration of the common elements or limited common elements after the removal; and

(d) Removing heat pump equipment if reasonably necessary for the inspection, repair, maintenance, or replacement of the common element or limited common element.

(8)(a) A unit owners association that willfully violates this section is liable to the unit owner for actual damages, and shall pay a civil penalty to the unit owner in an amount not to exceed $1,000.

(b) In any action by a unit owner requesting to have a heat pump installed and seeking to enforce compliance with this section, the court shall award reasonable attorneys' fees and costs to any prevailing unit owner.

(9) For the purposes of this section:

(a) "Heat pump" means a heating or refrigerating system used to transfer heat. The heat pump condenser and evaporator may change roles to transfer heat in either direction. By receiving the flow of air or other fluid, a heat pump is used to cool or heat.

(b) "Reasonable restriction" means a restriction that does not significantly increase the cost of a heat pump or significantly decrease its efficiency or specified performance.

Sec. 26. RCW 64.90.600 and 2018 c 277 s 401 are each amended to read as follows:

(1) RCW 64.90.605 through 64.90.695 apply to all units subject to this chapter, except as provided in subsections (2) and (3) of this section.

(2) RCW 64.90.605 through 64.90.695 do not apply in the case of:

(a) A conveyance by gift, devise, or descent;

(b) A conveyance pursuant to court order;

(c) A conveyance by a government or governmental agency;

(d) A conveyance by foreclosure;

(e) A conveyance of all of the units in a common interest community in a single transaction;

(f) A conveyance to other than a purchaser;

(g) An agreement to convey that may be canceled at any time and for any reason by the purchaser without penalty;

(h) A conveyance of a unit restricted to nonresidential uses, except and to the extent otherwise agreed to in writing by the seller and purchaser of that unit.

(3) RCW 64.90.665, 64.90.670, 64.90.675, 64.90.680, 64.90.690, and 64.90.695 apply only to condominiums created under this chapter, and do not apply to other common interest communities.

(4) RCW 64.90.640 applies to all units subject to this chapter unless the buyer of a unit within a common interest community has expressly waived the receipt of a resale certificate because it is unavailable. For purposes of this subsection and RCW 64.90.640(1), a resale certificate is unavailable if:

(a) The seller attests that the association failed to provide the resale certificate within 10 days of request and delivery of payment pursuant to the requirements of RCW 64.90.640(2);

(b) The seller indicates in the seller disclosure statement required by chapter 64.06 RCW that there is no homeowners association and no regular periodic assessments;

(c) The seller attests that they have owned the property for at least 365 days and, to the best of the seller's knowledge, the association has not sent notice of an annual meeting, budget ratification, or assessments, or attempted to enforce the covenants in the last five years or since the seller purchased the property, whichever is less; or

(d) The seller attests that they have made three good faith attempts to request the resale certificate and remit payment to the association or its authorized agent and has not received a response within three business days.

Sec. 27. RCW 64.90.610 and 2024 c 321 s 327 are each amended to read as follows:

(1) A public offering statement must contain the following information:

(a) The name and address of the declarant;

(b) The name and address or location of the management company, if any;

(c) The relationship of the management company to the declarant, if any;

(d) The name and address of the common interest community;

(e) A statement whether the common interest community is a condominium, cooperative, plat community, or miscellaneous community;

(f) A list, current as of the date the public offering statement is prepared, of up to the five most recent common interest communities in which at least one unit was sold by the declarant or an affiliate of the declarant within the past five years, including the names of the common interest communities and their addresses;

(g) The nature of the interest being offered for sale;

(h) A general description of the common interest community, including to the extent known to the declarant, the types and number of buildings that the declarant anticipates including in the common interest community and the declarant's schedule of commencement and completion of such buildings and principal common amenities;

(i) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(j) The number of existing units in the common interest community;

(k) Brief descriptions of (i) the existing principal common amenities, (ii) those amenities that will be added to the common interest community, and (iii) those amenities that may be added to the common interest community;

(l) A brief description of the limited common elements, other than those described in RCW 64.90.210 (1)(b) and (3), that may be allocated to the units being offered for sale;

(m) The identification of any rights of persons other than unit owners to use any of the common elements, and a description of the terms of such use;

(n) The identification of any real property not in the common interest community that unit owners have a right to use and a description of the terms of such use;

(o) Any services the declarant provides or expenses that the declarant pays that are not reflected in the budget, but that the declarant expects may become at any subsequent time a common expense of the association, and the projected common expense attributable to each of those services or expenses;

(p) An estimate of any assessment or payment required by the declaration to be paid by the purchaser of a unit at closing;

(q) A brief description of any liens or monetary encumbrances on the title to the common elements that will not be discharged at closing;

(r) A brief description or a copy of any express construction warranties to be provided to the purchaser;

(s) A statement, as required under RCW 64.35.210, as to whether the units or common elements of the common interest community are covered by a qualified warranty;

(t) If applicable to the common interest community, a statement whether the common interest community contains any multiunit residential building subject to chapter 64.55 RCW and, if so, whether:

(i) The building enclosure has been designed and inspected to the extent required under RCW 64.55.010 through 64.55.090; and

(ii) Any repairs required under RCW 64.55.090 have been made;

(u) A statement of any unsatisfied judgments or pending suits against the association and the status of any pending suits material to the common interest community of which the declarant has actual knowledge;

(v) A statement of any litigation brought by an owners association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant arising out of the construction, sale, or administration of any common interest community within the previous five years, together with the results of the litigation, if known;

(w) A brief description of:

(i) Any restrictions on use or occupancy of the units contained in the governing documents;

(ii) Any restrictions on the renting or leasing of units by the declarant or other unit owners contained in the governing documents;

(iii) Any rights of first refusal to lease or purchase any unit or any of the common elements contained in the governing documents; and

(iv) Any restriction on the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale;

(x) A description of the insurance coverage provided for the benefit of unit owners;

(y) Any current or expected fees or charges not included in the common expenses to be paid by unit owners for the use of the common elements and other facilities related to the common interest community, together with any fees or charges not included in the common expenses to be paid by unit owners to any master or other association;

(z) The extent, if any, to which bonds or other assurances from third parties have been provided for completion of all improvements that the declarant is obligated to build pursuant to RCW 64.90.695;

(aa) In a cooperative, a statement whether the unit owners are entitled, for federal, state, and local income tax purposes, to a pass-through of any deductions for payments made by the association for real estate taxes and interest paid to the holder of a security interest encumbering the cooperative;

(bb) In a cooperative, a statement as to the effect on every unit owner's interest in the cooperative if the association fails to pay real estate taxes or payments due to the holder of a security interest encumbering the cooperative;

(cc) In a leasehold common interest community, a statement whether the expiration or termination of any lease may terminate the common interest community or reduce its size, the recording number of any such lease or a statement of where the complete lease may be inspected, the date on which such lease is scheduled to expire, a description of the real estate subject to such lease, a statement whether the unit owners have a right to redeem the reversion, a statement whether the unit owners have a right to remove any improvements at the expiration or termination of such lease, a statement of any rights of the unit

owners to renew such lease, and a reference to the sections of the declaration where such information may be found;

(dd) A summary of, and information on how to obtain a full copy of, any reserve study and a statement as to whether or not it was prepared in accordance with RCW 64.90.545 and 64.90.550 or the governing documents;

(ee) A brief description of any arrangement described in RCW 64.90.110 binding the association;

(ff) The estimated current common expense liability for the units being offered;

(gg) Except for real property taxes, real property assessments and utility liens, any assessments, fees, or other charges known to the declarant and which, if not paid, may constitute a lien against any unit or common elements in favor of any governmental agency;

(hh) A brief description of any parts of the common interest community, other than the owner's unit, which any owner must maintain;

(ii) Whether timesharing is permitted or prohibited, and, if permitted, a statement that the purchaser of a timeshare unit is entitled to receive the disclosure document required under chapter 64.36 RCW;

(jj) If the common interest community is subject to any special declarant rights, the information required under RCW 64.90.615;

(kk) Any liens on real estate to be conveyed to the association required to be disclosed pursuant to RCW 64.90.650(3)(b);

(ll) A list of any physical hazards known to the declarant that particularly affect the common interest community or the immediate vicinity in which the common interest community is located and which are not readily ascertainable by the purchaser;

(mm) Any building code violation of which the declarant has actual knowledge and which has not been corrected;

(nn) If the common interest community contains one or more conversion buildings, the information required under RCW 64.90.620 and 64.90.655(6)(a);

(oo) If the public offering statement is related to conveyance of a unit in a multiunit residential building as defined in RCW 64.55.010, for which the final certificate of occupancy was issued more than 60 calendar months prior to the preparation of the public offering statement either: A copy of a report prepared by an independent, licensed architect or engineer or a statement by the declarant based on such report that describes, to the extent reasonably ascertainable, the present condition of all structural components and mechanical and electrical installations of the conversion buildings material to the use and enjoyment of the conversion buildings;

(pp) Any other information and cross-references that the declarant believes will be helpful in describing the common interest community to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;

(qq) A description of any age-related occupancy restrictions affecting the common interest community; and

(rr) ((~~In a condominium, plat community, or miscellaneous community containing a unit not having horizontal boundaries described in the declaration, a~~)) A statement whether the unit may be sold without consent of all the unit

owners after termination of the common interest community under RCW 64.90.290.

(2) The public offering statement must begin with notices substantially in the following forms and in conspicuous type:

(a) "RIGHT TO CANCEL. (1) You are entitled to receive a copy of this public offering statement and all material amendments to this public offering statement before conveyance of your unit. Under RCW 64.90.635, you have the right to cancel your contract for the purchase of your unit within seven days after first receiving this public offering statement. If this public offering statement is first provided to you more than seven days before you sign your contract for the purchase of your unit, you have no right to cancel your contract. If this public offering statement is first provided to you seven days or less before you sign your contract for the purchase of your unit, you have the right to cancel, before conveyance of the unit, the executed contract by delivering, no later than the seventh day after first receiving this public offering statement, a notice of cancellation pursuant to section (3) of this notice. If this public offering statement is first provided to you less than seven days before the closing date for the conveyance of your unit, you may, before conveyance of your unit to you, extend the closing date to a date not more than seven days after you first received this public offering statement, so that you may have seven days to cancel your contract for the purchase of your unit.

(2) You have no right to cancel your contract upon receipt of an amendment to this public offering statement; however, this does not eliminate any right to rescind your contract, due to the disclosure of the information in the amendment, that is otherwise available to you under generally applicable contract law.

(3) If you elect to cancel your contract pursuant to this notice, you may do so by hand-delivering notice of cancellation, or by mailing notice of cancellation by prepaid United States mail, to the seller at the address set forth in this public offering statement or at the address of the seller's registered agent for service of process. The date of such notice is the date of receipt, if hand-delivered, or the date of deposit in the United States mail, if mailed. Cancellation is without penalty, and all payments made to the seller by you before cancellation must be refunded promptly."

(b) "OTHER DOCUMENTS CREATING BINDING LEGAL OBLIGATIONS. This public offering statement is a summary of some of the significant aspects of purchasing a unit in this common interest community. The governing documents and the purchase agreement are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel."

(c) "OTHER REPRESENTATIONS. You may not rely on any statement, promise, model, depiction, or description unless it is (1) contained in the public offering statement delivered to you or (2) made in writing signed by the declarant or dealer or the declarant's or dealer's agent identified in the public offering statement. A statement of opinion, or a commendation of the real estate, its quality, or its value, does not create a warranty, and a statement, affirmation, promise, model, depiction, or description does not create a warranty if it discloses that it is only proposed, is not representative, or is subject to change."

(d) "MODEL UNITS. Model units are intended to provide you with a general idea of what a finished unit might look like. Units being offered for sale

may vary from the model unit in terms of floor plan, fixtures, finishes, and equipment. You are advised to obtain specific information about the unit you are considering purchasing."

(e) "RESERVE STUDY. The association [does] [does not] have a current reserve study. Any reserve study should be reviewed carefully. It may not include all reserve components that will require major maintenance, repair, or replacement in future years, and may not include regular contributions to a reserve account for the cost of such maintenance, repair, or replacement. You may encounter certain risks, including being required to pay as a special assessment your share of expenses for the cost of major maintenance, repair, or replacement of a reserve component, as a result of the failure to: (1) Have a current reserve study or fully funded reserves, (2) include a component in a reserve study, or (3) provide any or sufficient contributions to a reserve account for a component."

(f) "DEPOSITS AND PAYMENTS. Only earnest money and reservation deposits are required to be placed in an escrow or trust account. Any other payments you make to the seller of a unit are at risk and may be lost if the seller defaults."

(g) "CONSTRUCTION DEFECT CLAIMS. Chapter 64.50 RCW contains important requirements you must follow before you may file a lawsuit for defective construction against the seller or builder of your home. Forty-five days before you file your lawsuit, you must deliver to the seller or builder a written notice of any construction conditions you allege are defective and provide your seller or builder the opportunity to make an offer to repair or pay for the defects. You are not obligated to accept any offer made by the builder or seller. There are strict deadlines and procedures under state law, and failure to follow them may affect your ability to file a lawsuit."

(h) "ASSOCIATION INSURANCE. The extent to which association insurance provides coverage for the benefit of unit owners (including furnishings, fixtures, and equipment in a unit) is determined by the provisions of the declaration and the association's insurance policy, which may be modified from time to time. You and your personal insurance agent should read the declaration and the association's policy prior to closing to determine what insurance is required of the association and unit owners, unit owners' rights and duties, what is and is not covered by the association's policy, and what additional insurance you should obtain."

(i) "QUALIFIED WARRANTY. Your unit [is] [is not] covered by a qualified warranty under chapter 64.35 RCW."

(j) "THIS UNIT IS LOCATED WITHIN A COMMON INTEREST COMMUNITY AND IS SUBJECT TO THE DECLARATION, BYLAWS, RULES, AND OTHER WRITTEN INSTRUMENTS GRANTING AUTHORITY TO THE ASSOCIATION AS ADOPTED (THE "GOVERNING DOCUMENTS").

THE PURCHASER OF THIS UNIT WILL BE REQUIRED TO BE A MEMBER OF THE ASSOCIATION AND WILL BE SUBJECT TO THE GOVERNING DOCUMENTS.

THE GOVERNING DOCUMENTS WILL IMPOSE FINANCIAL OBLIGATIONS UPON THE OWNER OF THE UNIT, INCLUDING AN OBLIGATION TO PAY ASSESSMENTS TO THE ASSOCIATION WHICH

MAY INCLUDE REGULAR AND SPECIAL ASSESSMENTS, FINES, FEES, INTEREST, LATE CHARGES, AND COSTS OF COLLECTION, INCLUDING REASONABLE ATTORNEYS' FEES.

THE ASSOCIATION HAS A STATUTORY LIEN ON EACH INDIVIDUAL UNIT FOR ANY UNPAID ASSESSMENT FROM THE TIME IT IS DUE. FAILURE TO PAY ASSESSMENTS COULD RESULT IN THE FILING OF A LIEN ON THE UNIT AND LOSS OF THE UNIT THROUGH FORECLOSURE.

THE GOVERNING DOCUMENTS MAY PROHIBIT OWNERS FROM MAKING CHANGES TO THE UNIT WITHOUT REVIEW AND THE APPROVAL OF THE ASSOCIATION, AND MAY ALSO IMPOSE RESTRICTIONS ON THE USE OF ((~~[THE]~~)) THE UNIT, DISPLAY OF SIGNS, CERTAIN BEHAVIORS, AND OTHER ITEMS.

PURCHASERS OF THIS UNIT SHOULD CAREFULLY REVIEW THE FINANCIAL OBLIGATIONS OF MEMBERS OF THE ASSOCIATION, THE CURRENT STATE OF THE ASSOCIATION'S FINANCES, THE CURRENT RESERVE STUDY, IF ANY, THE GOVERNING DOCUMENTS, AND THE OTHER INFORMATION AVAILABLE IN THE RESALE CERTIFICATE. THE GOVERNING DOCUMENTS CONTAIN IMPORTANT INFORMATION AND CREATE BINDING LEGAL OBLIGATIONS. YOU SHOULD CONSIDER SEEKING THE ASSISTANCE OF LEGAL COUNSEL."

(3) The public offering statement must include copies of each of the following documents: The declaration; the map; the organizational documents; the rules, if any; the current or proposed budget for the association; a dated balance sheet of the association; any inspection and repair report or reports prepared in accordance with the requirements of RCW 64.55.090; and any qualified warranty provided to a purchaser by a declarant together with a history of claims under the qualified warranty. If any of these documents are not in final form, the documents must be marked "draft" and, before closing the sale of a unit, the purchaser must be given notice of any material changes to the draft documents.

(4) A declarant must promptly amend the public offering statement to reflect any material change in the information required under this section.

Sec. 28. RCW 64.90.635 and 2024 c 321 s 328 are each amended to read as follows:

(1) A person required to deliver a public offering statement pursuant to RCW 64.90.605(3)(a) shall provide a purchaser with a copy of the public offering statement and all amendments thereto before conveyance of the unit((~~, and not later than the date of any contract of sale~~)). The purchaser may cancel a contract for the purchase of the unit within seven days after first receiving the public offering statement. If the public offering statement is first provided to a purchaser more than seven days before execution of a contract for the purchase of a unit, the purchaser does not have the right under this section to cancel the executed contract. If the public offering statement is first provided to a purchaser seven days or less before the purchaser signs a contract for the purchase of a unit, the purchaser, before conveyance of the unit to the purchaser, may cancel the contract by delivering, no later than the seventh day after first receiving the public offering statement, a notice of cancellation, delivered pursuant to

subsection (3) of this section. If the public offering statement is first provided to a purchaser less than seven days before the closing date for the conveyance of that unit, the purchaser may, before conveyance of the unit to the purchaser, extend the closing date to a date not more than seven days after the purchaser first received the public offering statement.

(2) A purchaser does not have the right under this section to cancel a contract upon receipt of an amendment to a public offering statement. This subsection does not eliminate any right that is otherwise available to the purchaser under generally applicable contract law to rescind the contract due to a material change in the information disclosed in the amendment.

(3) If a purchaser elects to cancel a contract under subsection (1) of this section, the purchaser may do so by hand-delivering notice of cancellation, or by mailing notice of cancellation by prepaid United States mail, to the declarant at the address set forth in the public offering statement or at the address of the declarant's registered agent for service of process. The date of such notice is the date of receipt of delivery, if hand-delivered, or the date of deposit in the United States mail, if mailed. Cancellation is without penalty, and all payments made to the seller by the purchaser before cancellation must be refunded promptly. There is no liability for failure to deliver any amendment unless such failure would have entitled the purchaser under generally applicable legal principles to cancel the contract for the purchase of the unit had the undisclosed information been evident to the purchaser before the closing of the purchase.

(4) The language of the notice required under RCW 64.90.610(2)(a) must not be construed to modify the rights set forth in this section.

Sec. 29. RCW 64.90.640 and 2024 c 321 s 329 are each amended to read as follows:

(1) Except in the case of a sale when delivery of a public offering statement is required, or unless exempt under RCW 64.90.600(2) or unless the buyer of a unit within a common interest community has expressly waived the right to receive a resale certificate because it is unavailable as provided in RCW 64.90.600(4), a unit owner must furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) With respect to the selling unit owner's unit, a statement setting forth the amount of any assessment currently due, any delinquent assessments, and a statement of any special assessments that have been levied and have not been paid even though not yet due;

(c) A statement, which must be current to within 45 days, of any assessments against any unit in the condominium that are past due over 30 days;

(d) A statement, which must be current to within 45 days, of any monetary obligation of the association that is past due over 30 days;

(e) A statement of any other fees payable to the association by unit owners;

(f) A statement of any expenditure or anticipated repair or replacement cost reasonably anticipated to be in excess of five percent of the board-approved

annual budget of the association, regardless of whether the unit owners are entitled to approve such cost;

(g) A statement whether the association does or does not have a reserve study prepared in accordance with RCW 64.90.545 and 64.90.550;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) The most recent balance sheet and revenue and expense statement, if any, of the association;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any legal actions in which the association is a party or a claimant as defined in RCW 64.50.010;

(l) A statement describing any insurance coverage carried by the association and contact information for the association's insurance broker or agent;

(m) A statement as to whether the board has given or received notice in a record that any existing uses, occupancies, alterations, or improvements in or to the seller's unit or to the limited common elements allocated to the unit violate any provision of the governing documents;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether the board has received notice in a record from a governmental agency of any violation of environmental, health, or building codes with respect to the seller's unit, the limited common elements allocated to that unit, or any other portion of the common interest community that has not been cured;

(p) A statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal of the leasehold estate;

(q) A statement of any restrictions in the declaration affecting the amount that may be received by a unit owner upon sale;

(r) In a cooperative, an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the unit owner of real estate taxes and interest paid by the association;

(s) A statement describing any pending sale or encumbrance of common elements;

(t) A statement disclosing the effect on the unit to be conveyed of any restriction on the right to use or occupy the unit, including a restriction on a lease or other rental of the unit;

(u) A copy of the declaration, the organizational documents, the rules or regulations of the association, the minutes of board meetings and association meetings, except for any information exempt from disclosure under RCW 64.90.495(3), for the last 12 months, a summary of the current reserve study for the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration, or the

department of housing and urban development is deemed reasonable if the information is reasonably available to the association;

(v) A statement whether the units or common elements of the common interest community are covered by a qualified warranty under chapter 64.35 RCW and, if so, a history of claims known to the association as having been made under any such warranty;

(w) A description of any age-related occupancy restrictions affecting the common interest community;

(x) A statement describing any requirements related to electric vehicle charging stations located in the unit or the limited common elements allocated to the unit, including application status, insurance information, maintenance responsibilities, and any associated costs;

(y) If the association does not have a reserve study that has been prepared in accordance with RCW 64.90.545 and 64.90.550 or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."; and

(z) The resale certificate must include a notice in substantially the following form and in conspicuous type:

"THIS UNIT IS LOCATED WITHIN A COMMON INTEREST COMMUNITY AND IS SUBJECT TO THE DECLARATION, BYLAWS, RULES, AND OTHER WRITTEN INSTRUMENTS GRANTING AUTHORITY TO THE ASSOCIATION AS ADOPTED (THE "GOVERNING DOCUMENTS").

THE PURCHASER OF THIS UNIT WILL BE REQUIRED TO BE A MEMBER OF THE ASSOCIATION AND WILL BE SUBJECT TO THE GOVERNING DOCUMENTS.

THE GOVERNING DOCUMENTS WILL IMPOSE FINANCIAL OBLIGATIONS UPON THE OWNER OF THE UNIT, INCLUDING AN OBLIGATION TO PAY ASSESSMENTS TO THE ASSOCIATION WHICH MAY INCLUDE REGULAR AND SPECIAL ASSESSMENTS, FINES, FEES, INTEREST, LATE CHARGES, AND COSTS OF COLLECTION, INCLUDING REASONABLE ATTORNEYS' FEES.

THE ASSOCIATION HAS A STATUTORY LIEN ON EACH INDIVIDUAL UNIT FOR ANY UNPAID ASSESSMENT FROM THE TIME IT IS DUE. FAILURE TO PAY ASSESSMENTS COULD RESULT IN THE FILING OF A LIEN ON THE UNIT AND LOSS OF THE UNIT THROUGH FORECLOSURE.

THE GOVERNING DOCUMENTS MAY PROHIBIT OWNERS FROM MAKING CHANGES TO THE UNIT WITHOUT REVIEW AND THE APPROVAL OF THE ASSOCIATION, AND MAY ALSO IMPOSE RESTRICTIONS ON THE USE OF ((~~[THE]~~)) THE UNIT, DISPLAY OF SIGNS, CERTAIN BEHAVIORS, AND OTHER ITEMS.

PURCHASERS OF THIS UNIT SHOULD CAREFULLY REVIEW THE FINANCIAL OBLIGATIONS OF MEMBERS OF THE ASSOCIATION, THE CURRENT STATE OF THE ASSOCIATION'S FINANCES, THE CURRENT RESERVE STUDY, IF ANY, THE GOVERNING DOCUMENTS, AND THE OTHER INFORMATION AVAILABLE IN THE RESALE CERTIFICATE. THE GOVERNING DOCUMENTS CONTAIN IMPORTANT INFORMATION AND CREATE BINDING LEGAL OBLIGATIONS. YOU SHOULD CONSIDER SEEKING THE ASSISTANCE OF LEGAL COUNSEL."

(2) The association, within 10 days after a request by a unit owner, and subject to the payment of any fees imposed pursuant to RCW 64.90.405(2)(m), must furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed $275. The association may charge a unit owner a nominal fee not to exceed $100 for updating a resale certificate within six months of the unit owner's request. A unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

(3)(a) A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association.

(b) ((~~A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.~~)) The purchaser may cancel a contract for the purchase of the unit within five days after first receiving the resale certificate. If the resale certificate is first provided to a purchaser more than five days before execution of a contract for the purchase of a unit, the purchaser does not have the right under this section to cancel the executed contract. If the resale certificate is first provided to a purchaser five days or less before the purchaser signs a contract for the purchase of a unit, the purchaser, before conveyance of the unit to the purchaser, may cancel the contract by delivering, no later than the fifth day after first receiving the resale certificate, a notice of cancellation to the seller. If the resale certificate is first provided to a purchaser less than five days before the closing date for the conveyance of that unit, the purchaser may, before conveyance of the unit to the purchaser, extend the closing date to a date not more than five days after the purchaser first received the resale certificate.

Sec. 30. RCW 64.90.665 and 2018 c 277 s 414 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, express warranties made by any declarant or dealer to a purchaser of a unit in a condominium, if relied upon by the purchaser in purchasing the unit, are created as follows:

(a) Any written affirmation of fact or written promise that relates to the unit, its use, or rights appurtenant to the unit or its use, improvements to the condominium that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium creates an express warranty

that the unit and related rights and uses will not materially deviate from the affirmation or promise.

(b) Any written description of the physical characteristics of the condominium at the time the purchase agreement is executed, including plans and specifications of or for improvements, creates an express warranty that the condominium will conform to the written description in all material respects.

(c) Any written description of the quantity or extent of the real estate comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerances.

(d) A written statement that a purchaser may put a unit only to a specified use is an express warranty that the specified use is lawful.

(2) Subject to subsection (3) of this section, neither formal words, such as "warranty" or "guarantee," nor a specific intention to make a warranty are necessary to create an express warranty, but a statement of opinion or a commendation of the real estate, its quality, or its value does not create a warranty, and a statement, affirmation, promise, model, depiction, or description does not create a warranty if it discloses that it is only proposed, is not representative, or is subject to change.

(3) A purchaser may not rely on any statement, affirmation, promise, model, depiction, or description unless it is contained in the public offering statement delivered to the purchaser or made in a record signed by the declarant or dealer, or the declarant's or dealer's agent identified in the public offering statement.

(4) Any conveyance of a unit transfers to the purchaser all express warranties of quality made by the declarant or dealer.

Sec. 31. RCW 61.24.030 and 2023 c 206 s 2 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property of up to four units, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least 30 days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property of up to four units, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within 30 days of the date of mailing of the notice, or if personally served, within 30 days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than 120 days in the future, or no less than 150 days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is residential real property of up to four units, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than **90 calendar days BEFORE the date of sale** listed in the Notice of Trustee Sale. If an amended Notice of Trustee Sale is recorded providing a 45-day notice of the sale, mediation must be requested no later than **25 calendar days BEFORE the date of sale** listed in the amended Notice of Trustee Sale.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(l) In the event the property secured by the deed of trust is residential real property of up to four units, the name and address of the holder of any promissory note or other obligation secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust;

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for residential real property of up to four units, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. Other written evidence of the death of the borrower or grantor may include an obituary, a published death notice, or documentation of an open probate action for the estate of the borrower or grantor. The claimant must be allowed 30 days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A

claimant has 60 days from the date of the request to present this documentation. Documentation demonstrating the ownership interest of the claimant in the real property includes, but is not limited to, one of the following:

(i) Excerpts of a trust document noting the claimant as a beneficiary of a trust with title to the real property;

(ii) A will of the borrower or grantor listing the claimant as an heir or devisee with respect to the real property;

(iii) A probate order or finding of heirship issued by any court documenting the claimant as an heir or devisee or awarding the real property to the claimant;

(iv) A recorded lack of probate affidavit signed by any heir listing the claimant as an heir of the borrower or grantor pursuant to the laws of intestacy;

(v) A deed, such as a personal representative's deed, trustee's deed issued on behalf of a trust, statutory warranty deed, transfer on death deed, or other deed, giving any ownership interest to the claimant resulting from the death of the borrower or grantor or executed by the borrower or grantor for estate planning purposes; and

(vi) Other proof documenting the claimant as an heir of the borrower or grantor pursuant to state rules of intestacy set forth in chapter 11.04 RCW.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the 60 days provided in (b) of this subsection, then the servicer or trustee must, within 20 days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, ((~~or~~)) 64.38, or 64.90 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under

the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

NEW SECTION. **Sec. 32.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2026:

(1) RCW 64.32.290 (Electric vehicle charging stations) and 2022 c 27 s 1;

(2) RCW 64.32.350 (Heat pumps) and 2024 c 128 s 1;

(3) RCW 64.34.332 (Meetings) and 2021 c 227 s 5 & 1989 c 43 s 3-109;

(4) RCW 64.34.393 (Heat pumps) and 2024 c 128 s 2;

(5) RCW 64.34.395 (Electric vehicle charging stations) and 2022 c 27 s 2;

(6) RCW 64.38.035 (Association meetings—Notice—Board of directors) and 2021 c 227 s 10, 2014 c 20 s 1, 2013 c 108 s 1, & 1995 c 283 s 7;

(7) RCW 64.38.062 (Electric vehicle charging stations) and 2022 c 27 s 3; and

(8) RCW 64.38.180 (Heat pumps) and 2024 c 128 s 3.

NEW SECTION. **Sec. 33.** RCW 64.90.509 (Governing documents, may not vary provision of chapter—Exceptions) and 2024 c 321 s 303 are each repealed.

NEW SECTION. **Sec. 34.** 2024 c 337 s 4 is repealed.

NEW SECTION. **Sec. 35.** (1) Sections 2 through 4, 11, 19, 21, and 25 of this act take effect January 1, 2026.

(2) Section 34 of this act takes effect January 1, 2028.

NEW SECTION. **Sec. 36.** Section 31 of this act expires January 1, 2028.

Passed by the Senate February 12, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 120

[Substitute Senate Bill 5149]

EARLY CHILDHOOD COURT PROGRAM—EXPANSION

AN ACT Relating to expanding the early childhood court program; amending RCW 2.30.100; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that the early childhood court program has federal funding through September 2027 and is currently not operating at capacity. Expanding access to early childhood courts ensures that these funds can be used to serve more families in the dependency system.

The legislature further finds that there is a historical and ongoing impact of systemic racism within child welfare, especially as it affects Black, indigenous, and marginalized families. Recognizing the role of historical policies that devalue cultural and racial identities, this act aims to promote family integrity and dignity while supporting healthy outcomes through equitable and culturally sensitive practices.

Sec. 2. RCW 2.30.100 and 2021 c 285 s 2 are each amended to read as follows:

(1)(a) A superior court may establish an early childhood court program to serve the needs of infants and toddlers who are under the age of ((~~three~~)) six at the time the case enters the program and dependent pursuant to chapter 13.34 RCW.

(b) An early childhood court program is a therapeutic court as defined in this chapter that provides an intensive court process for families with a child under age ((~~three~~)) six who has been found dependent pursuant to chapter 13.34 RCW. To be eligible for the early childhood court program, a parent must have a child under age ((~~three~~)) six that is dependent pursuant to chapter 13.34 RCW at the time the case enters the early childhood court program. The case may remain in the early childhood court program ((~~after the child is age three or older~~)) if the child is still dependent pursuant to chapter 13.34 RCW.

(2) If a superior court creates an early childhood court program, it shall incorporate the following core components into the program:

(a) The court shall obtain a memorandum of understanding or other agreement with the department of children, youth, and families developed in collaboration with counsel for parents and children that outlines how the two entities will coordinate and collaborate to implement the core components overall.

(b) A community coordinator who may be employed by the courts, the county, or a nonprofit entity and who is a person with experience and training in diversity, equity, and inclusion measures and is dedicated to:

(i) Facilitating real-time information sharing and collaboration among cross-sector professionals participating in the early childhood court program;

(ii) Coordinating and participating in family team meetings;

(iii) Identifying community-based resources and supporting the family's connection to these resources;

(iv) Building relationships and forming new partnerships across traditional and nontraditional services and systems;

(v) Identifying training needs of early childhood court professionals and facilitating the provision of training;

(vi) Supporting the convening of community team meetings; and

(vii) Performing the tasks outlined in this subsection describing the core components of an early childhood court program unless otherwise specified.

(c) A community team established by the court and consisting of stakeholders to the court that serve as an advisory body to the court and who implement the early childhood court program. The community team shall include diverse membership to include, but not be limited to, former parent participants, foster parents, parent and child advocates, an attorney for parents, a department of children, youth, and families caseworker, and a judicial officer. The community team aims to:

(i) Foster a learning environment and encourage an interdisciplinary approach to meeting the needs of young children and families;

(ii) Identify and respond to challenges to accessing resources and needed systems reforms;

(iii) Support multidisciplinary trainings; and

(iv) Recommend local court policies and procedures to improve families receipt of equitable and timely access to resources and remedial services for the parent and child.

(d) More frequent status hearings than the review hearings required under RCW 13.34.138 established by the judicial officer, these status hearings are separate from the review hearings required under RCW 13.34.138 and are intended to provide additional support to the family.

(e) A community coordinator that serves as a liaison between the court and community-based resources to identify community-based resources, identify barriers to engagement, and collaborate with stakeholders to connect families to assessments and referrals. The community coordinator shall facilitate connecting parents with informal and formal social supports, including but not limited to peer, community, and cultural supports.

(f) Family team meetings neutrally facilitated by the community coordinator. The family team may include all parties to the case and other people or other service providers identified by the parent to be part of the support system for the parent involved. The family team engages the parents, and the attorney for the parent, in their case plan and expediently addresses family needs and access to services and support.

(g) Ensuring that parents are critical participants in the early childhood court program. Having experienced and culturally informed professionals supporting and working with families involved in the dependency court system is critical to successful reunification of families. The court shall aim to foster an environment in which all professionals involved in the early childhood court program increase their awareness of different forms of bias and the trauma and adversity that often accompany poverty, mental health, and substance use by identifying or developing training that increases such awareness.

(h) Ensuring that families receive early, consistent, and frequent visitation that is developmentally appropriate for infants and toddlers; minimizes stress and anxiety for both children and parents; and occurs in a safe, comfortable, and unintimidating setting that supports parents to nurture and care for their child.

(i) The court shall ensure that the individualized case plan for parents involved in the early childhood court program address protective factors that mitigate or eliminate safety risks to the child.

(j) The court should encourage a respectful, strength-based, compassionate approach to working with parents in the context of the early childhood court program.

(k) The court shall support the development of agreements that encourage:

(i) Stakeholders participation in any available statewide structure that supports alignment to the approach of the early childhood court program, cross-site cooperation, and consistency;

(ii) Program data is regularly and continuously reviewed to ensure equity and inform and improve practice; and

(iii) Stakeholder utilization of technical assistance, training, and evaluation to assess effectiveness and improve outcomes.

(l) Each early childhood court program must collect and review its data, including data related to race and ethnicity of program participants, to assess its effectiveness and share this data with the oversight board for children, youth, and families established under RCW 43.216.015. The oversight board for children, youth, and families established under RCW 43.216.015 shall share this data and hold or offer to assist in holding statewide meetings to support alignment to the core components and statewide consistency.

(m) The caseworker assigned to an early childhood court program must have received training and competency related to cultural antibias((,)) and antiracism.

(n) Each early childhood court program must be responsive to community needs and adopt best practices related to family reunification and serving all families, including those who are:

(i) Black, indigenous, and persons of color;

(ii) Lesbian, gay, bisexual, transgender, and queer; and

(iii) Experiencing disabilities.

(o) An attorney for the parent must be present during every meeting of the early childhood court program.

(p) Ensuring that parents voluntarily participating in the early childhood court program receive all available and appropriate services.

Passed by the Senate February 19, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 121

[Substitute Senate Bill 5157]

HABITAT RESTORATION PROJECTS—DIRECT SALE OF VALUABLE MATERIALS ON PUBLIC LANDS

AN ACT Relating to the direct sale of valuable materials for habitat restoration projects; and amending RCW 79.15.050.

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

Sec. 1. RCW 79.15.050 and 2006 c 42 s 1 are each amended to read as follows:

(1) ((~~All~~)) Except as provided in subsection (3) of this section, all sales of valuable materials exceeding ((~~twenty-five thousand dollars~~)) $25,000 in appraised value must be at public auction or by sealed bid to the highest bidder, provided that on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only.

(2) A direct sale of valuable materials may be sold to the applicant for cash at full appraised value without notice or advertising. The board must, by resolution, establish the value amount of a direct sale not to exceed ((~~twenty-five thousand dollars~~)) $25,000 in appraised sale value, and establish procedures to ensure that competitive market prices and accountability are guaranteed.

(3) Direct sales of valuable materials up to $250,000 in appraised value may be sold to entities that are utilizing those valuable materials for habitat restoration projects if the following conditions are met:

(a) The department determines the direct sale is in the best interest of the state or the affected trust;

(b) The project proponent has all appropriate permits and approvals required for the habitat restoration project;

(c) The project proponent submits a report as defined by the department describing how the materials will be used in the habitat restoration project;

(d) None of the products may be resold or remanufactured for other uses by the project proponent. Project proponents may use any remaining valuable materials for subsequent habitat restoration projects that meet all of the requirements of this subsection. Any resale or remanufacture of timber is treated as a violation of RCW 79.02.320;

(e) The department appraises the valuable materials to be sold based on an arms-length market value. For purposes of this subsection, an "arms-length market value" means the cost to acquire similar materials used in aquatic restoration projects within the previous 24 months. If the department is unable to determine an arms-length market value, the appraisal shall be based on the average minimum bid for similar quality logs from the previous 12 months of department products sales contract harvest sort auctions under RCW 79.15.540; and

(f) The department collects all required fees, including those required in RCW 79.38.050.

Passed by the Senate February 26, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 122

[Engrossed Substitute Senate Bill 5202]
JUDICIAL ORDERS—VARIOUS PROVISIONS

AN ACT Relating to ensuring the efficacy of judicial orders as harm reduction tools that increase the safety of survivors of abuse and support law enforcement in their efforts to enforce the law; amending RCW 7.105.105, 7.105.405, 7.105.500, and 9.41.040; reenacting and amending RCW 7.105.310; adding a new section to chapter 7.105 RCW; and providing an effective date.

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

Sec. 1. RCW 7.105.105 and 2022 c 268 s 6 are each amended to read as follows:

The following apply to all petitions for protection orders under this chapter.

(1)(a) ((~~By January 1, 2023, county~~)) County clerks on behalf of all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be submitted as preferred by the petitioner either: (i) In person; (ii) remotely through an electronic submission process; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic system. The court or clerk must make available electronically to judicial officers any protection orders filed within the state. Judicial officers may not be charged for access to such documents. The electronic submission system must allow for petitions for protection orders and supportive documents to be submitted at any time of the day. When a petition and supporting documents for a protection order are submitted to the clerk after business hours, they must be processed as soon as possible on the next judicial day. Petitioners and respondents should not incur additional charges for electronic submission for petitions and documents filed pursuant to this section.

(b) ((~~By January 1, 2023, all~~)) All superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to

electronically track the progress of the petition for a protection order. Notification from the court or clerk may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) proof of service upon the respondent has been filed with the court or clerk; (v) a receipt for the surrender of firearms has been filed with the court or clerk; ((~~and~~)) (vi) the respondent has filed a motion for the release of surrendered firearms; and (vii) 90 days before the expiration of the order. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification.

(2) The petition must be accompanied by a confidential document to be used by ((~~the~~)) courts ((~~and~~)), law enforcement, and prosecutors' offices to fully identify the parties ((~~and~~)); serve the respondent; enable notification of victims or protected persons; or otherwise fulfill the identification, service, enforcement, and notification requirements of chapter 9.41, 36.28A, or 2.56 RCW or this chapter. This record will be exempt from public disclosure at all times, and restricted access to this form is governed by general rule 22 provisions governing access to the confidential information form. If the confidential information form is wrongfully disclosed, the court shall issue a protective order on the court's own initiative, or upon notice of the disclosure, and if necessary, order sealing under applicable law. The petitioner is required to fill out the confidential party information form to the petitioner's fullest ability. The respondent should be provided a blank confidential party information form at the time of service, and when the respondent first appears, the respondent must confirm with the court the respondent's identifying and current contact information, including electronic means of contact, and file this with the court.

(3) A petition must be accompanied by a declaration signed under penalty of perjury stating the specific facts and circumstances for which relief is sought. Parties, attorneys, and witnesses may electronically sign sworn statements in all filings.

(4) The petitioner and the respondent must disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties, to the extent that such information is known by the petitioner and the respondent. To the extent possible, the court shall take judicial notice of any existing restraining, protection, or no-contact orders between the parties before entering a protection order. The court shall not include provisions in a protection order that would allow the respondent to engage in conduct that is prohibited by another restraining, protection, or no-contact order between the parties that was entered in a different proceeding. The obligation to disclose the existence of any other litigation includes, but is not limited to, the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281. The court administrator shall verify for the court the terms of any existing protection order governing the parties.

(5) The petition may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties, except in cases where the court has realigned the parties in accordance with RCW 7.105.210.

(6) Relief under this chapter must not be denied or delayed on the grounds that the relief is available in another action. The court shall not defer acting on a petition for a protection order nor grant a petitioner less than the full relief that the petitioner is otherwise entitled to under this chapter because there is, or could be, another proceeding involving the parties including, but not limited to, any potential or pending family law matter or criminal matter.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving his or her residence or household.

(8) A petitioner is not required to post a bond to obtain relief in any proceeding for a protection order.

(9)(a) No fees for service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Except as provided in (b) of this subsection, courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge, including a copy of the service packet that consists of all documents that are being served on the respondent. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(b) A filing fee may be charged for a petition for an antiharassment protection order except as follows:

(i) No filing fee may be charged to a petitioner seeking an antiharassment protection order against a person who has engaged in acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW 9A.36.080(1)(c), or a single act of violence or threat of violence under RCW 7.105.010((~~(36)~~)) (37)(b), or from a person who has engaged in nonconsensual sexual conduct or penetration or conduct that would constitute a sex offense as defined in RCW 9A.44.128, or from a person who is a family or household member or intimate partner who has engaged in conduct that would constitute domestic violence; and

(ii) The court shall waive the filing fee if the court determines the petitioner is not able to pay the costs of filing.

(10) If the petition states that disclosure of the petitioner's address or other identifying location information would risk harm to the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address or email address at which the respondent may serve the petitioner.

(11) Subject to the availability of amounts appropriated for this specific purpose, or as provided through alternative sources including, but not limited to, grants, local funding, or pro bono means, if the court deems it necessary, the court may appoint a guardian ad litem for a petitioner or a respondent who is under 18 years of age and who is not represented by counsel. If a guardian ad litem is appointed by the court for either or both parties, neither the petitioner nor the respondent shall be required by the court to pay any costs associated with the appointment.

(12) If a petitioner has requested an ex parte temporary protection order, because these are often emergent situations, the court shall prioritize review, either entering an order without a hearing or scheduling and holding an ex parte

hearing in person, by telephone, by video, or by other electronic means on the day the petition is filed if possible. Otherwise, it must be heard no later than the following judicial day. The clerk shall ensure that the request for an ex parte temporary protection order is presented timely to a judicial officer, and signed orders will be returned promptly to the clerk for entry and to the petitioner as specified in this section.

(13) Courts shall not require a petitioner to file duplicative forms.

(14) The Indian child welfare act applies in the following manner.

(a) In a proceeding under this chapter where the petitioner seeks to protect a minor and the petitioner is not the minor's parent as defined by RCW 13.38.040, the petition must contain a statement alleging whether the minor is or may be an Indian child as defined in RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., shall apply. A party should allege in the petition if these laws have been satisfied in a prior proceeding and identify the proceeding.

(b) Every order entered in any proceeding under this chapter where the petitioner is not a parent of the minor or minors protected by the order must contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply, or if there is insufficient information to make a determination, the court must make a finding that a determination must be made before a full protection order may be entered. If there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, 25 C.F.R. Sec. 23.107(b) applies. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the order must also contain a finding that all notice, evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied, or a finding that removal or placement of the child is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does not apply, the order must also contain a finding as to why there is no reason to know the child may be an Indian child.

Sec. 2. RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9 are each reenacted and amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(e) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

(h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

(j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to

reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyber harassment as defined in RCW 9A.90.120, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

(n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(o) Order use of a vehicle;

(p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered

pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

(q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(t) Order financial relief and restrain the transfer of jointly owned assets;

(u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(4) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

(5) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The

order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

(6) Issuing mutual full protection orders of any type is disfavored.

Sec. 3. RCW 7.105.405 and 2024 c 298 s 13 are each amended to read as follows:

The following provisions apply to the renewal of all full protection orders issued under this chapter, with the exception of the renewal of extreme risk protection orders.

(1) If the court grants a protection order for a fixed time period, the petitioner or protected party may file a motion to renew the order at any time within the 90 days before the order expires. A minor who is or was previously protected by a protection order who has reached the age of 18 may petition for renewal of the order as the petitioner pursuant to subsection (10) of this section. The motion for renewal must state the reasons the petitioner seeks to renew the protection order. Upon receipt of a motion for renewal, the court shall order a hearing, which must be not later than 14 days from the date of the order. Service must be made on the respondent not less than five judicial days before the hearing, as provided in RCW 7.105.150.

(2) If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion and statement of the reason for the requested renewal.

(3) The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) The court shall grant the motion for renewal unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances and the following:

(a) For a domestic violence protection order, that the respondent proves that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's family or household members who are minors or vulnerable adults when the order expires;

(b) For a sexual assault protection order, that the respondent proves that the respondent will not engage in, or attempt to engage in, physical or nonphysical contact, or acts of commercial sexual exploitation, with the petitioner when the order expires;

(c) For a stalking protection order, that the respondent proves that the respondent will not resume acts of stalking against the petitioner or the petitioner's family or household members when the order expires;

(d) For a vulnerable adult protection order, that the respondent proves that the respondent will not resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires; or

(e) For an antiharassment protection order, that the respondent proves that the respondent will not resume harassment of the petitioner when the order expires.

(5) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault; commercial sexual exploitation; domestic violence; stalking; abandonment, abuse, financial exploitation, or neglect of a vulnerable adult; or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either: Acknowledged responsibility for acts of sexual assault, commercial sexual exploitation, domestic violence, or stalking, or acts of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult, or behavior that resulted in the entry of the protection order; or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order; and

(g) Other factors relating to a substantial change in circumstances.

(6) The court shall not deny a motion to renew a protection order for any of the following reasons:

(a) The respondent has not violated the protection order previously issued by the court;

(b) The petitioner or the respondent is a minor;

(c) The petitioner did not report the conduct giving rise to the protection order, or subsequent violations of the protection order, to law enforcement;

(d) A no-contact order or a restraining order that restrains the respondent's contact with the petitioner has been issued in a criminal proceeding or in a domestic relations proceeding;

(e) The relief sought by the petitioner may be available in a different action or proceeding;

(f) The passage of time since the last incident of conduct giving rise to the issuance of the protection order; or

(g) The respondent no longer lives near the petitioner.

(7) The terms of the original protection order must not be changed on a motion for renewal unless the petitioner has requested the change.

(8) The court may renew the protection order for another fixed time period of no less than one year, or may enter a permanent order as provided in this section.

(9) If the protection order includes the parties' children, a renewed protection order may be issued for more than one year, subject to subsequent orders entered in a proceeding under chapter 26.09, 26.26A, or 26.26B RCW.

(10)(a) If a minor who is protected by a protection order reaches the age of 18 while the order is still in effect, the minor may file a motion for a renewal of the order as the petitioner.

(b) If a minor who was previously protected by a protection order reaches the age of 18 after the order has expired, the minor has up to one year from the date of expiration of the order to petition for renewal of the order as the

petitioner. The petitioner may, but is not required to, allege new facts and circumstances for which relief is sought that occurred after the order that protected the petitioner as a minor has expired.

(c) The clerk shall issue a new cause number for renewals granted under this subsection and shall include the previously ordered protection order and petition for renewal in the new case file.

(11) The court may award court costs, service fees, and reasonable attorneys' fees to the petitioner as provided in RCW 7.105.310.

(((~~(11)~~))) (12) If the court declines to renew the protection order, the court shall state, in writing in the order, the particular reasons for the court's denial. If the court declines to renew a protection order that had restrained the respondent from having contact with children protected by the order, the court shall determine on the record whether the respondent and the children should undergo reunification therapy. Any reunification therapy provider should be made aware of the respondent's history of domestic violence and should have training and experience in the dynamics of intimate partner violence.

(((~~(12)~~))) (13) In determining whether there has been a substantial change in circumstances for respondents under the age of 18, or in determining the appropriate duration for an order, the court shall consider the circumstances surrounding the respondent's youth at the time of the initial behavior alleged in the petition for a protection order. The court shall consider developmental factors, including the impact of time of a youth's development, and any information the minor respondent presents about his or her personal progress or change in circumstances.

Sec. 4. RCW 7.105.500 and 2024 c 298 s 14 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, or acts of commercial sexual exploitation, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, commercial sexual exploitation, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, commercial sexual exploitation, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, commercial sexual exploitation, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a protection order, including reasonable attorneys' fees.

(10) A protected party may file a motion to terminate or modify an ex parte order without notice to the respondent if the respondent has not yet been served. For all other modifications or terminations of ex parte protection orders, a motion must be filed with notice given to all parties. A restrained person cannot modify or terminate an ex parte protection order without notice to the protected party.

(11) Judicial officers presiding over full hearings who are reissuing temporary orders per RCW 7.105.200 may modify the terms of the ex parte order to remedy an error or based on the facts of the case.

Sec. 5. RCW 9.41.040 and 2024 c 290 s 5 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree((~~, if~~)):

(i) If the person owns, accesses, has in the person's custody, control, or possession, or receives any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense; or

(ii) If the person owns, accesses, has in the person's custody, control, or possession, or receives any untraceable or undetectable firearm during any period of time that the person is subject to an order described in subsection (2)(a)(ii) of this section.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, accesses, has in the person's custody, control, or possession, or receives any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of:

(A) Any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section;

(B) Any of the following crimes when committed by one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 10.99.040 or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(C) Harassment when committed by one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after June 7, 2018;

(D) Any of the following misdemeanor or gross misdemeanor crimes not included under (a)(i) (B) or (C) of this subsection, committed on or after July 23,

2023: Domestic violence (RCW 10.99.020); stalking; cyberstalking; cyber harassment, excluding cyber harassment committed solely pursuant to the element set forth in RCW 9A.90.120(1)(a)(i); harassment; aiming or discharging a firearm (RCW 9.41.230); unlawful carrying or handling of a firearm (RCW 9.41.270); animal cruelty in the second degree committed under RCW 16.52.207(1); or any prior offense as defined in RCW 46.61.5055(14) if committed within seven years of a conviction for any other prior offense under RCW 46.61.5055;

(E) A violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022; or

(F) A violation of the provisions of an order to surrender and prohibit weapons, an extreme risk protection order, or the provisions of any other protection order or no-contact order not included under (a)(i) (B) or (E) of this subsection restraining the person or excluding the person from a residence, committed on or after July 23, 2023;

(ii) During any period of time that the person is subject to a protection order, no-contact order, or restraining order by a court issued under chapter 7.105, 9A.40, 9A.44, 9A.46, 9A.88, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or others identified in the order, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child or others identified in the order; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected person or child or others identified in the order, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child or other persons that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(iii) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iv) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.086, or after dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts,

unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(v) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

(vi) If the person is free on bond or personal recognizance pending trial for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7)(a) A person, whether an adult or a juvenile, commits the civil infraction of unlawful possession of a firearm if the person has in the person's possession or has in the person's control a firearm after the person files a voluntary waiver

of firearm rights under RCW 9.41.350 and the form has been accepted by the clerk of the court and the voluntary waiver has not been lawfully revoked.

(b) The civil infraction of unlawful possession of a firearm is a class 4 civil infraction punishable according to chapter 7.80 RCW.

(c) Each firearm unlawfully possessed under this subsection (7) shall be a separate infraction.

(d) The court may, in its discretion, order performance of up to two hours of community restitution in lieu of a monetary penalty prescribed for a civil infraction under this subsection (7).

(8) Each firearm unlawfully possessed under this section shall be a separate offense.

(9) A person may petition to restore the right to possess a firearm as provided in RCW 9.41.041.

NEW SECTION. **Sec. 6.** A new section is added to chapter 7.105 RCW to read as follows:

Any full protection order or temporary protection order issued under this chapter after December 31, 2025, including any modifications thereof, must be typewritten in its entirety, as available in the local jurisdiction. This section does not apply to the signature of the issuing judge or court commissioner.

NEW SECTION. **Sec. 7.** Section 1 of this act takes effect March 31, 2026.

Passed by the Senate February 12, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 123

[Substitute Senate Bill 5163]
CHILD FATALITY REVIEWS

AN ACT Relating to modernizing the child fatality statute; and amending RCW 70.05.170.

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

Sec. 1. RCW 70.05.170 and 2010 c 128 s 1 are each amended to read as follows:

(1)(a) The legislature finds that the mortality rate in Washington state among infants and children less than ((~~eighteen~~)) 19 years of age is unacceptably high, and that such mortality may be preventable. The legislature further finds that, through the performance of child ((~~mortality~~)) fatality reviews, preventable causes of child mortality can be identified and addressed, thereby reducing the infant and child mortality in Washington state.

(b) It is the intent of the legislature to encourage the performance of child ((~~death~~)) fatality reviews by local health departments by providing necessary legal protections to the families of children whose deaths are studied, local health department officials and employees, and health care professionals participating in child ((~~mortality~~)) fatality review committee activities.

(2) As used in this section, "child ((~~mortality~~)) fatality review" means a process authorized by a local health department as such department is defined in RCW 70.05.010 for examining factors that contribute to deaths of children ((~~less~~

~~than eighteen~~)) up to 19 years of age. The process may include a systematic review of medical, clinical, and hospital records; home interviews of parents and caretakers of children who have died; analysis of individual case information; and review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral, administrative, educational, and environmental factors associated with each death.

(3) Local health departments are authorized to conduct child ((~~mortality~~)) fatality reviews. In conducting such reviews, the following provisions shall apply:

(a) All health care information collected as part of a child ((~~mortality~~)) fatality review is confidential, subject to the restrictions on disclosure provided for in chapter 70.02 RCW. When documents are collected as part of a child ((~~mortality~~)) fatality review, the records may be used solely by local health departments for the purposes of the review.

(b) ((~~No identifying information related to the deceased child, the child's guardians, or anyone interviewed as part of the child mortality review may be disclosed. Any such information shall be redacted from any records produced as part of the review.~~)) Local health departments and the department may retain identifiable information and geographic information on each case for the purposes of determining trends, performing analysis over time, and for quality improvement efforts. Information and records prepared, owned, used, or retained by the local health departments, their respective offices, or staff that reveals the identification and location of any person or persons being the subject of review shall not be made public in accordance with RCW 42.56.365.

(c) Any witness statements or documents collected from witnesses, or summaries or analyses of those statements or records prepared exclusively for purposes of a child ((~~mortality~~)) fatality review, are not subject to public disclosure, discovery, subpoena, or introduction into evidence in any administrative((~~, civil, or criminal~~)) or civil proceeding related to the death of a child reviewed. This provision does not restrict or limit the discovery or subpoena from a health care provider of records or documents maintained by such health care provider in the ordinary course of business, whether or not such records or documents may have been supplied to a local health department pursuant to this section. This provision shall not restrict or limit the discovery or subpoena of documents from such witnesses simply because a copy of a document was collected as part of a child ((~~mortality~~)) fatality review.

(d) No local health department official or employee, and no members of technical committees established to perform case reviews of selected child deaths may be examined in any administrative((~~, civil, or criminal~~)) or civil proceeding as to the existence or contents of documents assembled, prepared, or maintained for purposes of a child ((~~mortality~~)) fatality review.

(e) This section shall not be construed to prohibit or restrict any person from reporting suspected child abuse or neglect under chapter 26.44 RCW, nor to limit access to or use of any records, documents, information, or testimony in any civil or criminal action arising out of any report made pursuant to chapter 26.44 RCW, nor to require disclosures in conflict with state or federal law.

(((~~(4)~~))) (f) If the team identifies a current, reportable, and unresolved concern about child abuse or neglect, it may designate one member to make a report to

the child abuse hotline. This subsection does not create a mandatory duty under RCW 26.44.030 for any review team or individual review team member.

(4) To aid in a child fatality review, the local health department may:

(a) Request and receive data for specific fatalities including, but not limited to, all medical records related to the child death, autopsy reports, medical examiner reports, coroner reports, and school, the criminal justice system, law enforcement, and social services records; and

(b) Request and receive data described in (a) of this subsection from health care providers, health care facilities, clinics, schools, the criminal justice system, law enforcement, laboratories, medical examiners, coroners, professions and facilities licensed by the department, local health departments, the health care authority and its licensees and providers, the department of social and health services and its licensees and providers, and the department of children, youth, and families and its licensees and providers.

(5) Upon request by the local health department, health care providers, health care facilities, clinics, schools, the criminal justice system, law enforcement, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health departments, the health care authority and its licensees and providers, the department of social and health services and its licensees and providers, and the department of children, youth, and families and its licensees and providers must provide all medical records related to the child, autopsy reports, medical examiner reports, coroner reports, social services records, and other data requested for specific child fatality reviews to the local health department. Data described in certifications and informational copies of birth and death records issued from the state vital records system shall be provided at no charge.

(6) The department shall assist local health departments to collect the reports of any child ((~~mortality~~)) fatality reviews conducted by local health departments and assist with entering the reports into a database ((~~to the extent that the data is not protected under subsection (3) of this section. Notwithstanding subsection (3) of this section, the department shall respond to any requests for data from the database to the extent permitted for health care information under chapter 70.02 RCW~~)). All information submitted to the department and local health departments pursuant to this subsection is not subject to public disclosure, discovery, subpoena, or introduction into evidence in any civil, criminal, or administrative proceeding related to the death of a child reviewed. In addition, the department shall provide technical assistance to local health departments and child death review coordinators conducting child ((~~mortality~~)) fatality reviews and encourage communication among child ((~~death~~)) fatality review teams. ((~~The department shall conduct these activities using only federal and private funding.~~

~~(5)~~)) (a) This subsection does not prevent any person from testifying in a civil, criminal, or administrative action concerning facts that form the basis of a child fatality review for which the person had personal knowledge acquired independently of the child fatality review or which is public information.

(b) This subsection does not prevent the introduction of evidence into any civil, criminal, or administrative proceeding of information related to a child death acquired independently of the department or a local health jurisdiction or which is public information.

(7) This section does not prevent the department or a local health department from publishing statistical compilations and reports related to the child ((~~mortality~~)) fatality review. Any portions of such compilations and reports that identify individual cases and sources of information must be redacted. These reports may be used in the development and coordination of statewide child fatality prevention strategies and interventions.

Passed by the Senate March 12, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 124

[Engrossed Second Substitute Senate Bill 5355]

HIGHER EDUCATION—SEXUAL MISCONDUCT—VARIOUS PROVISIONS

AN ACT Relating to improving safety at institutions of higher education while supporting survivors of sexual assault; amending RCW 28B.10.735 and 70.125.110; and adding a new section to chapter 28B.112 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.112 RCW to read as follows:

Postsecondary educational institutions may not propose, request, or pressure a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, with law enforcement, or in a civil court action to enter into a nondisclosure agreement relating to the alleged sexual misconduct by another student or employee of the institution.

Sec. 2. RCW 28B.10.735 and 2020 c 39 s 3 are each amended to read as follows:

(1) Within existing resources, ((~~every institution of higher education as defined in RCW 28B.10.016 that issues~~)) student identification cards, faculty or staff identification cards, or both, must have printed on either side of the identification cards:

(a) The contact information for a national suicide prevention organization; ((~~and~~))

(b) The contact information for one or more campus, local, state, or national organizations specializing in suicide prevention, crisis intervention, or counseling, if available; and

(c) The phone number of a regional community-based organization focused on survivors of sexual assault, sexual harassment, and sex-based and gender-based violence that provides 24/7 support.

(2)(a) The requirements in subsection (1)(a) and (b) of this section apply to student identification cards and faculty or staff identification cards issued for the first time and issued to replace a damaged or lost identification card at an institution of higher education as defined in RCW 28B.10.016.

(b) The requirements in subsection (1)(c) of this section apply to student identification cards issued for the first time and issued to replace a damaged or lost identification card at a state university, regional university, and the state college, as defined in RCW 28B.10.016.

Sec. 3. RCW 70.125.110 and 2021 c 118 s 4 are each amended to read as follows:

(1) In addition to all other rights provided in law, a sexual assault survivor has the right to:

(a) Receive a medical forensic examination at no cost;

(b) Receive written notice of the right under (a) of this subsection and that he or she may be eligible for other benefits under the crime victim compensation program, through a form developed by the office of crime victims advocacy, from the medical facility providing the survivor medical treatment relating to the sexual assault;

(c) Receive a referral to an accredited community sexual assault program or, in the case of a survivor who is a minor, receive a connection to services in accordance with the county child sexual abuse investigation protocol under RCW 26.44.180, which may include a referral to a children's advocacy center, when presenting at a medical facility for medical treatment relating to the assault and also when reporting the assault to a law enforcement officer;

(d) Consult with a sexual assault survivor's advocate throughout the investigatory process and prosecution of the survivor's case, including during: Any medical evidentiary examination at a medical facility; any interview by law enforcement officers, prosecuting attorneys, or defense attorneys; and court proceedings, except while providing testimony in a criminal trial, in which case the advocate may be present in the courtroom. Medical facilities, law enforcement officers, prosecuting attorneys, defense attorneys, courts and other applicable criminal justice agencies, including correctional facilities, are responsible for providing advocates access to facilities where necessary to fulfill the requirements under this subsection. The right in this subsection applies regardless of whether a survivor has waived the right in a previous examination or interview;

(e) Be informed in writing of policies governing the collection and preservation of a sexual assault kit;

(f) Be informed, upon the request of a survivor, of when the forensic analysis of his or her sexual assault kit and other related physical evidence will be or was completed, the results of the forensic analysis, and whether the analysis yielded a DNA profile and match, provided that the disclosure is made at an appropriate time so as to not impede or compromise an ongoing investigation;

((~~(f) Receive notice prior to the~~)) (g) Upon written request of a survivor, be granted further preservation of his or her sexual assault kit or its probative contents, without charge;

(h) Upon written request of a survivor, receive written notification from the appropriate official with custody of his or her sexual assault kit not later than 60 days before the date of the intended destruction or disposal of his or her sexual assault kit;

((~~(g)~~)) (i) Receive a copy of the police report related to the investigation without charge;

((~~(h)~~)) (j) Review his or her statement before law enforcement refers a case to the prosecuting attorney;

((~~(i)~~)) (k) Receive timely notifications from the law enforcement agency and prosecuting attorney as to the status of the investigation and any related prosecution of the survivor's case;

((~~(j)~~)) (l) Be informed by the law enforcement agency and prosecuting attorney as to the expected and appropriate time frames for receiving responses to the survivor's inquiries regarding the status of the investigation and any related prosecution of the survivor's case; and further, receive responses to the survivor's inquiries in a manner consistent with those time frames;

((~~(k)~~)) (m) Access interpreter services where necessary to facilitate communication throughout the investigatory process and prosecution of the survivor's case; and

((~~(l)~~)) (n) Where the sexual assault survivor is a minor, have:

(i) The prosecutor consider and discuss the survivor's requests for remote video testimony under RCW 9A.44.150 when appropriate; and

(ii) The court consider requests from the prosecutor for safeguarding the survivor's feelings of security and safety in the courtroom in order to facilitate the survivor's testimony and participation in the criminal justice process.

(2) A sexual assault survivor retains all the rights of this section regardless of whether the survivor agrees to participate in the criminal justice system and regardless of whether the survivor agrees to receive a forensic examination to collect evidence.

(3) If a survivor is denied any right enumerated in subsection (1) of this section, he or she may seek an order directing compliance by the relevant party or parties by filing a petition in the superior court in the county in which the sexual assault occurred and providing notice of such petition to the relevant party or parties. Compliance with the right is the sole remedy available to the survivor. The court shall expedite consideration of a petition filed under this subsection.

(4) Nothing contained in this section may be construed to provide grounds for error in favor of a criminal defendant in a criminal proceeding. Except in the circumstances as provided in subsection (3) of this section, this section does not grant a new cause of action or remedy against the state, its political subdivisions, law enforcement agencies, or prosecuting attorneys. The failure of a person to make a reasonable effort to protect or adhere to the rights enumerated in this section may not result in civil liability against that person. This section does not limit other civil remedies or defenses of the sexual assault survivor or the offender.

(5) For the purposes of this section:

(a) "Law enforcement officer" means a general authority Washington peace officer, as defined in RCW 10.93.020, or any person employed by a private police agency at a public school as described in RCW 28A.150.010 or an institution of higher education, as defined in RCW 28B.10.016.

(b) "Sexual assault survivor" means any person who is a victim, as defined in RCW 7.69.020, of sexual assault. However, if a victim is incapacitated, deceased, or a minor, sexual assault survivor also includes any lawful representative of the victim, including a parent, guardian, spouse, or other designated representative, unless the person is an alleged perpetrator or suspect.

(c) "Sexual assault survivor's advocate" means any person who is defined in RCW 5.60.060 as a sexual assault advocate, or a crime victim advocate.

Passed by the Senate March 12, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 125

[Second Substitute Senate Bill 5356]

CRIMINAL JUSTICE TRAINING COMMISSION—SEXUAL AND GENDER-BASED VIOLENCE RESPONSE TRAININGS

AN ACT Relating to training provided by the criminal justice training commission on a victim-centered, trauma-informed approach to interacting with victims and responding to calls involving gender-based violence or sexual violence; amending RCW 43.101.270, 43.101.272, and 43.101.273; reenacting and amending RCW 43.101.276; and providing an effective date.

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

Sec. 1. RCW 43.101.270 and 2015 c 286 s 2 are each amended to read as follows:

(1) Each year the criminal justice training commission shall offer an intensive, integrated training session on investigating and prosecuting sexual assault cases. The training shall place particular emphasis on the development of professionalism and sensitivity towards the victim and the victim's family.

(2) The commission shall seek advice from the Washington association of prosecuting attorneys, the Washington defender association, the Washington association of sheriffs and police chiefs, ((~~and~~)) the Washington coalition of sexual assault programs, and the student achievement council.

(3) The training shall be an integrated approach to sexual assault cases so that prosecutors, law enforcement, defenders, Title IX investigators that serve institutions of higher education, and victim advocates can all benefit from the training.

(4) The training shall be self-supporting through fees charged to the participants of the training.

(5) The training shall include a reference to the possibility that a court may allow children under the age of ((~~fourteen~~)) 18 to testify in a room outside the presence of the defendant and the jury pursuant to RCW 9A.44.150.

Sec. 2. RCW 43.101.272 and 2023 c 197 s 3 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall provide ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault and other gender-based violence involving adult victims, including persons responsible for regularly investigating prohibited conduct at institutions of higher education under Title IX of the education amendments of 1972, 20 U.S.C. Sec. 1681—1683, and as thereafter amended, and the highest ranking supervisors and commanders overseeing sexual assault and other gender-based violence investigations. The training must be based on a victim-centered, trauma-informed approach to responding to sexual assault. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during abuse investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of the results of forensic analysis of sexual assault kits and other significant events in the investigative process, including for active investigations and cold cases.

(3) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault, gender-based violence, and the neurobiology of trauma. The commission shall consult with the Washington association of prosecuting attorneys and the student achievement council in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with sexual assault victims in the criminal justice system.

(4) Officers assigned to regularly investigate sexual assault and other gender-based violence involving adult victims and the highest ranking supervisors and commanders overseeing those investigations shall complete the training within one year of being assigned.

Sec. 3. RCW 43.101.273 and 2023 c 197 s 6 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall, in partnership with the special resource prosecutor under RCW 43.101.279, develop and conduct specialized, intensive, and integrative training for persons responsible for prosecuting sexual assault cases involving adult and minor victims.

(2) The training must:

(a) Use a victim-centered, trauma-informed approach to prosecuting sexual assaults including, but not limited to, the following goals: Recognizing the nature and consequences of victimization; prioritizing the safety and well-being of victims; and recognizing the needs of special populations;

(b) Include content on the neurobiology of trauma and trauma-informed interviewing, counseling, investigative, and prosecution techniques;

(c) Offer participants an opportunity to practice interview and trial skills, including receiving feedback from instructors;

(d) Share best practices for communicating with victims throughout the criminal justice process;

(e) Include additional content relevant to and informed by best practices for improving outcomes in sexual assault prosecutions, as deemed appropriate by the commission;

(f) Take into account the training under RCW 43.101.272 in order to provide consistent and ((~~complimentary~~)) complementary training for investigators and prosecutors;

(g) Be designed to qualify for some continuing legal education credits through the Washington state bar association; and

(h) Be offered at least once per calendar year and be deployed in different locations across the state, or through some other broadly accessible means, in order to improve access to the training for prosecutors serving in small offices or rural areas.

Sec. 4. RCW 43.101.276 and 2023 c 197 s 4 and 2023 c 168 s 4 are each reenacted and amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop two curricula for peace officer training as follows:

(a) Training for peace officers working on patrol on a victim-centered, trauma-informed approach to interacting with victims and responding to calls involving ((~~gender-based~~)) sexual violence; and

(b) Training for peace officers on a victim-centered, trauma-informed approach to interacting with victims and responding to calls involving gender-based violence.

(2) The curriculum for both subsection (1)(a) and (b) of this section must: Be designed for deployment and use within individual law enforcement agencies; include features allowing for it to be used in different environments, which may include multimedia or video components; and allow for law enforcement agencies to host it in small segments at different times over several days or weeks, including roll calls. The training must include components on available resources for victims including, but not limited to, material on and references to community-based victim advocates.

((~~(2)~~)) (3)(a) In developing the training for interacting with victims and responding to calls involving sexual violence, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault((~~, gender-based violence,~~)) and the neurobiology of trauma.

((~~(3)~~)) (b) All peace officers working on patrol shall complete the training under subsection (1)(a) of this section within one year of patrol assignment and at least once every three years thereafter.

(4)(a) In developing the training for interacting with victims and responding to calls involving gender-based violence, the commission shall seek advice from the Washington association of sheriffs and police chiefs and experts on gender-based violence and the neurobiology of trauma.

(b) All peace officers shall complete the training under subsection (1)(b) of this section at least once every three years.

((~~(4)~~)) (5) With the exception of the state parks and recreation commission, the training requirements under this section do not apply to limited authority Washington law enforcement agencies as defined in RCW 10.93.020 whose authority does not include the investigation of sexual assaults or gender-based violence.

NEW SECTION. **Sec. 5.** This act takes effect July 1, 2026.

Passed by the Senate March 4, 2025.
Passed by the House April 11, 2025.
Approved by the Governor April 22, 2025.
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CHAPTER 126

[Engrossed Second Substitute Senate Bill 5175]

PHOTOVOLTAIC MODULE STEWARDSHIP AND TAKEBACK PROGRAM—MODIFICATION

AN ACT Relating to the photovoltaic module stewardship and takeback program; amending RCW 70A.510.010; adding a new section to chapter 70A.510 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

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

Sec. 1. RCW 70A.510.010 and 2021 c 45 s 1 are each amended to read as follows:

(1) The legislature finds that a convenient, safe, and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials must be established. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the takeback and recycling system.

(2) The definitions in this subsection apply throughout this section and section 2 of this act unless the context clearly requires otherwise.

(a) "Consumer electronic device" means any device containing an electronic circuit board that is intended for everyday use by individuals, such as a watch or calculator.

(b) "Department" means the department of ecology.

(c) "Distributor" means a person who markets and sells photovoltaic modules to retailers in Washington.

(d) "Installer" means a person who assembles, installs, and maintains photovoltaic module systems.

(e) "Manufacturer" means any person in business or no longer in business but having a successor in interest who, irrespective of the selling technique used, including by means of distance or remote sale:

(i) Manufactures or has manufactured a photovoltaic module under its own brand names for use or sale in or into this state;

(ii) Assembles or has assembled a photovoltaic module that uses parts manufactured by others for use or sale in or into this state under the assembler's brand names;

(iii) Resells or has resold in or into this state under its own brand names a photovoltaic module produced by other suppliers, including retail establishments that sell photovoltaic modules under their own brand names;

(iv) Manufactures or has manufactured a cobranded photovoltaic module product for use or sale in or into this state that carries the name of both the manufacturer and a retailer;

(v) Imports or has imported a photovoltaic module into the United States that is used or sold in or into this state. However, if the imported photovoltaic module is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under (e)(i) through (vi) of this subsection, that person is the manufacturer;

(vi) Sells at retail a photovoltaic module acquired from an importer that is the manufacturer and elects to register as the manufacturer for those products; or

(vii) Elects to assume the responsibility and register in lieu of a manufacturer as defined under (e)(i) through (vi) of this subsection.

(f) "Photovoltaic module" means the smallest nondivisible, environmentally protected assembly of photovoltaic cells or other photovoltaic collector technology and ancillary parts intended to generate electrical power under sunlight, except that "photovoltaic module" does not include a photovoltaic cell that is part of a consumer electronic device for which it provides electricity needed to make the consumer electronic device function. "Photovoltaic module" includes but is not limited to interconnections, terminals, and protective devices such as diodes that:

(i) Are installed on, connected to, or integral with buildings;

(ii) Are used as components of freestanding, off-grid, power generation systems, such as for powering water pumping stations, electric vehicle charging stations, fencing, street and signage lights, and other commercial or agricultural purposes; or

(iii) Are part of a system connected to the grid or utility service.

(g) "Predecessor" means an entity from which a manufacturer purchased a photovoltaic module brand, its warranty obligations, and its liabilities. "Predecessor" does not include entities from which a manufacturer purchased only manufacturing equipment.

(h) "Rare earth element" means lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium, or scandium.

(i) "Retailer" means a person who offers photovoltaic modules for retail sale in the state through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or internet sales.

(j) "Reuse" means any operation by which a photovoltaic module or a component of a photovoltaic module changes ownership and is used for the same purpose for which it was originally purchased.

(k) "Stewardship plan" means the plan developed by a manufacturer or its designated stewardship organization for a self-directed stewardship program.

(l) "Stewardship program" means the activities conducted by a manufacturer or a stewardship organization to fulfill the requirements of this chapter and implement the activities described in its stewardship plan.

(m) "Environmental justice" has the same meaning as defined in RCW 70A.02.010.

(n) "Overburdened community" has the same meaning as defined in RCW 70A.02.010.

(o) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

(3) The department must develop guidance for a photovoltaic module stewardship and takeback program to guide manufacturers in preparing and implementing a self-directed program to ensure the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials. By January 1, 2018, the department must establish a process to develop guidance for photovoltaic module stewardship plans by working with manufacturers, stewardship organizations, and other stakeholders on the content, review, and approval of stewardship plans. The department's process must be fully implemented and stewardship plan guidance completed by July 1, 2019.

(4) A stewardship organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this chapter. Any stewardship organization that has obtained such designation must provide to the department a list of the manufacturers and brand names that the stewardship organization represents within ((~~sixty~~)) 60 days of its designation by a manufacturer as its agent, or within ((~~sixty~~)) 60 days of removal of such designation.

(5) Each manufacturer must prepare and submit a stewardship plan ((~~to the department by the later of July 1, 2024, or within thirty~~)), individually or as a member of a stewardship organization, to the department by January 31, 2030, or within 30 days of its first sale of a photovoltaic module in or into the state, whichever is later.

(a) A stewardship plan must, at a minimum:

(i) Describe how manufacturers will finance the takeback and recycling system, and include an adequate funding mechanism to finance the costs of collection, management, and recycling of photovoltaic modules and residuals sold in or into the state by the manufacturer with a mechanism that ensures that photovoltaic modules can be delivered to takeback locations without cost to the last owner or holder;

(ii) Accept all of their photovoltaic modules sold in or into the state after July 1, 2017;

(iii) Describe how the program will minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials;

(iv) Provide for takeback of photovoltaic modules at locations that are within the region of the state in which their photovoltaic modules were used and are as convenient as reasonably practicable, and if no such location within the region of the state exists, include an explanation for the lack of such location;

(v) Identify how relevant stakeholders, including consumers, installers, building demolition firms, and recycling and treatment facilities, will receive information required in order for them to properly dismantle, transport, and treat the end-of-life photovoltaic modules in a manner consistent with the objectives described in (a)(iii) of this subsection;

(vi) Establish performance goals, including a goal for the rate of combined reuse and recycling of collected photovoltaic modules as a percentage of the total weight of photovoltaic modules collected, which rate must be no less than ((~~eighty-five~~)) 85 percent.

(b) A manufacturer must implement the stewardship plan.

(c) A manufacturer may periodically amend its stewardship plan. The department must approve the amendment if it meets the requirements for plan approval outlined in the department's guidance. When submitting proposed amendments, the manufacturer must include an explanation of why such amendments are necessary.

(6) The department must approve a stewardship plan if it determines the plan addresses each element outlined in the department's guidance.

(7)(a) Beginning April ((~~1, 2026~~)) 1st after the first year of program operation, and by April 1st in each subsequent year, a manufacturer, or its designated stewardship organization, must provide to the department a report for the previous calendar year that documents implementation of the plan and assesses achievement of the performance goals established in subsection (5)(a)(vi) of this section.

(b) The report may include any recommendations to the department or the legislature on modifications to the program that would enhance the effectiveness of the program, including management of program costs and mitigation of environmental impacts of photovoltaic modules.

(c) The manufacturer or stewardship organization must post this report on a publicly accessible website.

(8) Beginning ((~~July 1, 2025~~)) January 31, 2031, no manufacturer, distributor, retailer, or installer may sell or offer for sale a photovoltaic module in or into the state unless the manufacturer of the photovoltaic module has submitted to the department a stewardship plan and received plan approval.

(a) The department must send a written warning to a manufacturer that is not participating in a plan. The written warning must inform the manufacturer that it must submit a plan or participate in a plan within ((~~thirty~~)) 30 days of the notice. The department may assess a penalty of up to ((~~ten thousand dollars~~)) $10,000 upon a manufacturer for each sale that occurs in or into the state of a photovoltaic module for which a stewardship plan has not been submitted by the manufacturer and approved by the department after the initial written warning. A manufacturer may appeal a penalty issued under this section to the superior court of Thurston county within ((~~one hundred eighty~~)) 180 days of receipt of the notice.

(b) The department must send a written warning to a distributor, retailer, or installer that sells or installs a photovoltaic module made by a manufacturer that is not participating in a plan. The written warning must inform the distributor, retailer, or installer that they may no longer sell or install a photovoltaic module if a stewardship plan for that brand has not been submitted by the manufacturer and approved by the department within ((~~thirty~~)) 30 days of the notice.

(9) The department may collect a flat fee from participating manufacturers to recover costs associated with the plan guidance, review, and approval process described in subsection (3) of this section. Other administrative costs incurred by the department for program implementation activities, including stewardship plan review and approval, enforcement, and any rule making, may be recovered by charging every manufacturer an annual fee calculated by dividing department administrative costs by the manufacturer's pro rata share of the Washington state photovoltaic module sales in the most recent preceding calendar year, based on best available information. The sole purpose of assessing the fees authorized in

this subsection is to predictably and adequately fund the department's costs of administering the photovoltaic module recycling program.

(10) The photovoltaic module recycling account is created in the custody of the state treasurer. All fees collected from manufacturers under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

(11) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(12) In lieu of preparing a stewardship plan and as provided by subsection (5) of this section, a manufacturer may participate in a national program for the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials, if substantially equivalent to the intent of the state program. The department may determine substantial equivalence if it determines that the national program adequately addresses and fulfills each of the elements of a stewardship plan outlined in subsection (5)(a) of this section and includes an enforcement mechanism reasonably calculated to ensure a manufacturer's compliance with the national program. Upon issuing a determination of substantial equivalence, the department must notify affected stakeholders including the manufacturer. If the national program is discontinued or the department determines the national program is no longer substantially equivalent to the state program in Washington, the department must notify the manufacturer and the manufacturer must provide a stewardship plan as described in subsection (5)(a) of this section to the department for approval within ((~~thirty~~)) 30 days of notification.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.510 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must establish a photovoltaic module advisory committee. The committee may include representatives of any parties the department deems appropriate to carry out the duties in subsection (3) of this section, but must include at least one member, if feasible, representing each of the following entities:

(a) Tribal organization or government;

(b) An association representing cities;

(c) An association representing counties;

(d) An environmental nonprofit;

(e) Environmental justice expertise, represented by an environmental justice practitioner or academic;

(f) A solid waste collection or processing company;

(g) An electric utility;

(h) A photovoltaic module manufacturer;

(i) A photovoltaic module distributor;

(j) A residential and commercial photovoltaic module installer involved in the installation of photovoltaic modules on the customer's side of the meter;

(k) A utility scale photovoltaic module project developer;

(l) Photovoltaic module recycling industry expertise;

(m) A labor organization representing workers in the electrical industry;

(n) The department; and

(o) The Washington state department of commerce.

(2) The department must contract with an independent third-party consultant to convene, facilitate, support, and provide research for the advisory committee. The consultant must:

(a) Provide staff and support to the advisory committee meetings including agendas, presentations, notes, and materials for the advisory committee;

(b) Hire subcontractors, as needed, for the research of any relevant information regarding issues associated with photovoltaic module recycling, stewardship, and takeback programs;

(c) Draft reports and other materials for review by the advisory committee; and

(d) Submit, by June 1, 2028, a report to the department containing recommendations of the advisory committee, after review by the advisory committee.

(3) The duties of the advisory committee include the following:

(a) Develop recommendations for a convenient, safe, and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials, with manufacturers financing the takeback and recycling system, considering the following:

(i) Policies and laws related to photovoltaic module stewardship and takeback programs and the enforcement of these laws;

(ii) Potential environmental and health impacts on overburdened communities and vulnerable populations expected to be affected, equitable distribution of environmental benefits, reduction of environmental harms, and meaningful access to programs and service;

(iii) Any work from other applicable advisory committees currently discussing similar topics in other jurisdictions or at the national level; and

(iv) Information and research provided by the department's consultant.

(b) Provide information to the consultant as requested, to meet the needs of this section.

(c) Review and comment on the consultant's report to the department.

(4) By December 1, 2028, the department shall submit a report to the appropriate committees of the legislature summarizing the work of the consultant and the advisory committee. The report shall contain recommended changes to this chapter.

(5) This section expires July 1, 2030.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2025.

Passed by the Senate March 5, 2025.

Passed by the House April 10, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 22, 2025.

CHAPTER 127

[Substitute Senate Bill 5214]

MOBILE MARKET PROGRAMS—NUTRITION ACCESS

AN ACT Relating to mobile market programs; adding a new section to chapter 43.70 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec. 1.** The legislature finds that small local farmers play a crucial role in providing communities with access to fresh, healthy foods. Farmers markets provide a place for local farmers to sell their products, encouraging consumption of fresh products in the communities in which they were grown.

The legislature recognizes that some households may live in rural areas or food deserts where access to farmers markets and fresh food is limited. There are a number of programs to help increase access to fresh, healthy foods for low-income communities. The farmers market nutrition program was established by congress in 1992 to provide fresh, locally grown fruits and vegetables to women, infants, and children program participants and to expand the awareness, use of, and sales at farmers markets which benefits both program participants and local farmers. Similarly, the senior farmers market nutrition program provides low-income seniors with access to locally grown fruits and vegetables. Participants in both programs commonly use their food benefit at farmers markets, farms, and farm stands.

The legislature further recognizes that other states including Pennsylvania and Virginia also allow mobile market providers to accept both women, infants, and children and senior farmers market nutrition program benefits. This provides greater nutritional support to households that may live in a rural area, an area without access to a farmers market, or in a food desert. In these states, eligible low-income households are still able to access fresh, healthy foods which not only benefits that household, but benefits the local farmers as well.

It is hereby the intent of the legislature to provide participants of both the women, infants, and children and senior farmers market nutrition programs access to fresh, healthy food through nonprofit mobile markets to promote access to fresh, healthy food regardless of a household's proximity to a farmers market.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The mobile market program is established in the department with the goals of providing increased nutrition access to participants of the women, infant, and children and senior farmers market nutrition program, while also supporting local farmers.

(2) The mobile market program is available to participants of the women, infant, and children and senior farmers market nutrition programs so long as funding is made available to the department through the United States department of agriculture.

(3) The department shall define the mobile market program through rule making. At a minimum, the definition must require mobile market programs to be operated by a nonprofit organization and prevent competition between a

mobile market and a farmers market that is participating in the farmers market nutrition program.

(4) The department shall conduct rule making consistent with this section to establish the mobile market program.

(5) If the department deems it necessary to file a waiver, the department shall file a waiver with the United States department of agriculture to allow mobile market programs to accept both women, infants, and children and senior farmers market nutrition program benefits.

NEW SECTION. **Sec. 3.** This act takes effect March 1, 2026.

Passed by the Senate February 12, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 128

[Senate Bill 5391]

SUSTAINABLE FARMS AND FIELDS GRANT PROGRAM—MODIFICATION

AN ACT Relating to the sustainable farms and fields grant program; and amending RCW 89.08.615, 89.08.620, and 89.08.630.

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

Sec. 1. RCW 89.08.615 and 2022 c 180 s 501 are each amended to read as follows:

(1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than 15 percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than 20 percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions;

(g) ((~~The purchase of compost spreading equipment, or financial assistance to farmers to purchase compost spreading equipment, for the annual use for at least three years of volumes of compost determined by the commission to be significant from materials composted at a site that is not owned or operated by the farmer;~~

~~(h)~~)) Scientific studies to evaluate and quantify the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock or to identify management practices that increase the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock;

((~~(i)~~)) (h) Efforts to support the farm use of anaerobic digester digestate, including scientific studies, education and outreach to farmers, and the purchase or lease of digestate spreading equipment; and

((~~(j)~~)) (i) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of RCW 89.08.610 through 89.08.635.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may exceed 25 years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

Sec. 2. RCW 89.08.620 and 2021 c 278 s 9 are each amended to read as follows:

(1) When prioritizing grant recipients, the commission, in consultation with the department of agriculture, Washington State University, the department of fish and wildlife, and the United States department of agriculture natural resources conservation service, shall seek to maximize the benefits of the grant program by leveraging other state, nonstate, public, and private sources of money. The primary metrics used to rank grant applications must be made public by the commission.

(2) The grant program must prioritize or weight projects based on consideration of the individual project's ability to:

(a) Increase the quantity of organic carbon in topsoil through practices including, but not limited to, cover cropping, no-till and minimum tillage conservation practices, crop rotations, manure application, biochar application, compost application, and changes in grazing management;

(b) Increase the quantity of organic carbon in aquatic soils;

(c) Intentionally integrate trees, shrubs, seaweed, or other vegetation into management of agricultural and aquacultural lands, with preference for native vegetation where practicable and appropriate;

(d) Reduce or avoid carbon dioxide equivalent emissions in or from soils;

(e) Reduce nitrous oxide and methane emissions through changes to livestock or soil management; ((~~and~~))

(f) Reduce or avoid carbon dioxide equivalent emissions through increased energy efficiency or reduced fuel use; and

(g) Increase usage of precision agricultural practices.

(3) The commission shall develop and approve a prioritization metric to guide the distribution of funds appropriated by the legislature for this purpose, with the goal of producing cost-effective carbon dioxide equivalent impact benefits.

(4) Applicants that create riparian buffers along waterways, or otherwise benefit fish habitat, must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(5)(a) Applicants that create or maintain pollinator habitat must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(b) For the purposes of this subsection, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees, as determined by the department of agriculture.

(6) The commission shall downgrade a specific grant proposal within its prioritization metric if the proposal is expected to cause significant environmental damage to fish and wildlife habitat.

Sec. 3. RCW 89.08.630 and 2020 c 351 s 6 are each amended to read as follows:

(1) By October 15, 2021, and every two years thereafter, the commission shall report to the legislature and the governor on the performance of the sustainable farms and fields grant program.

(2) The commission shall update at least annually a public list of projects and pertinent information including a summary of state and federal funds, private funds spent, landowner and other private cost-share matching expenditures, the total number of projects, and an estimate of carbon sequestered or carbon emissions reduced.

(3) ((~~By July 1, 2024~~)) Before implementing upfront payments for carbon storage, the commission, in consultation with Washington State University and the University of Washington, must evaluate and update the most appropriate carbon equivalency metric to apply to the sustainable farms and fields grant program. Until this equivalency is updated by the commission, or unless the

commission identifies a better metric, the commission must initially use a one hundred year storage equivalency that can be linearly annualized to recognize the storage of carbon on an annual basis based on the storage of 3.67 tons of biogenic carbon for one hundred years being assigned a value equal to avoiding one ton of carbon dioxide equivalent emissions.

(4) The grant recipient and other private cost-sharing participants may at their own discretion allow their business or other name to be listed on the public report produced by the commission. All grant recipients must allow anonymized information about the full funding of their project to be made available for public reporting purposes.

Passed by the Senate March 4, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 129

[Substitute Senate Bill 5182]

INCARCERATED PARENTS—DEPARTMENT OF CORRECTIONS—PROGRAMS AND SERVICES

AN ACT Relating to programs and services for incarcerated parents at the department of corrections; and amending RCW 72.09.588.

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

Sec. 1. RCW 72.09.588 and 2018 c 41 s 1 are each amended to read as follows:

(1) The department must make reasonable accommodations for the provision of available midwifery or doula services to ((~~inmates~~)) incarcerated individuals who are pregnant or who have given birth in the last six weeks. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and must have access to the ((~~inmate's~~)) incarcerated individual's relevant health care information, as defined in RCW 70.02.010, if the ((~~inmate~~)) incarcerated individual authorizes disclosure.

(2) For purposes of this section, the following definitions apply:

(a) "Doula services" are services provided by a trained doula and designed to provide physical, emotional, or informational support to a pregnant ((~~woman~~)) individual before, during, and after delivery of a child. Doula services may include, but are not limited to: Support and assistance during labor and childbirth; prenatal and postpartum education; breastfeeding assistance; parenting education; and support in the event that ((~~a woman~~)) an individual has been or will become separated from ((~~her~~)) their child.

(b) "Midwifery services" means medical aid rendered by a midwife to ((~~a woman~~)) an individual during prenatal, intrapartum, or postpartum stages or to ((~~a woman's~~)) an individual's newborn up to two weeks of age.

(c) "Midwife" means a midwife licensed under chapter 18.50 RCW or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(3) Nothing in this section ((~~requires the department to establish or provide funding for midwifery or doula services, or~~)) prevents the department from

adopting policy guidelines for the delivery of midwifery or doula services to ((~~inmates~~)) incarcerated individuals, or from contracting with a nonprofit organization or partnering with volunteers to deliver these services to incarcerated individuals. Services provided under this section may not supplant health care services routinely provided to the ((~~inmate~~)) incarcerated individual.

Passed by the Senate March 12, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 130

[Substitute Senate Bill 5221]

PERSONAL PROPERTY TAXES—DISTRAINT PROCEDURES

AN ACT Relating to simplifying processes and timelines related to personal property distraint; and amending RCW 84.56.070, 84.56.240, and 46.12.680.

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

Sec. 1. RCW 84.56.070 and 2020 c 175 s 1 are each amended to read as follows:

(1) The county treasurer must proceed to collect all personal property taxes after first completing the tax roll for the current year's collection.

(2) The treasurer must give notice by mail to all persons charged with personal property taxes, and if the taxes are not paid before they become delinquent, the treasurer must commence delinquent collection efforts. A delinquent collection charge for costs incurred by the treasurer may be added to the account.

(3) In the event that the treasurer is unable to collect the taxes when due under this section, the treasurer must prepare papers in distraint, except as provided in (a) of this subsection. The papers must contain a description of the personal property, the amount of taxes including any amounts deferred under chapters 84.37 and 84.38 RCW that are a lien on the personal property to be distrained, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner.

(a) Except as provided in (f) of this subsection, nontitle eliminated mobile homes and manufactured homes, as defined in RCW 46.04.302, are subject to distraint no sooner than three years after the date of first delinquency. If it is the opinion of the treasurer that the cost of such collection and distraint would cost the county more than the tax amount due, such taxes may be canceled as uncollectible as set out in RCW 84.56.240.

(b) The treasurer must without demand or notice distrain sufficient goods and chattels belonging to the person charged with the taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs. The treasurer must proceed to advertise the distraint by posting written notices in three public places in the county in which the property has been distrained, including the county courthouse. The notice must state the time when and place where the property will be sold.

(c) The county treasurer, or the treasurer's deputy, must tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as

are allowed by law to sheriffs for making levy and sale of property on execution. Traveling fees must be computed from the county seat of the county to the place of making distraint.

(d) If the taxes for which the property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for the sale, which may not be less than ((~~ten~~)) 10 days after the taking of the property, the treasurer or treasurer's designee must proceed to sell the property at public auction, or so much thereof as is sufficient to pay the taxes and any amounts deferred under chapters 84.37 and 84.38 RCW that are a lien on the property to be sold, with interest and costs. ((~~If there is any excess of money arising from the sale of any personal property, the treasurer must pay the excess less any cost of the auction to the owner of the property so sold or to his or her legal representative.~~)) If the highest amount bid for any personal property, or improvements on real property exceeds the minimum bid due upon the whole property included in the notice of distraint, the excess must be refunded, on application therefor, to the owner of the property. The owner of the property is the person who held the title on the date of issuance of the notice of distraint. Assignments of interests, deeds, or other documents executed or recorded after filing the notice of distraint do not affect the payment of excess funds to the owner of the property. In the event that no claim for the excess is received by the county treasurer within three years after the date of sale, the treasurer must at expiration of the three-year period deposit the excess in the current expense fund of the county, which extinguishes all claims by any owner to the excess funds.

(e) If necessary to distrain any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net, or drag seine fishing location, or any other personal property as the treasurer determines to be incapable or reasonably impracticable of manual delivery, it is deemed to have been distrained and taken into possession when the treasurer has, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein the property is located a notice in writing reciting that the treasurer has distrained the property. The notice must describe the property, give the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale. A copy of the notice must also be sent to the owner or reputed owner at his or her last known address, by registered letter at least thirty days prior to the date of sale.

(f) If the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the property has been assessed, or is about to be destroyed, sold, or disposed of, the county treasurer may demand the taxes, without the notice provided for in this section, and if necessary distrain sufficient goods and chattels to pay the same.

(4) The county treasurer must waive outstanding interest and penalties on delinquent taxes due from the title owner of a mobile or manufactured home if the property is subject to an action for distraint under this section and the following requirements are met:

(a) The title owner is income-qualified under RCW 84.36.381(5)(a), as verified by the county assessor;

(b) The title owner occupies the property as the owner's principal place of residence;

(c) The title owner or agent is paying the delinquent base taxes owed on the year or years that the outstanding interest and penalties are being waived and submits a complete application at least fourteen days prior to recording of distraint documents; and

(d) The title owner has not previously received a waiver on the property as provided under this section.

(5) As an alternative to the sale procedure specified in this section, the county treasurer may conduct a public auction sale by electronic media pursuant to RCW 36.16.145.

Sec. 2. RCW 84.56.240 and 1997 c 393 s 14 are each amended to read as follows:

If the county treasurer is unable, for the want of goods or chattels whereupon to levy, to collect by distress or otherwise, the taxes, or any part thereof, or it is the opinion of the treasurer that the cost of such collection and distraint set out in RCW 84.56.070 would cost the county more than the tax amount due, which may have been assessed upon the personal property of any person or corporation, or an executor or administrator, guardian, receiver, accounting officer, agent or factor, the treasurer shall file with the county legislative authority, on the first day of February following, a list of such taxes, with an affidavit of the treasurer or of the deputy treasurer entrusted with the collection of the taxes, stating that the treasurer had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect the same. The county legislative authority shall cancel such taxes as the county legislative authority is satisfied cannot be collected.

Sec. 3. RCW 46.12.680 and 2010 c 161 s 314 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director may register a vehicle and withhold issuance of a certificate of title or require a bond as a condition of issuing a certificate of title if the department is not satisfied:

(a) As to the ownership of the vehicle; or

(b) That there are no undisclosed security interests in the vehicle.

(2) A person who is unable to provide satisfactory evidence of ownership may:

(a) Apply for ownership in doubt and receive either a:

(i) Registration without a certificate of title for a three-year period; or

(ii) A bonded certificate of title with or without registration as described in subsection (3) of this section; or

(b) Petition any district court or superior court of any county in this state to receive a judgment awarding ownership of the vehicle; or

(c) Have a new certificate of title created if the mobile home, manufactured home, or park model is purchased in a county treasurer's foreclosure or distraint sale for nonpayment of taxes where no title can be found.

(3) A person who is either required by the department, county auditor or other agent, or subagent appointed by the director to file a bond or wants a

certificate of title for a vehicle when ownership is in doubt shall file the bond for a three-year period. The bond must:

(a) Be in the form approved by the department;

(b) Be in an amount equal to one and one-half times the value of the vehicle as determined by the department;

(c) Be signed by the applicant and the bonding agent; and

(d) Offer protection to any previous owner, secured party, future purchaser, or their successors against any expense, loss, or damage, including reasonable attorneys' fees.

(4) A person who has or has held an interest in the vehicle may, during the three-year ownership in doubt period, petition any district court or superior court of any county in this state to receive a judgment either awarding ownership of the vehicle or be compensated for any expense, loss, or damage, including reasonable attorneys' fees. The total claim must not be more than the amount of the bond if a bond has been filed with the department.

(5) A person who has applied for ownership in doubt may apply for a certificate of title at any time during the three-year ownership in doubt period when satisfactory evidence of ownership becomes available. At the end of the three-year ownership in doubt period, the owner must apply to the department, county auditor or other agent, or subagent appointed by the director for a certificate of title. The new certificate of title will not include reference to the bond if a bond was filed with the department.

(6) A person applying for ownership in doubt must have acquired the vehicle by purchase, exchange, gift, lease, or inheritance from the owner of record or interim owner.

(7) Ownership in doubt does not apply to:

(a) Unauthorized vehicles, as defined in RCW 46.55.010;

(b) Abandoned vehicles, as defined in RCW 46.55.010;

(c) Snowmobiles, as defined in RCW 46.04.546; or

(d) Washington vehicle dealer sales, as defined in RCW 46.70.011.

Passed by the Senate February 12, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 131

[Substitute Senate Bill 5239]

HOSPITAL MEDICAL RECORDS—RETENTION

AN ACT Relating to the retention of hospital medical records; and amending RCW 70.41.190.

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

Sec. 1. RCW 70.41.190 and 1985 c 213 s 27 are each amended to read as follows:

((~~Unless specified otherwise by the department, a hospital shall retain and preserve all medical records which relate directly to the care and treatment of a patient for a period of no less than ten years following the most recent discharge of the patient; except the records of minors, which shall be retained and~~

~~preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.~~))

(1) A hospital shall retain and preserve all medical records for a minimum period of 26 years from the date the record was created. A hospital may retain medical records on paper, microfilm, electronically, or on other media.

(a) This subsection applies to:

(i) Medical records created prior to the effective date of this section and retained or preserved by the hospital on the effective date of this section; and

(ii) Medical records created on or after the effective date of this section.

(b) This subsection does not apply to medical records no longer retained and preserved by the hospital on the effective date of this section if the hospital complied with this section as it existed prior to the effective date of this section when it destroyed or otherwise disposed of the records.

(c) This subsection does not exempt hospitals from compliance with any other record retention requirements.

(2) All information collected at each unique visit is considered a medical record for the purposes of this section.

(3) If a hospital ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

(4) The department shall by regulation define the type of records and the information required to be included in the medical records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

Passed by the Senate February 12, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 132

[Substitute Senate Bill 5265]

ELECTRICAL INSPECTORS—OUT-OF-STATE EXPERIENCE

AN ACT Relating to expanding minimum requirements for electrical inspectors to include certain out-of-state experience; and amending RCW 19.28.321.

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

Sec. 1. RCW 19.28.321 and 2024 c 196 s 1 are each amended to read as follows:

The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall appoint a chief electrical inspector and may appoint other electrical inspectors as the director deems necessary to assist the director in the performance of the director's duties. The chief electrical inspector, subject to the review of the director, shall be responsible for providing the final interpretation of adopted state electrical standards, rules, and policies for the department and its inspectors, assistant inspectors, electrical plan examiners, and other individuals supervising electrical program personnel. If a dispute arises

within the department regarding the interpretation of adopted state electrical standards, rules, or policies, the chief electrical inspector, subject to the review of the director, shall provide the final interpretation of the disputed standard, rule, or policy. All electrical inspectors appointed by the director of labor and industries shall have not less than: Four years experience as journey level electricians in the electrical construction trade installing and maintaining electrical wiring and equipment; a journey level electrician certificate issued by the department and eight years of experience in the electrical construction trade installing and maintaining electrical wiring and equipment, four years of which occurred after obtaining a journey level electrician license or certificate by examination from another state electrical licensing or certification authority that has a reciprocal licensing agreement with the department for journey level electricians; or four years experience as a journey level electrician performing the duties of an electrical inspector employed by the department or a city or town with an approved inspection program under RCW 19.28.141, except that for work performed in accordance with the national electrical safety code and covered by this chapter, such inspections may be performed by a person certified as an outside journeyperson lineworker, under RCW 19.28.261(5)(b), with four years experience or a person with four years experience as a certified outside journeyperson lineworker performing the duties of an electrical inspector employed by an electrical utility. Such state inspectors shall be paid such salary as the director of labor and industries shall determine, together with their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. As a condition of employment, inspectors hired exclusively to perform inspections in accordance with the national electrical safety code must possess and maintain certification as an outside journeyperson lineworker. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Passed by the Senate February 26, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 133

[Senate Bill 5288]

BOARDS OF COUNTY COMMISSIONERS—VACANCIES—STATUTORY METHODS FOR FILLING

AN ACT Relating to vacancies on boards of county commissioners; and repealing RCW 36.32.070 and 36.32.0558.

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

NEW SECTION. **Sec. 1.** The following acts or parts of acts are each repealed:

(1) RCW 36.32.070 (Vacancies on board) and 2015 c 53 s 65, 2003 c 238 s 3, 1990 c 252 s 7, & 1963 c 4 s 36.32.070; and

(2) RCW 36.32.0558 (Five-member commissions—Vacancies) and 2015 c 53 s 64, 2003 c 238 s 2, & 1990 c 252 s 6.

Passed by the Senate February 12, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 134

[Second Substitute Senate Bill 5358]
CAREER AND TECHNICAL EDUCATION—SIXTH GRADE EXPLORATORY COURSES AND ACCOUNTING

AN ACT Relating to career and technical education in sixth grade; amending RCW 28A.150.265; and adding a new section to chapter 28A.700 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.700 RCW to read as follows:

A school district may allow sixth grade students in middle school to enroll in exploratory career and technical education courses, but may not include such students in career and technical education enrollment counts for purposes of calculating allocations under RCW 28A.150.260 (4)(c) or (9).

Sec. 2. RCW 28A.150.265 and 2017 3rd sp.s. c 13 s 409 are each amended to read as follows:

(1) To the extent that career and technical education funding allocations under RCW 28A.150.260 (4)(c) and (9) exceed general education funding allocations under RCW 28A.150.260, school districts may use the difference only for the career and technical education purposes, defined as follows:

(a) Staff salaries and benefits for career and technical education program delivery;

(b) Materials, supplies, and operating costs;

(c) Smaller class sizes;

(d) Work-based learning programs such as internships and preapprenticeship programs, including coordination tied to career and technical education coursework;

(e) New high quality career and technical education and expanded learning program development in high-demand fields;

(f) Certificated work-based learning coordinators and career guidance advisors;

(g) School expenses associated with career and technical education community partnerships with a career discovery focus including research or evidence-based mentoring programs and expanded learning opportunities in school, before or after school, and during the summer, and career-focused education programs with private and public K-12 schools and colleges, community-based organizations and nonprofit organizations, industry partners, tribal governments, and workforce development entities;

(h) Student fees for national and state industry-recognized certifications; and

(i) Course equivalency development to integrate core learning standards into career and technical education courses.

(2) A school district's maximum allowable indirect cost charges for approved career and technical education programs funded by the state may not exceed the lower of five percent or the cap established in federal law for federal career and technical education funding provided to school districts, as the federal law existed on September 1, 2017.

(3) The middle school and high school career and technical education programs funded through RCW 28A.150.260(4)(c) must be treated as a single program when accounting for and calculating minimum expenditures, carryover amounts, and recovery amounts. This treatment is exclusively for accounting purposes and must not result in disparate program quality across grade levels.

Passed by the Senate March 6, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 135

[Senate Bill 5414]

PERFORMANCE AUDITS—SOCIAL EQUITY IMPACT ANALYSIS AND PUBLIC HEARINGS

AN ACT Relating to requiring social equity impact analysis in performance audits and legislative public hearings thereon; and amending RCW 43.09.470.

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

Sec. 1. RCW 43.09.470 and 2006 c 1 s 2 are each amended to read as follows:

(1) In addition to audits authorized under RCW 43.88.160, the state auditor shall conduct independent, comprehensive performance audits of ((~~state~~)):

(a) State government and each of its agencies, accounts, and programs; ((~~local~~))

(b) Local governments and each of their agencies, accounts, and programs; ((~~state~~))

(c) State and local education governmental entities and each of their agencies, accounts, and programs; ((~~state~~))

(d) State and local transportation governmental entities and each of their agencies, accounts, and programs; and ((~~other~~))

(e) Other governmental entities, agencies, accounts, and programs.

(2) The term "government" means an agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. This includes individual agencies and programs, as well as those programs and activities that cross agency lines. "Government" includes all elective and nonelective offices in the executive branch and includes the judicial and legislative branches.

(3) The state auditor shall review and analyze the economy, efficiency, and effectiveness of the policies, management, fiscal affairs, and operations of state and local governments, agencies, programs, and accounts. These performance

audits shall be conducted in accordance with the United States general accounting office government auditing standards.

(4) The scope for each performance audit shall not be limited and shall include ((~~nine~~)) 10 specific elements:

(((~~(1)~~))) (a) Identification of cost savings; (((~~(2) identification~~))

(b) Identification of services that can be reduced or eliminated; (((~~(3) identification~~))

(c) Identification of programs or services that can be transferred to the private sector; (((~~(4) analysis~~))

(d) Analysis of gaps or overlaps in programs or services and recommendations to correct gaps or overlaps; (((~~(5) feasibility~~))

(e) Feasibility of pooling information technology systems within the department; (((~~(6) analysis~~))

(f) Analysis of the roles and functions of the department, and recommendations to change or eliminate departmental roles or functions; (((~~(7) recommendations~~))

(g) Recommendations for statutory or regulatory changes that may be necessary for the department to properly carry out its functions; (((~~(8) analysis~~))

(h) Analysis of departmental performance data, performance measures, and self-assessment systems; ((~~and (9) identification~~))

(i) Identification of best practices; and

(j) Analysis of the social equity impact of programs or services.

(5) The state auditor may contract out any performance audits. For counties and cities, the audit may be conducted as part of audits otherwise required by state law. Each audit report shall be submitted to the corresponding legislative body or legislative bodies and made available to the public on or before ((~~thirty~~)) 30 days after the completion of each audit or each follow-up audit. On or before ((~~thirty~~)) 90 days after the performance audit is made public, the corresponding legislative body or legislative bodies shall hold at least one public hearing to consider the findings of the audit and shall receive comments from the public. The state auditor is authorized to issue subpoenas to governmental entities for required documents, memos, and budgets to conduct the performance audits.

(6) The state auditor may, at any time, conduct a performance audit to determine not only the efficiency, but also the effectiveness, of any government agency, account, or program. No legislative body, officeholder, or employee may impede or restrict the authority or the actions of the state auditor to conduct independent, comprehensive performance audits. To the greatest extent possible, the state auditor shall instruct and advise the appropriate governmental body on a step-by-step remedy to whatever ineffectiveness and inefficiency is discovered in the audited entity. For performance audits of state government and its agencies, programs, and accounts, the legislature must consider the state auditor reports in connection with the legislative appropriations process.

(7) An annual report will be submitted by the joint legislative audit and review committee by July 1st of each year detailing the status of the legislative implementation of the state auditor's recommendations. Justification must be provided for recommendations not implemented. Details of other corrective action must be provided as well. For performance audits of local governments and their agencies, programs, and accounts, the corresponding legislative body must consider the state auditor reports in connection with its spending practices.

(8) An annual report will be submitted by the legislative body by July 1st of each year detailing the status of the legislative implementation of the state auditor's recommendations. Justification must be provided for recommendations not implemented. Details of other corrective action must be provided as well. The people encourage the state auditor to aggressively pursue the largest, costliest governmental entities first but to pursue all governmental entities in due course.

(9) Follow-up performance audits on any state and local government, agency, account, and program may be conducted when determined necessary by the state auditor. Revenues from the performance audits of government account, created in RCW 43.09.475, shall be used for the cost of the audits.

Passed by the Senate March 4, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 22, 2025.

CHAPTER 136

[House Bill 1355]

RETAIL TAX COMPACTS—FEDERALLY RECOGNIZED TRIBES—QUALIFIED CAPITAL INVESTMENTS

AN ACT Relating to modifying retail taxes compacts between the state of Washington and federally recognized tribes located in Washington state by increasing the revenue-sharing percentages when a compacting tribe has completed a qualified capital investment; amending RCW 43.06.523; and creating new sections.

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

Sec. 1. RCW 43.06.523 and 2020 c 132 s 2 are each amended to read as follows:

(1)(a) The governor may enter into compacts with tribes concerning revenue collected by the state from the state sales tax, state use tax, and certain state business and occupation taxes, to the extent these taxes are imposed on qualified transactions. All compacts must meet the requirements under this section.

(b)(i) Except with regard to the terms of a compacting tribe's qualified capital investment, the governor may delegate the authority to negotiate compacts to the department.

(ii) In negotiating the terms of a compacting tribe's qualified capital investment, the governor must be satisfied that the compacting tribe's qualified capital investment is substantially proportionate to the compacting tribe's estimated tax revenue under the compact as compared to qualified capital investments contained in other compacts. For purposes of estimating a compacting tribe's tax revenue under a compact, tax revenue from new development is not included in the estimate.

(2) Any compact or any amendment to an existing compact authorized under this section must include provisions that allow the compacting tribe to receive, beginning on the compact's ((~~implementation~~)) or amendment's effective date, the following amounts of tax collected on qualified transactions and received by the state:

(a) One hundred percent of certain state business and occupation tax revenues;

(b) The first ((~~five hundred thousand dollars~~)) $500,000 of the total amount of state sales tax and state use tax collected during each calendar year from taxpayers, regardless of whether the taxpayers meet the requirements of a new development. If this ((~~five hundred thousand dollar~~)) $500,000 cap is reached during a calendar year, any amounts collected from taxpayers that do not meet the requirements of a new development will be deemed to have been collected and applied to the cap first, but only in the calendar month in which the cap is reached;

(c) The following amounts of state sales tax and state use tax collected during each calendar year from taxpayers meeting the requirements of a new development:

(i) Twenty-five percent of any amount over the cap described in (b) of this subsection (2); or

(ii) ((~~Sixty~~)) One hundred percent of any amount over the cap described in (b) of this subsection (2), if the compacting tribe has completed a qualified capital investment; and

(d) Beginning January 1st of the fourth calendar year following the ((~~signing of the~~)) compact's effective date, the following amounts of state sales tax and state use tax collected during each calendar year from taxpayers that do not meet the requirements of a new development:

(i) Twenty-five percent of any amount over the cap described in (b) of this subsection (2); or

(ii) ((~~Fifty~~)) One hundred percent of any amount over the cap described in (b) of this subsection (2), if the compacting tribe has completed a qualified capital investment.

(3) The parties to any compact must agree to include the following provisions in the compact:

(a) A process for determining when any qualified capital investment is complete;

(b) A process to verify compliance with the terms of the compact;

(c) A delineation of the respective roles and responsibilities of the compacting tribe and the department;

(d) A process to resolve disputes, including the use of a nonjudicial process;

(e) An agreement that the compact resolves all current and future disputes between the compacting tribe and state and local taxing authorities, while the compact is in effect, to the extent such disputes relate to the levying, assessment, and collection of taxes related to the following:

(i) Transactions between nonmembers, where such transactions are subject to any state sales tax, local sales tax, and any other taxes in effect or authorized as of June 11, 2020, except for any business and occupation tax under chapter 82.04 RCW other than certain state business and occupation taxes;

(ii) State and local use tax imposed on nonmembers and sourced to a location within the Indian country of the compacting tribe pursuant to RCW 82.32.730; and

(iii) State and local personal property taxes imposed on nonmembers;

(f) An agreement that in the event of a change in state tax laws that affects the negotiated terms of a compact, or a change in the department's interpretation regarding the property taxation of nonmember-owned improvements on Indian trust land:

(i) The parties must discuss in good faith any changes in the compact or this section that may be appropriate to preserve the intended benefits of the compact; and

(ii) A compacting tribe may terminate the compact if the good faith discussions do not result in a mutually satisfactory resolution;

(g)(i) An agreement that the department must perform all functions related to the administration and collection of the taxes collected on qualified transactions. The department may not impose any charge on a compacting tribe for these services. However, the department may seek legislative appropriations to cover its administrative costs associated with compact negotiations and administration.

(ii) As part of the department's authority under (g)(i) of this subsection (3), the department will apply the provisions contained in Title 82 RCW insofar as they are applicable to the taxes at issue in any compact authorized under this section;

(h) An agreement that the compacting tribe will provide information the department determines is necessary to fulfill the department's tax administration obligations under the compact, including information related to parcel ownership and business operations in the compact covered area; and

(i) Terms specifying the duration of the compact, and any related terms.

(4)(a) A compacting tribe may examine department records related to the payment of tax amounts to the compacting tribe. The compacting tribe must agree to keep information obtained from the department pursuant to a compact confidential to the same extent as the department is required to keep that information confidential pursuant to RCW 82.32.330.

(b) Information received by the state or open to state review under the terms of a compact is deemed tax information under RCW 82.32.330.

(5) The amounts in subsection (2) of this section must be paid to the compacting tribe on a monthly basis within ((~~sixty~~)) 60 days after the department receives the tax amounts.

(6) All refunds and credits the department issues to taxpayers of amounts previously paid to the compacting tribe under the terms of a compact will be charged to the compacting tribe.

(7) Funds dedicated under RCW 82.08.020 and 82.12.0201 to the performance audits of government account under RCW 43.09.475 are not reduced by any payment to the compacting tribe.

(8) The department may adopt rules as may be necessary to administer the provisions of this section.

(9) This section does not affect the depositing of state sales tax, state use tax, and certain state business and occupation tax into the general fund as required by RCW 82.32.380.

(10) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Certain state business and occupation tax" means the tax imposed in chapter 82.04 RCW with respect to any qualified transaction as defined in (o)(i) of this subsection (10).

(b) "Compact" means a compact authorized by this section.

(c)(i) "Compact covered area" means: (A) Trust land, whether located within or outside of the boundaries of the compacting tribe's reservation; and (B)

fee land within the boundaries of the compacting tribe's reservation and under tribal or tribal-member ownership.

(ii) For purposes of this subsection (10)(c), "tribal or tribal- member ownership" means fee land with a greater than ((~~fifty~~)) 50 percent ownership interest being held by any combination of the compacting tribe or its tribal members.

(iii) "Compact covered area" does not include any land that, as of June 11, 2020, was fee land in which one or more nonmembers held a majority ownership, but only with respect to:

(A) A business that was in operation on that land as of June 11, 2020, and continues to be in operation on that same land; or

(B) A substantially similar successor business to a business described in (c)(iii)(A) of this subsection (10) is in operation on that same land.

(d) "Compacting tribe" means, with respect to any specific compact, the tribe that is a party to the compact.

(e) "Department" means the department of revenue.

(f) "((~~Implementation~~)) Effective date" means the date, negotiated by the parties to the compact or compact amendment, on which the department is required to begin administering the terms of such compact or compact amendment, as applicable.

(g) "Indian country" has the same meaning as provided in 18 U.S.C. Sec. 1151, as existing on June 11, 2020.

(h) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the boundaries of areas set aside by the United States for the use and occupancy of Indian tribes by treaty, law, or executive order, or otherwise designated or described "reservation" by any federal act, and that are currently recognized as "Indian reservations" by the United States department of the interior. The term applies to all land within the boundaries of the Indian reservation, regardless of whether the land is owned by nonmembers, tribal members, or an Indian tribe.

(i) "Indian tribe" or "tribe" means a federally recognized Indian tribe located at least partially within the geographical boundaries of the state of Washington and includes its enterprises, subsidiaries, and constituent parts.

(j) "Local sales tax" means any sales tax that a local taxing authority is authorized to impose under chapter 82.14 RCW, RCW 81.104.170, or any other provision of state law.

(k) "Local use tax" means any use tax that a local taxing authority is authorized to impose under chapter 82.14 RCW, RCW 81.104.170, or any other provision of state law.

(l) "New development" means, with respect to any specific compact and the compact covered area associated with that compact, a person that:

(i) Is subject to state sales tax or state use tax collection or payment obligations as a result of business activity within the compact covered area;

(ii) Conducts business operations in a structure within the compact covered area, and construction of that structure began on or after the ((~~date the compact is signed by the parties~~)) compact's effective date, but not including any such construction involving the renovation of or addition to a structure existing before the ((~~date the compact is signed by the parties~~)) compact's effective date; and

(iii) Has not previously been subject to state sales tax or state use tax collection or payment obligations as a result of that same business activity operated within a different structure located elsewhere within the compact covered area.

(m) "Nonmember" means, with respect to any specific compact:

(i) A natural person who is not a tribal member of the compacting tribe;

(ii) A tribe that is not the compacting tribe; or

(iii) Any entity where not more than ((~~fifty~~)) 50 percent of the ownership interests are held by any combination of the compacting tribe or any tribal members of the compacting tribe.

(n) "Qualified capital investment" means a contribution to the development and construction of a project agreed to by the governor and the compacting tribe.

(o) "Qualified transaction" means:

(i) A retail sale subject to state sales tax, involving a seller and purchaser who are both nonmembers, and that is sourced to a location within the compact covered area pursuant to RCW 82.32.730; or

(ii) Any use by a nonmember upon which the state use tax is imposed and sourced to a location within the compact covered area pursuant to RCW 82.32.730.

(p) "State sales tax" means the tax imposed in RCW 82.08.020(1).

(q) "State use tax" means the tax imposed in RCW 82.12.020 at the rate in RCW 82.08.020(1).

(r) "Tribal member" means an enrolled member of a federally recognized tribe, or in the context of a marital community, the spouse of a tribal member of the compacting tribe.

NEW SECTION. **Sec. 2.** Nothing in this act in any way limits, restricts, reduces, or affects local taxes authorized under chapter 82.14 RCW, RCW 81.104.170, Title 35, 36, or 84 RCW, or any other provision of state law authorizing a local tax.

NEW SECTION. **Sec. 3.** The department of revenue may begin administering the provisions of this act on or after July 1, 2027.

NEW SECTION. **Sec. 4.** This act applies to a compact or compact amendment, as applicable, with an effective date on or after January 1, 2028.

Passed by the House March 20, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 137

[Substitute House Bill 1061]

RESIDENTIAL PARKING—DRIVEWAYS

AN ACT Relating to providing additional parking flexibility in residential neighborhoods; and amending RCW 46.61.570.

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

Sec. 1. RCW 46.61.570 and 1977 ex.s. c 151 s 40 are each amended to read as follows:

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within ((~~thirty~~)) 30 feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto, except that a city or county may, by ordinance or resolution, allow residential property owners within their jurisdiction to park, or allow another to park, across the point of ingress or egress of the driveway entering on to the residential property, provided that the driveway is no longer than 50 feet and that such parking does not obstruct a sidewalk, another driveway, or the roadway;

(ii) Within ((~~fifteen~~)) 15 feet of a fire hydrant;

(iii) Within ((~~twenty~~)) 20 feet of a crosswalk;

(iv) Within ((~~thirty~~)) 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within ((~~twenty~~)) 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within ((~~seventy-five~~)) 75 feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within ((~~fifty~~)) 50 feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the secretary of transportation upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

Passed by the House March 3, 2025.

Passed by the Senate April 14, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 23, 2025.

CHAPTER 138

[Substitute House Bill 1261]

PROPERTY TAX—OPEN SPACE LAND—CERTAIN INCIDENTAL USES

AN ACT Relating to providing tax relief for certain incidental uses on open space land; amending RCW 84.34.020, 84.34.080, and 84.34.108; and creating new sections.

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

Sec. 1. RCW 84.34.020 and 2014 c 125 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means:

(a) Any parcel of land that is ((~~twenty~~)) 20 or more acres or multiple parcels of land that are contiguous and total ((~~twenty~~)) 20 or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(iii) Other similar commercial activities as may be established by rule;

(b)(i) Any parcel of land that is five acres or more but less than ((~~twenty~~)) 20 acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:

(A) ((~~One hundred dollars~~)) $100 or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(B) On or after January 1, 1993, ((~~two hundred dollars~~)) $200 or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) For the purposes of (b)(i) of this subsection, "gross income from agricultural uses" includes, but is not limited to((~~, the~~)):

(A) The wholesale value of agricultural products donated to nonprofit food banks or feeding programs; and

(B) The wholesale value of agricultural products sold to persons allowed to harvest the agricultural products they purchase, if the products harvested are grown on the same land;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) ((~~One thousand dollars~~)) $1,000 or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, ((~~fifteen hundred dollars~~)) $1,500 or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Parcels of land described in (b)(i)(A) and (c)(i) of this subsection will, upon any transfer of the property excluding a transfer to a surviving spouse or surviving state registered domestic partner, be subject to the limits of (b)(i)(B) and (c)(ii) of this subsection;

(d) Any parcel of land that is five acres or more but less than ((~~twenty~~)) 20 acres devoted primarily to agricultural uses, which meet one of the following criteria:

(i) Has produced a gross income from agricultural uses equivalent to ((~~two hundred dollars~~)) $200 or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) Has standing crops with an expectation of harvest within seven years, except as provided in (d)(iii) of this subsection, and a demonstrable investment in the production of those crops equivalent to ((~~one hundred dollars~~)) $100 or more per acre in the current or previous calendar year. For the purposes of this subsection (2)(d)(ii), "standing crop" means Christmas trees, vineyards, fruit trees, or other perennial crops that: (A) Are planted using agricultural methods normally used in the commercial production of that particular crop; and (B) typically do not produce harvestable quantities in the initial years after planting; or

(iii) Has a standing crop of short rotation hardwoods with an expectation of harvest within ((~~fifteen~~)) 15 years and a demonstrable investment in the

production of those crops equivalent to ((~~one hundred dollars~~)) $100 or more per acre in the current or previous calendar year;

(e) Any lands including incidental uses ((~~as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land~~)) and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands";

(f) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes;

(g) Any land that is used primarily for equestrian related activities for which a charge is made, including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed and that otherwise meet the requirements of (a), (b), or (c) of this subsection; or

(h) Any land primarily used for commercial horticultural purposes, including growing seedlings, trees, shrubs, vines, fruits, vegetables, flowers, herbs, and other plants in containers, whether under a structure or not, subject to the following:

(i) The land is not primarily used for the storage, care, or selling of plants purchased from other growers for retail sale;

(ii) If the land is less than five acres and used primarily to grow plants in containers, such land does not qualify as "farm and agricultural land" if more than ((~~twenty-five~~)) 25 percent of the land used primarily to grow plants in containers is open to the general public for on-site retail sales;

(iii) If more than ((~~twenty~~)) 20 percent of the land used for growing plants in containers qualifying under this subsection (2)(h) is covered by pavement, none of the paved area is eligible for classification as "farm and agricultural land" under this subsection (2)(h). The eligibility limitations described in this subsection (2)(h)(iii) do not affect the land's eligibility to qualify under (e) of this subsection; and

(iv) If the land classified under this subsection (2)(h), in addition to any contiguous land classified under this subsection, is less than ((~~twenty~~)) 20 acres, it must meet the applicable income or investment requirements in (b), (c), or (d) of this subsection.

(3) "Timberland" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timberland means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ((~~ten~~)) 10 percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" means the contract vendee.

(6)(a) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, is considered contiguous.

(b) For purposes of this subsection (6):

(i) "Same ownership" means owned by the same person or persons, except that parcels owned by different persons are deemed held by the same ownership if the parcels are:

(A) Managed as part of a single operation; and

(B) Owned by:

(I) Members of the same family;

(II) Legal entities that are wholly owned by members of the same family; or

(III) An individual who owns at least one of the parcels and a legal entity or entities that own the other parcel or parcels if the entity or entities are wholly owned by that individual, members of his or her family, or that individual and members of his or her family.

(ii) "Family" includes only:

(A) An individual and his or her spouse or domestic partner, child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling;

(B) The spouse or domestic partner of an individual's child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling;

(C) A child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling of the individual's spouse or the individual's domestic partner; and

(D) The spouse or domestic partner of any individual described in (b)(ii)(C) of this subsection (6).

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

(9) "Appurtenance" means something used with, and related to or dependent upon another thing that is, something that belongs to something else, an adjunct. The thing appurtenant is strictly necessary and essential to the proper use and enjoyment of the land, as well as useful or necessary for carrying out the purposes for which the land is classified under this chapter.

(a) In terms of farm and agricultural land, an "appurtenance" is something used for a particular sort of farm and is widely and routinely used in the operation of the commercial agricultural enterprise.

(b) An "appurtenance" includes, but is not limited to, portable sanitation equipment, barn, or tool shed, or equipment used for a particular purpose or task, such as tools, instruments, or machinery.

(10) "Incidental use" means a use of land classified as farm and agricultural land or timberland that is compatible with commercial agricultural purposes. "Incidental use" for land classified as farm and agricultural land may not exceed 20 percent of the total classified land, while incidental use for timberland may not exceed 10 percent of the total classified land. An "incidental use" may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, a produce stand, or an unpaved parking area necessary for the safe visiting or viewing of classified land.

Sec. 2. RCW 84.34.080 and 1999 sp.s. c 4 s 705 are each amended to read as follows:

When land which has been classified under this chapter as open space land, farm and agricultural land, or timberland is applied to some other use, except through compliance with RCW 84.34.070, or except as a result solely from any one of the conditions listed in RCW 84.34.108(6), the owner shall within ((~~sixty~~)) 60 days notify the county assessor of such change in use and additional real property tax shall be imposed upon such land in an amount equal to the sum of the following:

(1) The total amount of the additional tax and applicable interest due under RCW 84.34.108; plus

(2) ((~~A~~)) Except as provided in RCW 84.34.108(4)(c), a penalty amounting to ((~~twenty~~)) 20 percent of the amount determined in subsection (1) of this section.

Sec. 3. RCW 84.34.108 and 2024 c 109 s 2 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification must be made each year upon the assessment and tax rolls and the land must be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner or transfer by a transfer on death deed does not, by itself, result in removal of classification. The notice of continuance must be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes, applicable interest, and penalty calculated pursuant to subsection (4) of this section become due and payable by the seller or transferor at time of sale. The auditor may not accept an instrument of

conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax, applicable interest, and penalty has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d)(i) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

(ii) The granting authority, upon request of an assessor, must provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance must be provided within ((~~thirty~~)) 30 days of receipt of the request.

(2)(a) Land may not be removed from classification because of:

(((~~(a)~~))) (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; ((~~or~~

~~(b)~~))) (ii) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(b) Land classified as farm and agricultural land under RCW 84.34.020 upon which an existing appurtenance is located may not be removed from classification as a result of minor upgrades and alterations to the appurtenance such as the addition of a cement pad, plumbing, or electrical, or limited compatible uses including educational and recreational farming programs, events such as seasonal farm festivals, and celebratory gatherings such as weddings, unless:

(i) Retaining the classification of such land would exceed the 20 percent incidental use limitation provided in the definition of incidental use in RCW 84.34.020; or

(ii) The structure no longer meets the definition of appurtenance under RCW 84.34.020.

(c) For the purpose of this subsection (2), "existing appurtenance" does not include a newly constructed structure, or major redevelopment of an existing structure.

(3) Within ((~~thirty~~)) 30 days after the removal of all or a portion of the land from current use classification under subsection (1) of this section, the assessor must notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038. The removal notice must explain the steps needed to appeal the removal decision, including when a notice of appeal must be filed, where the forms may be obtained, and how to contact the county board of equalization.

(4) Unless the removal is reversed on appeal, the assessor must revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification must be listed and taxes must be allocated according to that part of the year to which each assessed valuation applies. Except as provided

in subsection (6) of this section, an additional tax, applicable interest, and penalty must be imposed, which are due and payable to the treasurer ((~~thirty~~)) 30 days after the owner is notified of the amount of the additional tax, applicable interest, and penalty. As soon as possible, the assessor must compute the amount of additional tax, applicable interest, and penalty and the treasurer must mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty must be determined as follows:

(a) The amount of additional tax is ((~~equal~~)):

(i) Except as provided in (a)(ii) of this subsection, equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timberland" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(ii) For removals, or withdrawals, of classified farm and agricultural land on or after September 1, 2025, equal to the difference between the property tax paid as farm and agricultural and the amount of property tax otherwise due and payable for the four years last past had the land not been so classified.

(b) The amount of applicable interest is equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty is as provided in RCW 84.34.080. The penalty may not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty become a lien on the land. The lien attaches at the time the land is removed from classification under this chapter and has priority to and must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on the due date is delinquent as of the due date. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section may not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, wildfire, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section must be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(f);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a conservation easement of private forestlands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;

(k) The sale or transfer of land within two years after the death of the owner of at least a ((~~fifty~~)) 50 percent interest in the land if the land has been assessed and valued as classified forestland, designated as forestland under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k);

(l)(i) The discovery that the land was classified under this chapter in error through no fault of the owner. For purposes of this subsection (6)(l), "fault" means a knowingly false or misleading statement, or other act or omission not in good faith, that contributed to the approval of classification under this chapter or the failure of the assessor to remove the land from classification under this chapter.

(ii) For purposes of this subsection (6), the discovery that land was classified under this chapter in error through no fault of the owner is not the sole reason for removal of classification pursuant to subsection (1) of this section if an independent basis for removal exists. Examples of an independent basis for removal include the owner changing the use of the land or failing to meet any applicable income criteria required for classification under this chapter; or

(m) The sale or transfer to a governmental entity if the governmental entity manages the land in the same manner as designated forestland under chapter 84.33 RCW, or as property classified as timberland under this chapter, and the governmental entity provides the county assessor with a timber management plan or a notice of intent to manage the land as required under this subsection (6)(m). The governmental entity must provide an updated timberland or forestland management plan to the county assessor at least once every revaluation cycle. The county is authorized to collect a fee from the governmental entity for the filing of the forestland or timberland management plan in accordance with the county's fee schedule. When the land is not managed as required under this subsection (6)(m), or when the governmental entity sells

or transfers the land at any time, the additional tax specified in subsection (4) of this section is due from the current government owner, unless the change in use of the land, sale or transfer, meets one of the other exceptions in this subsection (6).

NEW SECTION. **Sec. 4.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 5.** 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. 6.** RCW 82.32.805 and 82.32.808 do not apply to this act.

Passed by the House March 7, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 139

[Second Substitute House Bill 1183]

BUILDING CODES AND DEVELOPMENT REGULATIONS—VARIOUS PROVISIONS

AN ACT Relating to incentivizing affordable and sustainable building practices through building code and development regulation reform; amending RCW 35.21.990, 35A.21.440, and 36.70A.620; and adding new sections to chapter 36.70A RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A city or county planning under RCW 36.70A.040 must allow for the following:

(a) For retrofits of existing buildings to be used for residential housing:

(i) The portion of exterior wall assemblies that includes insulation must be allowed to project up to an additional eight inches into the setbacks on all sides;

(ii) The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and

(iii) Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(b) For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation must be allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.

(2) Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) For new construction or the retrofit of existing buildings meeting passive house requirements, a city or county planning under RCW 36.70A.040 must allow for the following:

(a) Any required setback must be measured to the outside face of the foundation, and the portion of exterior wall assemblies that include insulation must be allowed to project up to eight inches into setbacks on all sides;

(b) The building must be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and

(c) Gross floor area must be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(2) For the purposes of this section, "passive house requirements" means the criteria for certification as a passive house by Phius or the international passive house institute.

(3) Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.

Sec. 3. RCW 35.21.990 and 2023 c 285 s 2 are each amended to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

(b) The requirements of subsection (2) of this section apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone, except as provided in sections 1 and 2 of this act;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by each city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

Sec. 4. RCW 35A.21.440 and 2023 c 285 s 1 are each amended to read as follows:

(1)(a) Code cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

(b) The requirements of subsection (2) of this section apply and take effect in any code city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, code cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone, except as provided in sections 1 and 2 of this act;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by the code city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a code city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits

multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A city or county planning under RCW 36.70A.040 must allow a building to exceed any maximum allowable roof height limits by at least 48 inches to accommodate a roof-mounted solar energy panel.

(2) For purposes of this section, "solar energy panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in:

(a) The heating or cooling of a structure or building;

(b) The heating or pumping of water;

(c) Industrial, commercial, or agricultural processes; or

(d) The generation of electricity.

(3) Nothing in this section prohibits a city or county from applying the requirements of the state building code or requires a city or county to allow a setback of less than 36 inches between residential dwelling units.

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A city or county planning under RCW 36.70A.040 may not require façade modulation or upper-level setbacks as a condition of permitting the following types of residential projects:

(a) Affordable housing;

(b) New construction meeting passive house requirements;

(c) The retrofit of existing buildings meeting passive house requirements;

(d) The conversion of existing buildings to housing or mixed-use development that includes housing;

(e) Modular construction; or

(f) Mass timber construction.

(2) For the purposes of this section:

(a) "Façade modulation" means a change in building plane, either a recess or a projection, that changes the shape of the exterior massing of the building.

(b) "Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

(c) "Modular construction" means a multistory residential or commercial building constructed of standardized components produced off-site, which are transported and assembled at a final location.

(d) "Passive house requirements" means the criteria for certification as a passive house by Phius or the international passive house institute.

(e) "Upper-level setback" means a required distance between the lot line and the building façade applied only to portions of the building above a specified height.

NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a city or county planning under RCW 36.70A.040 may not require off-street parking as a condition of permitting the following types of residential projects:

(a) Affordable housing;

(b) New construction or the retrofit of existing buildings meeting passive house requirements;

(c) Modular construction; or

(d) Mass timber construction.

(2) A city or county may require off-street parking if the jurisdiction submits to the department of commerce an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations in subsection (1) of this section will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied. The department must develop guidance to assist cities and counties on items to include in the study.

(3) A county may require off-street parking if the county's roads are not developed to the standards for streets and roads adopted by the cities within that county.

(4) For the purposes of this section:

(a) "Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

(b) "Modular construction" means a multistory residential building constructed of standardized components produced off-site, which are transported and assembled at a final location.

(c) "Passive house requirements" means the criteria for certification as a passive house by Phius or the international passive house institute.

Sec. 8. RCW 36.70A.620 and 2020 c 173 s 3 are each amended to read as follows:

In counties and cities planning under RCW 36.70A.040, minimum residential parking requirements mandated by municipal zoning ordinances for housing units constructed after July 1, 2019, are subject to the following requirements:

(1) ((~~For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space~~

~~impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.~~

~~(2)~~)) For housing units that are specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units, subject to the exceptions provided in this subsection. A city may establish parking requirements for staff and visitors of such housing units. A city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for seniors or people with disabilities.

(((~~(3)~~)) (2) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city or county may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities and counties planning under RCW 36.70A.040 may not require affordable housing units for low-income or very low-income households, regardless of the unit mix and size of the project, to exceed the following sizes:

(a) 400 square feet for a studio unit;

(b) 550 square feet for a one-bedroom unit;

(c) 750 square feet for a two-bedroom unit; and

(d) 1,000 square feet for a three-bedroom unit.

(2) If the average unit size in the project is smaller than the size requirements in this section, the city must allow the affordable housing units to be of a comparable size as the market rate units.

(3) Co-living housing units are subject to the provisions of RCW 36.70A.535.

(4) This section does not apply to low-income housing developed under an affordable housing incentive program as provided in RCW 36.70A.540.

NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70A RCW to read as follows:

Cities and counties that plan under the growth management act must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls, the requirements of sections 1, 2, 5 through 7, and 9 of this act by the sooner of six months after their next periodic

comprehensive plan update or six months after their next implementation progress report.

Passed by the House March 11, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 140

[Second Substitute House Bill 1391]

JUVENILE DIVERSION PROGRAMS—VARIOUS PROVISIONS

AN ACT Relating to improving developmentally appropriate alternatives for youth outside the formal court process; amending RCW 13.40.020, 13.40.080, 13.06.010, and 2.56.032; adding a new section to chapter 13.06 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that youth diverted from the justice system have lower likelihood for future arrests, higher rates of school completion and college enrollment, and earn higher incomes in adulthood than youth who are adjudicated through the court process.

(2) The legislature further finds that there is significant cost benefit to offering youth diversion. A 2019 Washington state institute for public policy analysis found that diverting youth returned a societal benefit of more than $11,000 per dollar spent due to lower recidivism rates and improved outcomes.

(3) The legislature also finds that diversion is offered at different rates in different counties, leading to justice by geography and pointing to opportunities to expand the use of diversion in Washington.

(4) Therefore, it is the intent of the legislature to strengthen the ability of courts to offer robust diversion services and improve the data and accountability framework for diversions in Washington state.

Sec. 2. RCW 13.40.020 and 2024 c 117 s 4 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling including an intake appointment, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include community restitution not to exceed 150 hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than 60 days after the youth begins inpatient treatment, and every 30 days thereafter, as long as the youth is in inpatient treatment;

(6) "Community transition services" means a therapeutic and supportive community-based custody option in which:

(a) A person serves a portion of their term of confinement residing in the community, outside of department institutions and community facilities;

(b) The department supervises the person in part through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location;

(c) The department provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race, ethnicity, sexual identity, and gender identity;

(7) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(8) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense((:

~~(a) The~~)), the allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter((~~; or~~

~~(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history~~)). A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history. A successfully completed diversion under RCW 13.40.080 may not be considered part of the respondent's criminal history;

(10) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody;

(11) "Department" means the department of children, youth, and families;

(12) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(13) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of

this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(14) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(15) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(16) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(17) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of 18 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(18) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person 18 years of age or older over whom the juvenile court has jurisdiction under RCW 13.40.300;

(19) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(20) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; or (c) 0-150 hours of community restitution;

(21) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(22) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(23) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(24) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical

restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(25) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(26) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(27) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(28) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(29) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(30) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(31) "Risk assessment tool" means the statistically valid tool used by the department to inform release or placement decisions related to security level, release within the sentencing range, community facility eligibility, community transition services eligibility, and parole. The "risk assessment tool" is used by the department to predict the likelihood of successful reentry and future criminal behavior;

(32) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or

more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(33) "Secretary" means the secretary of the department;

(34) "Services" means services, including restorative justice, which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(35) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(36) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of the respondent's sexual gratification;

(37) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(38) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(39) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(40) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(41) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.080 and 2022 c 34 s 1 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. A juvenile's parent or guardian cannot decline to enter into a diversion agreement on behalf of the juvenile and cannot prevent a juvenile from entering into a diversion agreement. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed ((~~one hundred fifty~~)) 150 hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim, excluding restitution owed to any insurance provider under Title 48 RCW;

(c) Attendance at up to ((~~ten~~)) 10 hours of counseling and/or up to ((~~twenty~~)) 20 hours of positive youth development, restorative justice, and educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others,

and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. If an assessment identifies mental health or chemical dependency needs, a youth may access up to ((~~thirty~~)) 30 hours of counseling. The counseling sessions may include services demonstrated to improve behavioral health and reduce recidivism. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, a physician, a counselor, a school, or a treatment provider, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ((~~thirty~~)) 30 hours of counseling and/or up to ((~~twenty~~)) 20 hours of educational or informational sessions;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(e) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian. To the extent possible, the court officer shall advise the victims of the juvenile offender of the diversion process, offer victim impact letter forms and restitution claim forms, and involve members of the community. Such members of the community may meet with the juvenile and may advise the court officer as to the terms of the diversion agreement and may supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the ((~~eighteenth~~)) 21st birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete the terms of the agreement or restitution to a victim, the time period limitations of this subsection may be extended by an additional six months at the request of the juvenile.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of a civil order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ((~~ten~~)) 10 years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ((~~ten~~)) 10 years after the juvenile's ((~~eighteenth~~)) 18th birthday. Prior to the expiration of the initial ((~~ten~~)) 10 year period, the juvenile court may extend the judgment for restitution an additional ((~~ten~~)) 10 years. The court may relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ((~~ten~~)) 10 year period. If the court relieves the juvenile of the requirement to

pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(d) A diversion agreement may be completed by the juvenile any time prior to an order terminating the agreement.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Divertees and potential divertees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement;

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under ((~~eighteen~~)) 21 years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is ((~~eighteen~~)) 21 years of age or older;

(f) In no case may a court terminate a diversion agreement on or after the juvenile's 21st birthday and, thereafter, any pending information in the case diverted and any pending motion to terminate shall be dismissed with prejudice.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to a restorative justice program, community-based counseling, or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including

intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

((~~The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8).~~)) A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than ((~~fifty dollars~~)) $50 in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs or a restorative justice program. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's ((~~eighteenth~~)) 18th birthday and which includes a period extending beyond the divertee's ((~~eighteenth~~)) 18th birthday.

(16) If restitution required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert unpaid restitution into community restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(17) In no case may a diversion be entered into for an offense committed on or after the juvenile's 18th birthday.

Sec. 4. RCW 13.06.010 and 1983 c 191 s 1 are each amended to read as follows:

It is the intention of the legislature in enacting this chapter to increase the protection afforded the citizens of this state, to require community planning, to provide necessary services and supervision for juvenile offenders in the community when appropriate, to reduce reliance on state-operated correctional institutions for offenders whose standard range disposition does not include commitment of the offender to the department, ((~~and~~)) to encourage the community to efficiently and effectively provide community services to juvenile offenders through consolidation of service delivery systems, and to provide effective services and referrals to referred and diverted youth to prevent the need for formal court involvement whenever possible.

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.06 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the administrative office of the courts, in consultation with the department of children, youth, and families, and the Washington association of juvenile court administrators, shall develop common definitions, outcome measures, and data collection methods for both informal and formal juvenile diversion programs.

(2) In developing the items described in subsection (1) of this section, the administrative office of the courts shall work towards:

(a) Obtaining timely and accurate data from the juvenile courts regarding all formal diversion agreements that allow for reporting the number and rate of formal diversions, disaggregated by jurisdiction, race, ethnicity, and gender;

(b) Developing methods to define, categorize, and track the use of informal diversion agreements;

(c) Engaging in partnerships with community-based organizations; and

(d) Implementing goals identified by the administrative office of the courts, the department of children, youth, and families, and the Washington association of juvenile court administrators.

(3) By July 1, 2026, and in compliance with RCW 43.01.036, the administrative office of the courts shall submit a report to the appropriate committees of the legislature and the governor based on the requirements of this section.

(4) This section expires July 1, 2027.

Sec. 6. RCW 2.56.032 and 2019 c 312 s 17 are each amended to read as follows:

(1)(a) ((~~To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all~~)) All juvenile courts shall transmit youth-level secure detention data and juvenile diversion agreement data to the administrative office of the courts.

(b) Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth((~~,~~)) and the referral number or court case number ((~~assigned to the petition,~~)) associated with the event. For secure detention events, courts shall provide the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement. For diversion agreement events, the courts shall provide the date of the diversion agreement and the outcome of the agreement.

(c) Courts are also encouraged to report individual-level data reflecting ((~~whether~~)):

(i) Whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives; and

(ii) Informal diversion events where no formal diversion agreement is entered into.

(d) The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards for detention and diversion.

(2) The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition. The report must:

(a) Consider the written findings described in RCW 7.21.030(2)(e)(ii)(B), and provide an analysis of the rationale and evidence used and the less restrictive options considered;

(b) Monitor the utilization of alternatives to detention;

(c) Track trends in the use of at-risk youth petitions;

(d) Track trends in the use of secure residential programs with intensive wraparound services; and

(e) Track the race and gender of youth with at-risk petitions.

(3) The administrative office of the courts shall deliver an annual statewide report to the legislature that details, disaggregated by age, race, ethnicity, gender, tribal affiliation if known, and county (including the rate per 1,000 youth), the number of Washington youth who enter into a formal diversion agreement each calendar year. The report must indicate:

(a) How many diversions are entered into before filing an information and how many diversions are entered into after an information is filed;

(b) The number of successfully completed diversions;

(c) The rate of successfully completed diversions;

(d) The types of alleged offenses referred to diversion;

(e) The number and rate of refused diversions and whether the diversion was refused by the youth or the court;

(f) The number and type of disposition alternatives granted each calendar year and how many are revoked;

(g) The number of law enforcement referrals to a prosecuting attorney alleging the commission of a juvenile offense each calendar year organized by referring agency; and

(h) The number of school referrals to a prosecuting attorney alleging the commission of a juvenile offense each calendar year organized by school district.

NEW SECTION. **Sec. 7.** RCW 13.40.020 applies to all completed juvenile diversion agreements and those which are in place but not yet completed on or after the effective date of this section, regardless of when the underlying offense was committed.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 5, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 141

[Engrossed House Bill 1602]

LIQUOR LICENSEE FOOD SERVICE—SUBCONTRACTORS

AN ACT Relating to food service options for liquor licensees; amending RCW 66.24.240, 66.24.244, 66.24.320, 66.24.410, and 66.04.010; and reenacting and amending RCW 66.24.400.

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

Sec. 1. RCW 66.24.240 and 2021 c 6 s 4 are each amended to read as follows:

(1)(a) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where

business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(7), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any domestic brewery licensed under this section may also sell beer produced by another domestic brewery or a microbrewery for on and off-premises consumption from its premises as long as the other breweries' brands do not exceed twenty-five percent of the domestic brewery's on-tap offering of its own brands.

(4) A domestic brewery may hold up to four retail licenses to operate an on or off-premises tavern, beer and/or wine restaurant, spirits, beer, and wine restaurant, or any combination thereof. This retail license is separate from the brewery license. A brewery that holds a tavern license, a spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420. However, when qualifying for and maintaining a beer and/or wine restaurant license or a spirits, beer, and wine restaurant license, a domestic brewery may subcontract with one or more individuals or entities to satisfy food service requirements applicable to the beer and/or wine restaurant license or the spirits, beer, and/or wine restaurant license.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(7), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) The state board of health shall adopt rules to allow dogs on the premises of licensed domestic breweries that do not provide or subcontract for food service subject to a food service permit requirement.

(8)(a) Subject to (b) of this subsection, nothing in this title prohibits the use of a domestic brewery's licensed premises for the subcontracted and, where applicable, subleased operation of a mobile food unit, as defined in RCW 43.20.025, or an independently operated food service provider or establishment by one or more persons or entities who sells food and nonalcoholic beverages to the public and does not hold a retail liquor license.

(b)(i) The premises used by the mobile food unit, as defined in RCW 43.20.025, or independently operated food service provider or establishment, and the areas of the licensee's premises to which staff of the mobile food unit or independently operated food service provider or establishment may access, must be substantially separated from the storage of nontax-paid alcohol.

(ii) A person who subcontracts or subleases with a domestic brewery as provided in (a) of this subsection (8) is responsible for all kitchen space identified in the subcontract or sublease and for compliance with all applicable local health department regulations, including kitchen and food service permits. A diagram of the kitchen plan must be included in the subcontract or sublease, and the subcontract or sublease must evidence agreement of this space to be subcontracted or subleased. A domestic brewery subcontracting or subleasing space on its licensed premises as provided in (a) of this subsection (8) shall include in the subcontract or sublease a notification that the other party to the agreement is responsible for the entire subcontracted or subleased space and must hold necessary kitchen and food service permits from the applicable local jurisdiction.

Sec. 2. RCW 66.24.244 and 2021 c 6 s 5 are each amended to read as follows:

(1)(a) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(b) The annual fee in (a) of this subsection is waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waiver in (b) of this subsection does not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list

must be received by the department of revenue no later than 15 calendar days after the request is made.

(2)(a) Any microbrewery licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production.

(b) Any microbrewery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a microbrewery operating as a distributor may maintain a warehouse off the premises of the microbrewery for the distribution of beer provided that:

(i) The warehouse has been approved by the board under RCW 66.24.010; and

(ii) The number of warehouses off the premises of the microbrewery does not exceed one.

(c) A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any microbrewery licensed under this section may also sell from its premises for on-premises and off-premises consumption:

(a) Beer produced by another microbrewery or a domestic brewery as long as the other breweries' brands do not exceed twenty-five percent of the microbrewery's on-tap offerings; or

(b) Cider produced by a domestic winery.

(4) The board may issue up to four retail licenses allowing a microbrewery to operate an on or off-premises tavern, beer and/or wine restaurant, spirits, beer, and wine restaurant, or any combination thereof.

(5) A microbrewery that holds a tavern license, spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license holds the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420. However, when qualifying for and maintaining a beer and/or wine restaurant license or a spirits, beer, and wine restaurant license, a microbrewery may subcontract with one or more individuals or entities to satisfy food service requirements applicable to the beer and/or wine restaurant license or the spirits, beer, and/or wine restaurant license.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. However, strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) Any person selling or serving beer must obtain a class 12 or class 13 alcohol server permit.

(d) The beer sold at qualifying farmers markets must be produced in Washington.

(e) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (6) include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(f) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (6) to sell bottled beer at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board must notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(f) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(g) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(h) For the purposes of this subsection (6):

(i) "Qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) Any microbrewery licensed under this section may contract-produce beer for another microbrewer. This contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(8) The state board of health shall adopt rules to allow dogs on the premises of licensed microbreweries that do not provide <u>or contract for</u> food service subject to a food service permit requirement.

<u>(9)(a) Subject to (b) of this subsection, nothing in this title prohibits the use of a microbrewery's licensed premises for the subcontracted and, where applicable, subleased operation of a mobile food unit, as defined in RCW 43.20.025, or an independently operated food service provider or establishment, by a person who sells food and nonalcoholic beverages to the public and does not hold a retail liquor license.</u>

(b)(i) The premises used by the mobile food unit, as defined in RCW 43.20.025, or independently operated food service provider or establishment, and the areas of the licensee's premises to which staff of such a mobile food unit or independently operated food service provider or establishment may access, must be substantially separated from the storage of nontax-paid alcohol.

(ii) A person who subcontracts or subleases with a microbrewery as provided in (a) of this subsection (9) is responsible for all kitchen space identified in the subcontract or sublease and for compliance with all applicable local health department regulations, including kitchen and food service permits. A diagram of the kitchen plan must be included in the subcontract or sublease, and the subcontract or sublease must evidence agreement of this space to be subcontracted or subleased. A microbrewery subcontracting or subleasing space on its licensed premises as provided in (a) of this subsection (9) shall include in the subcontract or sublease a notification that the other party to the agreement is responsible for the entire subcontracted or subleased space and must hold necessary kitchen and food service permits from the applicable local jurisdiction.

Sec. 3. RCW 66.24.320 and 2021 c 6 s 6 are each amended to read as follows:

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine or sake that was purchased for consumption with a meal.

(1)(a) The annual fee shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license.

(b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waivers in (b) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW 43.06.220.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those

types of liquor that are authorized under the on-premises license privileges for sale and service at event locations at a specified date and, except as provided in subsection (3) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(3) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or the passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

(4) The holder of this license or its manager may furnish beer or wine to the licensee's employees free of charge as may be required for use in connection with instruction on beer and wine. The instruction may include the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The beer and/or wine licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the beer and/or wine licensee.

(5) If the license is issued to a person who contracts with the Washington state ferry system to provide food and alcohol service on a designated ferry

route, the license shall cover any vessel assigned to the designated route. A separate license is required for each designated ferry route.

(6) A domestic brewery or microbrewery that contracts with another establishment to prepare, cook, and serve food to patrons of the domestic brewery or microbrewery may be issued a license under this section as provided in RCW 66.24.240(4) and 66.24.244(5).

Sec. 4. RCW 66.24.400 and 2019 c 169 s 3 and 2019 c 61 s 2 are each reenacted and amended to read as follows:

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only. A club licensed under chapter 70.62 RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the club for consumption in guest rooms, hospitality rooms, or at banquets in the club. A patron of a bona fide restaurant or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine or sake which was purchased for consumption with a meal, and registered guests who have purchased liquor from the club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

(2) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell bottled wine for off-premises consumption. Spirits and beer may not be sold for off-premises consumption under this section except as provided in subsection (4) of this section. The annual fee for the endorsement under this subsection is one hundred twenty dollars.

(3) The holder of a spirits, beer, and wine license or its manager may furnish beer, wine, or spirituous liquor to the licensee's employees free of charge as may be required for use in connection with instruction on beer, wine, or spirituous liquor. The instruction may include the history, nature, values, and characteristics of beer, wine, or spirituous liquor, the use of wine lists, and the methods of presenting, serving, storing, and handling beer, wine, and spirituous liquor. The spirits, beer, and wine restaurant licensee must use the beer, wine, or spirituous liquor it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the spirits, beer, and wine restaurant licensee.

(4) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption malt liquor in kegs or other containers that are capable of holding four gallons or more of liquid and are registered in accordance with RCW 66.28.200. Beer may also be sold under the

endorsement to a purchaser in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the retailer at the time of sale. The annual fee for the endorsement under this subsection is one hundred twenty dollars.

(5)(a) The board shall create a soju endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to serve soju for on-premises consumption by the bottle to tables of two or more patrons twenty-one years of age or older. Cost of the endorsement is fifty dollars.

(b) The holder of a soju endorsement may serve soju in bottles that are three hundred seventy-five milliliters or less. Empty bottles of soju must remain on the patron's table until the patron has left the premises of the licensee.

(c) The patron of a holder of a soju endorsement may remove from the premises recapped in its original container any unused portion of soju that was purchased for consumption with a meal.

(d) The board must develop additional responsible sale and service of soju training curriculum related to the provisions of the soju endorsement under this subsection (5) that includes but is not limited to certification procedures and enforcement policies. This information must be provided in both Korean and English languages to licensees holding the soju endorsement. Soju endorsement holders must ensure servers providing soju to patrons are trained in the soju curriculum developed under this subsection (5).

(6) A domestic brewery or microbrewery that contracts with one or more mobile food units, as defined in RCW 43.20.025, or independently operated food service providers or establishments may be issued a license under this section as provided in RCW 66.24.240(4) and 66.24.244(5).

Sec. 5. RCW 66.24.410 and 2011 c 195 s 2 are each amended to read as follows:

(1) "Spirituous liquor," as used in RCW 66.24.400 ((~~to~~)) through 66.24.450, inclusive, means "liquor" as defined in RCW 66.04.010, except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 ((~~to~~)) through 66.24.450, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals or is a domestic brewery or a microbrewery that subcontracts with one or more individuals or entities to satisfy food service requirements, that is maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals, to prepare, cook, and serve complete meals on behalf of the domestic brewery or microbrewery under the domestic brewery or microbrewery's spirits, beer, and wine restaurant license. Requirements for complete meals shall be determined by the board in rules adopted pursuant to chapter 34.05 RCW.

(3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66.24.400 ((~~to~~)) through 66.24.450, inclusive, with the meaning given in chapter 66.04 RCW.

Sec. 6. RCW 66.04.010 and 2023 c 279 s 2 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced by a brewery or winery in the United States outside of the state of Washington; and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title.

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Board" means the liquor and cannabis board, constituted under this title.

(7) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic, or social purposes, and not for pecuniary gain.

(9) "Confection" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, dairy products, or flavorings, in the form of bars, drops, or pieces.

(10) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(11) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(12) "Craft distillery" means a distillery that pays the reduced licensing fee under RCW 66.24.140.

(13) "Delivery" means the transportation of alcohol to an individual located within Washington state from a licensed location holding an alcohol delivery endorsement as part of a delivery order. "Delivery" does not include services provided by common carriers.

(14) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.32 RCW.

(15) "Distiller" means a person engaged in the business of distilling spirits.

(16) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(17) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(18) "Drug store" means a place whose principal business is, the sale of drugs, medicines, and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(19) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(20) "Employee" means any person employed by the board.

(21) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

(22) "Fund" means 'liquor revolving fund.'

(23) "Hotel" means buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests. The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.

(24) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(25) "Imprisonment" means confinement in the county jail.

(26) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor, or

combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(27) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(28) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(29) "Nightclub" means an establishment that provides entertainment and has as its primary source of revenue (a) the sale of alcohol for consumption on the premises, (b) cover charges, or (c) both.

(30) "Package" means any container or receptacle used for holding liquor.

(31) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

(32) "Permit" means a permit for the purchase of liquor under this title.

(33) "Person" means an individual, copartnership, association, or corporation.

(34) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.71 RCW.

(35) "Powdered alcohol" means any powder or crystalline substance containing alcohol that is produced for direct use or reconstitution.

(36) "Prescription" means a memorandum signed by a physician and given by him or her to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(37) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(38) "Regulations" means regulations made by the board under the powers conferred by this title.

(39) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains, but including domestic breweries and microbreweries who contract with another establishment to provide food service in accordance with RCW 66.24.240(4) and 66.24.244(5).

(40) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(41) "Service bar" means a fixed or portable table, counter, cart, or similar workstation primarily used to prepare, mix, serve, and sell alcohol that is picked up by employees or customers. Customers may not be seated or allowed to consume food or alcohol at a service bar.

(42) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(43) "Soju" means a traditional Korean distilled alcoholic beverage, produced using authentic Korean recipes and production methods, and derived from agricultural products, that contains not more than twenty-four percent of alcohol by volume.

(44) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

(45) "Store" means a state liquor store established under this title.

(46) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(47) "VIP airport lounge" means an establishment within an international airport located beyond security checkpoints that provides a special space to sit, relax, read, work, and enjoy beverages where access is controlled by the VIP airport lounge operator and is generally limited to the following classifications of persons:

(a) Airline passengers of any age whose admission is based on a first-class, executive, or business class ticket;

(b) Airline passengers of any age who are qualified members or allowed guests of certain frequent flyer or other loyalty incentive programs maintained by airlines that have agreements describing the conditions for access to the VIP airport lounge;

(c) Airline passengers of any age who are qualified members or allowed guests of certain enhanced amenities programs maintained by companies that have agreements describing the conditions for access to the VIP airport lounge;

(d) Airport and airline employees, government officials, foreign dignitaries, and other attendees of functions held by the airport authority or airlines related to the promotion of business objectives such as increasing international air traffic and enhancing foreign trade where access to the VIP airport lounge will be controlled by the VIP airport lounge operator; and

(e) Airline passengers of any age or airline employees whose admission is based on a pass issued or permission given by the airline for access to the VIP airport lounge.

(48) "VIP airport lounge operator" means an airline, port district, or other entity operating a VIP airport lounge that: Is accountable for compliance with the alcohol beverage control act under this title; holds the license under chapter 66.24 RCW issued to the VIP airport lounge; and provides a point of contact for addressing any licensing and enforcement by the board.

(49)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(50) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

(51) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title.

(52) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

Passed by the House March 10, 2025.

Passed by the Senate April 14, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 23, 2025.

CHAPTER 142

[Engrossed Second Substitute House Bill 1686]

HEALTH CARE ENTITY REGISTRY—REPORT

AN ACT Relating to creating a health care entity registry; adding a new section to chapter 43.70 RCW; and creating new sections.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Washington's health care landscape is changing rapidly. A 2023 report by the office of the insurance commissioner identified that Washington has experienced substantial horizontal consolidation and vertical integration across health care providers, facilities, and insurers;

(b) Washington's health care market is also experiencing investment from new for-profit entities such as private equity firms. While there were only four private equity acquisitions in Washington in 2014, this number had grown to 97 by 2023;

(c) These changes to Washington's health care landscape have not resolved access and affordability challenges. A 2024 survey of over 1,000 Washingtonians found that over half skipped needed care due to cost. Department of health data indicates substantial health disparities based on geographic location. Many rural Washingtonians experience health care deserts for essential care; and

(d) Washington is currently unable to evaluate how changes in the health care landscape are impacting access and affordability because the state lacks a complete and transparent registry of health care systems and entities. While the state collects some information about health insurers through annual financial statement filing requirements, there is no similar information available for other kinds of health care systems and entities. The office of financial management identified this critical data infrastructure gap in 2010, but it has not yet been resolved. Recent reports in 2023 and 2024 by the office of financial management, the office of the insurance commissioner, and the health care cost transparency board have indicated this data gap continues to prevent effective stewardship of health care resources and state health planning.

(2) Therefore, the legislature intends to develop a plan and recommendations with the goal of establishing a complete and interactive registry that will allow for the monitoring and measuring of changes in the health care landscape to better understand trends in health care market consolidation, with the goal of improving access and affordability.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in consultation with the health care authority, the office of the insurance commissioner, the office of the governor, and the office of financial management, and with input from stakeholders shall develop a plan and provide recommendations to the legislature as to how to create a complete and interactive registry of the health care landscape in Washington. The plan and recommendations must identify:

(a) The health care entities, including but not limited to licensed and unlicensed facilities, providers, provider groups, systems, carriers, and health care benefit managers, that must report;

(b) The information that each entity must report; and

(c) The fee to be charged to the registering entities, which may be tiered, to support the registration process and creation of the registry.

(2) In developing the plan and recommendations, the department must consider:

(a) Opportunities to streamline reporting and consider opportunities to allow for information sharing between state agencies for health care entities and health care providers licensed or certified by a state agency; and

(b) Strategies to fully understand and monitor the business structure, funding, and contractual relationships of health care entities in Washington, including the current status and future changes in the direct or indirect ownership, control, or affiliation of and between health care entities and other entities and organizations, including private equity investment, that serve Washingtonians.

(3) The department shall provide a progress update to the relevant health and fiscal committees of the legislature by December 31, 2027, and a final report by November 1, 2028. The final report must identify any remaining data gaps and recommend an implementation plan for the registry.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 10, 2025.
Passed by the Senate April 14, 2025.
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CHAPTER 143

[Second Substitute House Bill 1696]

COVENANT HOMEOWNERSHIP PROGRAM—MODIFICATION

AN ACT Relating to modifying the covenant homeownership program by adjusting the area median income threshold for program eligibility, introducing loan forgiveness, and modifying the oversight committee membership; and amending RCW 43.181.040 and 43.181.050.

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

Sec. 1. RCW 43.181.040 and 2023 c 340 s 6 are each amended to read as follows:

(1) As part of the covenant homeownership program, the department shall contract with the commission to design, develop, implement, and evaluate one or more special purpose credit programs to reduce racial disparities in homeownership in the state by providing down payment and closing cost assistance. The contract must authorize the commission to use the contract funding as follows:

(a) The contract must authorize the commission to use up to one percent of the contract funding for costs related to administering the program including, but not limited to, costs related to completing a covenant homeownership program study required under RCW 43.181.030, and other administrative, data collection, and reporting costs;

(b) The contract must authorize the commission to use up to one percent of the contract funding to provide targeted education, homeownership counseling, and outreach about special purpose credit programs created under this section to black, indigenous, and people of color and other historically marginalized communities in Washington state, including outreach to relevant affinity groups for mortgage lenders; and

(c) The contract must authorize the commission to use the remainder of the contract funding to provide down payment and closing cost assistance to program participants. This portion of the contract funding may not be used to provide any type of assistance other than down payment and closing cost assistance.

(2) The commission shall create one or more special purpose credit programs to provide down payment and closing cost assistance for the benefit of one or more economically disadvantaged classes of persons identified in a covenant homeownership program study under RCW 43.181.030. In creating a special purpose credit program, the commission must consider the evidence-based documentation and programmatic and policy recommendations set forth in the initial covenant homeownership program study and any subsequent program studies. If the covenant homeownership program study identifies an economically disadvantaged class or classes of persons that share one or more common characteristics such as, race, national origin, or sex and the board of the commission finds it necessary to consider this information in tailoring a special purpose credit program to provide credit assistance to economically disadvantaged classes of persons, the commission may consider these characteristics in designing and implementing the program.

(3) At minimum, a special purpose credit program authorized under this section must:

(a) Provide loans for down payment and closing cost assistance to program participants that can be combined with other forms of down payment and closing cost assistance;

(b) ((~~Require~~)) (i) Except as provided in (b)(ii) of this subsection, require a program participant to repay loans for down payment and closing cost assistance at the time that the house is sold;

(ii) For a program participant who has a household income at or below 80 percent of the area median income for the county where the home is located at the time that the loan is made, a special purpose credit program authorized under this section may fully forgive a loan entered into at any time after enactment of the special purpose credit program once the loan has been outstanding for at least five years; and

(c) Be implemented in conjunction with the commission's housing finance programs.

(4) To be eligible to receive down payment and closing cost assistance through a special purpose credit program authorized under this section, a special purpose credit program applicant must:

(a) Have a household income at or below ((~~100~~)) 120 percent of the area median income for the county where the home is located;

(b) Be a first-time homebuyer; and

(c)(i) Be a Washington state resident who:

(A) Was a Washington state resident on or before the enactment of the federal fair housing act (Title VIII of the civil rights act of 1968; P.L. 90-284; 82 Stat. 73) on April 11, 1968, and was or would have been excluded from homeownership in Washington state by a racially restrictive real estate covenant on or before April 11, 1968; or

(B) Is a descendant of a person who meets the criteria in (c)(i)(A) of this subsection;

(ii) Records that show a person's address on or about a specific date or include a reference indicating that a person is a resident of a specific city or area on or about a specific date may be used to provide proof that a person satisfies the criteria in (c)(i) of this subsection, such as genealogical records, vital records, church records, military records, probate records, public records, census data, newspaper clippings, and other similar documents.

(5) The commission may adopt rules, and shall adopt program policies, as necessary to implement this section. Program rules or policies must include procedures and standards for extending credit under the special purpose credit program, including program eligibility requirements. From time to time, including in response to a covenant homeownership program study's evaluation of program efficacy, the board of the commission may amend the special purpose credit programs, rules, and policies.

(6) By July 1, 2024, one or more of the special purpose credit programs must begin providing down payment and closing cost assistance to program participants.

(7) By December 31, 2025, and by each following December 31st, and in compliance with RCW 43.01.036, the commission shall submit an annual report to the appropriate committees of the legislature on the progress of the special purpose credit program or programs developed under this section. The report shall include, at minimum, the program eligibility requirements, the type and amount of down payment and closing cost assistance provided to program participants, the number of program participants and their corresponding eligibility categories, the location of property financed, and program outreach efforts. The report must be posted on the commission's website.

Sec. 2. RCW 43.181.050 and 2023 c 340 s 7 are each amended to read as follows:

(1) The department of financial institutions shall establish the covenant homeownership program oversight committee consisting of the following members appointed by the governor, except for the legislative members who must be appointed by the president of the senate or the speaker of the house of representatives as described in this section:

(a) One person who meets the eligibility criteria for the special purpose credit program described in RCW 43.181.040(4) and is from east of the crest of the Cascade mountains;

(b) One person who meets the eligibility criteria for the special purpose credit program described in RCW 43.181.040(4) and is from west of the crest of the Cascade mountains;

(c) One representative of an organization that operates a special purpose credit program, counseling service, or debt relief program that serves persons who were commonly subject to unlawful exclusions contained in racially restrictive real estate covenants as defined in RCW 43.181.010;

(d) One representative of a ((~~community-based~~)) nonprofit organization that ((~~specializes in the development of permanently affordable housing that serves~~)) provides housing counseling to persons who were commonly subject to unlawful exclusions contained in racially restrictive real estate covenants;

(e) One representative of the real estate sales profession;

(f) One representative of the home mortgage lending profession who has a minimum of five years' lending or underwriting experience;

(g) One representative of the nonprofit affordable housing development industry;

(h) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and

(i) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives.

(2)(a) Nonlegislative members shall each serve a three-year term, subject to renewal for no more than one additional three-year term. The oversight committee shall develop rules that provide for the staggering of terms so that, after the first two years of the committee's existence, the terms of one-third of the nonlegislative members expire each year.

(b) Legislative members shall each serve a two-year term, subject to renewal for no more than one additional two-year term.

(c) On the expiration of the term of each member, the governor, president of the senate, or the speaker of the house of representatives, as authorized under subsection (1) of this section, shall appoint a successor to serve for a term of two years if the successor is a legislative member, or three years if the successor is a nonlegislative member.

(d) The governor may remove a nonlegislative member of the oversight committee for cause. The president of the senate may remove a senator serving as a legislative member of the oversight committee for cause, and the speaker of the house of representatives may remove a member of the house of representatives serving as a legislative member of the oversight committee for cause.

(e) Vacancies on the oversight committee for any reason must be filled by appointment as authorized under subsection (1) of this section for the duration of the unexpired term.

(3) The oversight committee:

(a) Shall oversee and review the commission's activities and performance related to the program, including the commission's creation and administration of one or more special purpose credit programs authorized in RCW 43.181.040;

(b) Shall work with the department of financial institutions to convene meetings, create a charter and operating procedures, and to coordinate the oversight committee's ongoing activities;

(c) Shall convene the initial meeting of the oversight committee and select a chair by October 1, 2023;

(d) Shall work with the department of financial institutions to convene a meeting at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the committee;

(e) May conduct its meetings by conference telephone call, videoconference, or using similar technology that enables all persons participating in the meeting to hear each other at the same time; and

(f) May, from time to time, make recommendations to the appropriate committees of the legislature regarding the program.

(4)(a) The oversight committee is a class one group under RCW 43.03.220. Except as provided in (b) of this subsection, members of the committee receive no compensation for their services as members of the committee but may be reimbursed for travel and other expenses in accordance with rules adopted by the office of financial management.

(b) As authorized by RCW 43.03.220, the department of financial institutions may provide a stipend to individuals who are low income or have lived experience to support their participation on the oversight committee.

(5)(a) The department of commerce and the commission shall work together to supply the oversight committee and the department of financial institutions with any information requested by the oversight committee or the department of financial institutions that the oversight committee or the department of financial institutions deems necessary for the committee to carry out its duties under this section. This information may include, but is not limited to, books, accounts, records, policies, procedures, files, and information from relevant third parties.

(b) Any information shared among the oversight committee, the department of financial institutions, the department of commerce, and the commission that is confidential and exempt from public disclosure under RCW 42.56.270 shall remain confidential when received by the receiving party.

(6) The department of commerce and the commission must report to the oversight committee on a quarterly basis. The report must address the results of targeted education, homeownership counseling, and outreach efforts by the department of commerce as authorized under this chapter, and the results of any special purpose credit program formed by the commission under this chapter, and down payment and closing cost assistance to program participants.

(7)(a) The department of financial institutions shall:

(i) Provide subject matter expertise, administrative assistance, and staff support to the oversight committee; and

(ii) Work in coordination with the department of commerce and the commission to conduct outreach and financial education to the communities served by this chapter, in accordance with RCW 43.320.150.

(b) The department of financial institutions may:

(i) Have one or more staff present at oversight committee meetings;

(ii) Employ staff necessary to carry out the purposes of this section; and

(iii) Hire outside experts and other professionals it deems necessary to carry out its duties under this section.

(8) The department of commerce shall reimburse the department of financial institutions for costs related to the oversight committee from the moneys that the legislature appropriates to the department of commerce for this purpose from the covenant homeownership account under RCW 43.181.020(1).

Passed by the House March 6, 2025.

Passed by the Senate April 14, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 23, 2025.

CHAPTER 144

[House Bill 1755]

HOSPITALS—CERTIFICATE OF NEED—ELECTIVE PERCUTANEOUS CORONARY INTERVENTION

AN ACT Relating to exempting elective percutaneous coronary intervention performed in certain hospitals owned or operated by a state entity from certificate of need requirements; and reenacting and amending RCW 70.38.111.

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

Sec. 1. RCW 70.38.111 and 2024 c 259 s 5, 2024 c 165 s 1, and 2024 c 121 s 23 are each reenacted and amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least 50,000 individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least 75 percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least 50,000 individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least 75 percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least 50,000 individuals and, on the date the application is submitted under subsection (2) of this section, at least 15 years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least 75 percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least 30 days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within 30 days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in subsection (1)(c) of this section which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in subsection (1)(c) of this section unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of subsection (1)(a)(i) of this section, and (ii) with respect to such facility, meets the requirements of subsection (1)(a)(ii) or (iii) of this section or the requirements of subsection (1)(b)(i) and (ii) of this section.

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least 30 days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and

formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of this chapter.

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than 30 days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of 90 days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating

need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least 10 continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than 40 patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (10) in its calculations for future certificate of need applications.

(11) To alleviate the need to board psychiatric patients in emergency departments and increase capacity of hospitals to serve individuals on 90-day or 180-day commitment orders, for the period of time from May 5, 2017, through June 30, 2028:

(a) The department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this subsection (11)(a) shall be valid for two years.

(b) The department may not require a certificate of need for:

(i) The addition of beds as described in RCW 70.38.260 (2) and (3); or

(ii) The construction, development, or establishment of a behavioral health hospital licensed as an establishment under chapter 71.12 RCW that will have no more than 16 beds and provide treatment to adults on 90 or 180-day involuntary commitment orders, as described in RCW 70.38.260(4).

(12)(a) An ambulatory surgical facility is exempt from all certificate of need requirements if the facility:

(i) Is an individual or group practice and, if the facility is a group practice, the privilege of using the facility is not extended to physicians outside the group practice;

(ii) Operated or received approval to operate, prior to January 19, 2018; and

(iii) Was exempt from certificate of need requirements prior to January 19, 2018, because the facility either:

(A) Was determined to be exempt from certificate of need requirements pursuant to a determination of reviewability issued by the department; or

(B) Was a single-specialty endoscopy center in existence prior to January 14, 2003, when the department determined that endoscopy procedures were surgeries for purposes of certificate of need.

(b) The exemption under this subsection:

(i) Applies regardless of future changes of ownership, corporate structure, or affiliations of the individual or group practice as long as the use of the facility remains limited to physicians in the group practice; and

(ii) Does not apply to changes in services, specialties, or number of operating rooms.

(13) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416 is not subject to certificate of need review under this chapter.

(14) Hospital at-home services, as defined in RCW 70.41.550, are not subject to certificate of need review under this chapter.

(15) Elective percutaneous coronary intervention provided in a hospital that is owned or operated by a state entity shall not require a certificate of need for these services.

Passed by the House March 8, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 145

[Engrossed Substitute Senate Bill 5480]

MEDICAL DEBT—CONSUMER CREDIT REPORTING

AN ACT Relating to protecting consumers by removing barriers created by medical debt; amending RCW 19.16.100, 19.182.040, 70.41.400, and 70.54.005; reenacting and amending RCW 19.16.250; and adding a new section to chapter 70.54 RCW.

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

Sec. 1. RCW 19.16.100 and 2020 c 30 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Board" means the Washington state collection agency board.

(2) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(3) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

(4) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself or herself in his or her own name;

(c) Any person who in attempting to collect or in collecting his or her own claim uses a fictitious name or any name other than his or her own which would indicate to the debtor that a third person is collecting or attempting to collect such claim;

(d) A debt buyer as defined in this section;

(e) Any person or entity attempting to enforce a lien under chapter 60.44 RCW, other than the person or entity originally entitled to the lien.

(5) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer;

(c) Any person whose collection activities are carried on in his, her, or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to: Trust companies; savings and loan associations; building and loan associations; abstract companies doing an escrow business; real estate brokers; property management companies collecting assessments, charges, or fines on behalf of condominium unit owners associations, associations of apartment owners, or homeowners' associations; public officers acting in their official capacities; persons acting under court order; lawyers; insurance companies; credit unions; loan or finance companies; mortgage banks; and banks;

(d) Any person who on behalf of another person prepares or mails monthly or periodic statements of accounts due if all payments are made to that other person and no other collection efforts are made by the person preparing the statements of account;

(e) An "out-of-state collection agency" as defined in this chapter; or

(f) Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom it is so related or affiliated and if the principal business of the person is not the collection of debts.

(6) "Commercial claim" means any obligation for payment of money or thing of value arising out of any agreement or contract, express or implied, where the transaction which is the subject of the agreement or contract is not primarily for personal, family, or household purposes.

(7) "Debt buyer" means any person or entity that is engaged in the business of purchasing delinquent or charged off claims for collection purposes, whether it collects the claims itself or hires a third party for collection or an attorney for litigation in order to collect such claims.

(8) "Debtor" means any person owing or alleged to owe a claim.

(9) "Director" means the director of licensing.

(10) "Licensee" means any person licensed under this chapter.

(11) "Medical debt" means any ((~~obligation for the payment of money arising out of any agreement or contract, express or implied, for the provision of health care services as defined in RCW 48.44.010. In the context of "medical debt," "charity care" has the same meaning as provided in RCW 70.170.020.~~)) debt owed by a consumer to a person whose primary business is providing medical services, products, or devices, or to the person's agent or assignee, for the provision of medical services, products, or devices. Medical debt includes, but is not limited to, medical bills that are not past due or that have been paid. For the purposes of this subsection, "medical service, product, or device" includes, but is not limited to, any service, drug, medication, product, or device sold, offered, or provided to a patient by a health care provider or health care facility, as defined in RCW 48.43.005, except that it does not include cosmetic surgery. "Cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved party.

(12) "Out-of-state collection agency" means a person whose activities within this state are limited to collecting debts from debtors located in this state by means of interstate communications, including telephone, mail, or facsimile transmission, from the person's location in another state on behalf of clients located outside of this state, but does not include any person who is excluded from the definition of the term "debt collector" under the federal fair debt collection practices act (15 U.S.C. Sec. 1692a(6)).

(13) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(14) "Statement of account" means a report setting forth only amounts billed, invoices, credits allowed, or aged balance due.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.54 RCW to read as follows:

(1) A medical debt is void and unenforceable if a person, health care provider, health care facility, or licensed collection agency violates this section by furnishing information regarding the medical debt to a consumer credit reporting agency.

(2) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Sec. 3. RCW 19.16.250 and 2019 c 227 s 4 and 2019 c 201 s 2 are each reenacted and amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this chapter shall prevent a licensee from accepting, as forwardee, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (10)(e) of this section.

(4) Have in his or her possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the unauthorized practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or her or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form, other than through proper legal action, process, or proceedings, which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he or she is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall provide this name to the debtor or cease efforts to collect on the debt until this information is provided;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or her or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or

assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or her or its behalf or on the behalf of a customer or assignor; and

(vi) Any other charge or fee that the licensee is attempting to collect on his or her or its own behalf or on the behalf of a customer or assignor;

(d) If the notice, letter, message, or form concerns a judgment obtained against the debtor, no itemization of the amounts contained in the judgment is required, except postjudgment interest, if claimed, and the current account balance;

(e) If the notice, letter, message, or form is the first notice to the debtor, an itemization of the claim asserted must be made including the following information:

(i) The original account number or redacted original account number assigned to the debt, if known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee must make a reasonable effort to obtain this information or cease efforts to collect on the debt until this information is provided; and

(ii) The date of the last payment to the creditor on the subject debt by the debtor, if known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee must make a reasonable effort to obtain this information or cease efforts to collect on the debt until this information is provided.

(9) Communicate in writing with a debtor concerning a claim through a proper legal action, process, or proceeding, where such communication is the first written communication with the debtor, without providing the information set forth in subsection (8)(c) of this section in the written communication.

(10) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) Except as provided in subsection (28)(((~~(e)~~))) (a)(iii) of this section, a licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim. If the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall, upon receipt of written notice from the debtor that any part of the claim is disputed, notify the credit reporting bureau of the dispute by written or electronic means and create a record of the fact of the notification and when the notification was provided;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his or her last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his or her last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his or her last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(11) Threaten the debtor with impairment of his or her credit rating if a claim is not paid: PROVIDED, That advising a debtor that the licensee has reported or intends to report a claim to a credit reporting agency is not considered a threat if the licensee actually has reported or intends to report the claim to a credit reporting agency.

(12) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or she or it again receives notification in writing that an attorney is representing the debtor.

(13) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week, unless the licensee is responding to a communication from the debtor or spouse;

(b) It is made with a debtor at his or her place of employment more than one time in a single week, unless the licensee is responding to a communication from the debtor;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m. A call to a telephone is presumed to be received in the local time zone to which the area code of the number called is assigned for landline numbers, unless the licensee reasonably believes the telephone is located in a different time zone. If the area code is not assigned to landlines in any specific geographic area, such as with toll-free telephone numbers, a call to a telephone is presumed to be received in the local time zone of the debtor's last known place of residence, unless the licensee reasonably believes the telephone is located in a different time zone.

(14) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(15) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(16) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(17) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made: PROVIDED, That:

(a) This subsection does not prohibit a licensee from attempting to communicate by way of a cellular telephone or other wireless device: PROVIDED, That a licensee cannot cause charges to be incurred to the recipient of the attempted communication more than three times in any calendar week when the licensee knows or reasonably should know that the number belongs to a cellular telephone or other wireless device, unless the licensee is responding to a communication from the debtor or the person to whom the call is made.

(b) The licensee is not in violation of (a) of this subsection if the licensee at least monthly updates its records with information provided by a commercial provider of cellular telephone lists that the licensee in good faith believes provides reasonably current and comprehensive data identifying cellular telephone numbers, calls a number not appearing in the most recent list provided by the commercial provider, and does not otherwise know or reasonably should know that the number belongs to a cellular telephone.

(c) This subsection may not be construed to increase the number of communications permitted pursuant to subsection (13)(a) of this section.

(18) Call, or send a text message or other electronic communication to, a cellular telephone or other wireless device more than twice in any day when the licensee knows or reasonably should know that the number belongs to a cellular

telephone or other wireless device, unless the licensee is responding to a communication from the debtor or the person to whom the call, text message, or other electronic communication is made. The licensee is not in violation of this subsection if the licensee at least monthly updates its records with information provided by a commercial provider of cellular telephone lists that the licensee in good faith believes provides reasonably current and comprehensive data identifying cellular telephone numbers, calls a number not appearing in the most recent list provided by the commercial provider, and does not otherwise know or reasonably should know that the number belongs to a cellular telephone. Nothing in this subsection may be construed to increase the number of communications permitted pursuant to subsection (13)(a) of this section.

(19) Intentionally block its telephone number from displaying on a debtor's telephone.

(20) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(21) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs. A licensee may collect or attempt to collect collection costs and fees, including contingent collection fees, as authorized by a written agreement or contract, between the licensee's client and the debtor, in the collection of a commercial claim. The amount charged to the debtor for collection services shall not exceed thirty-five percent of the commercial claim.

(22) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, except as noted in subsection (21) of this section, and, in the case of suit, attorney's fees and taxable court costs.

(23) Bring an action or initiate an arbitration proceeding on a claim when the licensee knows, or reasonably should know, that such suit or arbitration is barred by the applicable statute of limitations.

(24) Upon notification by a debtor that the debtor disputes all debts arising from a series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, initiate oral contact with a debtor more than one time in an attempt to collect from the debtor debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (a) Within the previous one hundred eighty days, in response to the licensee's attempt to collect the initial debt assigned to the licensee and arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, the debtor in writing notified the licensee that the debtor's checkbook or other series of preprinted written instruments was stolen or fraudulently created; (b) the licensee has received from the debtor a certified copy of a police report referencing the theft or fraudulent creation of the checkbook, automated clearinghouse transactions on a demand deposit account, or series of preprinted written instruments; (c) in the written notification to the licensee or in the police report, the debtor identified the financial institution

where the account was maintained, the account number, the magnetic ink character recognition number, the full bank routing and transit number, and the check numbers of the stolen checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, which check numbers included the number of the check that is the subject of the licensee's collection efforts; (d) the debtor provides, or within the previous one hundred eighty days provided, to the licensee a legible copy of a government-issued photo identification, which contains the debtor's signature and which was issued prior to the date of the theft or fraud identified in the police report; and (e) the debtor advised the licensee that the subject debt is disputed because the identified check, automated clearinghouse transaction on a demand deposit account, or other preprinted written instrument underlying the debt is a stolen or fraudulently created check or instrument.

The licensee is not in violation of this subsection if the licensee initiates oral contact with the debtor more than one time in an attempt to collect debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (i) The licensee acted in good faith and relied on their established practices and procedures for batching, recording, or packeting debtor accounts, and the licensee inadvertently initiates oral contact with the debtor in an attempt to collect debts in the identified series subsequent to the initial debt assigned to the licensee; (ii) the licensee is following up on collection of a debt assigned to the licensee, and the debtor has previously requested more information from the licensee regarding the subject debt; (iii) the debtor has notified the licensee that the debtor disputes only some, but not all the debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, in which case the licensee shall be allowed to initiate oral contact with the debtor one time for each debt arising from the series of identified checks, automated clearinghouse transactions on a demand deposit account, or written instruments and initiate additional oral contact for those debts that the debtor acknowledges do not arise from stolen or fraudulently created checks or written instruments; (iv) the oral contact is in the context of a judicial, administrative, arbitration, mediation, or similar proceeding; or (v) the oral contact is made for the purpose of investigating, confirming, or authenticating the information received from the debtor, to provide additional information to the debtor, or to request additional information from the debtor needed by the licensee to accurately record the debtor's information in the licensee's records.

(25) Bring an action or initiate an arbitration proceeding on a claim for any amounts related to a transfer of sale of a vehicle when:

(a) The licensee has been informed or reasonably should know that the department of licensing transfer of sale form was filed in accordance with RCW 46.12.650 (1) through (3);

(b) The licensee has been informed or reasonably should know that the transfer of the vehicle either (i) was not made pursuant to a legal transfer or (ii) was not voluntarily accepted by the person designated as the purchaser/transferee; and

(c) Prior to the commencement of the action or arbitration, the licensee has received from the putative transferee a copy of a police report referencing that

the transfer of sale of the vehicle either (i) was not made pursuant to a legal transfer or (ii) was not voluntarily accepted by the person designated as the purchaser/transferee.

(26) Submit an affidavit or other request pursuant to chapter 6.32 RCW asking a superior or district court to transfer a bond posted by a debtor subject to a money judgment to the licensee, when the debtor has appeared as required.

(27) Serve a debtor with a summons and complaint unless the summons and complaint have been filed with the court and bear the case number assigned by the court.

(28)(a) If the claim involves medical debt:

(((~~(a)~~))) (i) Fail to include, with the first written notice to the debtor, a statement that informs the debtor of the debtor's right to request the original account number or redacted original account number assigned to the debt, the date of the last payment, and an itemized statement as provided in (((~~(b)~~))) (a)(ii) of this subsection (28);

(((~~(b)(i)~~))) (ii)(A) Fail to provide to the debtor, upon written or oral request by the debtor for more information than is contained in a general balance due letter, an itemized statement free of charge. Unless and until the licensee provides the itemized statement, the licensee must cease all collection efforts. The itemized statement must include:

(((~~(A)~~))) (I) The name and address of the medical creditor;

(((~~(B)~~))) (II) The date, dates, or date range of service;

(((~~(C)~~))) (III) The health care services provided to the patient as indicated by the health care provider in a statement provided to the licensee;

(((~~(D)~~))) (IV) The amount of principal for any medical debt or debts incurred;

(((~~(E)~~))) (V) Any adjustment to the bill, such as negotiated insurance rates or other discounts;

(((~~(F)~~))) (VI) The amount of any payments received, whether from the patient or any other party;

(((~~(G)~~))) (VII) Any interest or fees; and

(((~~(H)~~))) (VIII) Whether the patient was found eligible for charity care or other reductions and, if so, the amount due after all charity care and other reductions have been applied to the itemized statement;

(((~~(ii)~~))) (B) In the event the debtor has entered into a voluntary payment agreement, the debtor shall give notice if he or she wants the payment plan discontinued. If no notice is given, the payment arrangement may continue.

(((~~(iii)~~))) (C) Properly executed postjudgment writs, including writs of garnishment and execution, are not required to be ceased and second or subsequent requests for information already provided do not require the cessation of collection efforts;

(((~~(c)~~))) (iii) Report adverse information to consumer credit reporting agencies or credit bureaus ((~~until at least one hundred eighty days after the original obligation was received by the licensee for collection or by assignment~~)).

(b) The legislature finds that the practices covered by this subsection are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this subsection is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of

competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(29) If the claim involves hospital debt:

(a) Fail to include, with the first written notice to the debtor, a notice that the debtor may be eligible for charity care from the hospital, together with the contact information for the hospital;

(b) Collect or attempt to collect a claim related to hospital debt during the pendency of an application for charity care sponsorship or an appeal from a final determination of charity care sponsorship status. However, this prohibition is only applicable if the licensee has received notice of the pendency of the application or appeal.

Sec. 4. RCW 19.182.040 and 2011 c 333 s 2 are each amended to read as follows:

(1) Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information:

(a) Bankruptcies that, from date of adjudication of the most recent bankruptcy, antedate the report by more than ten years;

(b) Suits and judgments that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;

(c) Paid tax liens that, from date of payment, antedate the report by more than seven years;

(d) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years;

(e) Records of arrest, indictment, or conviction of an adult for a crime that, from date of disposition, release, or parole, antedate the report by more than seven years;

(f) Juvenile records, as defined in RCW 13.50.010(1)((~~(e)~~)) (f), when the subject of the records is twenty-one years of age or older at the time of the report; ((~~and~~))

(g) Medical debt, as defined in RCW 19.16.100; and

(h) Any other adverse item of information that antedates the report by more than seven years.

(2) Subsection (1)(a) through (e) and ((~~(g)~~)) (h) of this section is not applicable in the case of a consumer report to be used in connection with:

(a) A credit transaction involving, or that may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(c) The employment of an individual at an annual salary that equals, or that may reasonably be expected to equal, twenty thousand dollars or more.

Sec. 5. RCW 70.41.400 and 2006 c 60 s 2 are each amended to read as follows:

(1) Prior to or upon discharge, a hospital must furnish each patient receiving inpatient services a written statement providing a list of physician groups and other professional partners that commonly provide care for patients at the hospital and from whom the patient may receive a bill, along with contact phone

numbers for those groups. The statement must prominently display a phone number that a patient can call for assistance if the patient has any questions about any of the bills they receive after discharge that relate to their hospital stay.

(2)(a) Hospitals, physician groups, and other professional partners may not furnish information relating to a medical debt as defined in RCW 19.16.100 to a consumer credit reporting agency. A medical debt is void and unenforceable if a hospital, physician group, or professional partner violates this subsection (2)(a).

(b) A violation of (a) of this subsection is deemed a violation of the law governing the license of the hospital, physician group, or professional partner.

(3) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(4) This section does not apply to any hospital owned or operated by a health maintenance organization under chapter 48.46 RCW when providing prepaid health care services to enrollees of the health maintenance organization or any of its wholly owned subsidiary carriers.

Sec. 6. RCW 70.54.005 and 1989 1st ex.s. c 9 s 250 are each amended to read as follows:

The powers and duties of the secretary of social and health services under this chapter shall be performed by the secretary of health, except where specified in this chapter.

Passed by the Senate February 26, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 146

[Substitute Senate Bill 5493]

HOSPITAL PRICE TRANSPARENCY

AN ACT Relating to hospital price transparency; and adding a new section to chapter 70.41 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 70.41 RCW to read as follows:

(1) By July 1, 2027, hospitals shall publish all data and comply with all rules related to hospital price transparency pursuant to 45 C.F.R. Part 180, subparts A and B, as they existed on January 1, 2025.

(2) Beginning July 1, 2027, hospitals shall submit the most recent machine-readable file containing a list of all standard charges for all hospital items or services and the most recent consumer-friendly list of standard charges for a limited set of shoppable services, as required in federal rule, to the department at least once a year.

Passed by the Senate March 11, 2025.

Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 147

[Senate Bill 5498]

HEALTH PLANS—CONTRACEPTIVE COVERAGE

AN ACT Relating to contraceptive coverage; amending RCW 48.43.195; and providing an effective date.

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

Sec. 1. RCW 48.43.195 and 2017 c 293 s 2 are each amended to read as follows:

(1) A health benefit plan issued or renewed on or after January 1, ((~~2018~~)) 2026, that includes coverage for contraceptive drugs must provide reimbursement for a ((~~twelve-month refill~~)) 12-month supply of contraceptive drugs obtained at one time by the enrollee, unless the enrollee requests a smaller supply or the prescribing provider instructs that the enrollee must receive a smaller supply. The health plan must allow enrollees to receive the contraceptive drugs on-site at the provider's office, if available. Any dispensing practices required by the plan must follow clinical guidelines for appropriate prescribing and dispensing to ensure the health of the patient while maximizing access to effective contraceptive drugs.

(2) Nothing in this section prohibits a health plan from limiting refills that may be obtained in the last quarter of the plan year if a ((~~twelve-month~~)) 12-month supply of the contraceptive drug has already been dispensed during the plan year.

(3) For purposes of this section, "contraceptive drugs" means all drugs approved by the United States food and drug administration that are used to prevent pregnancy, including, but not limited to, hormonal drugs administered orally, transdermally, and intravaginally.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2026.

Passed by the Senate March 3, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 148

[Substitute Senate Bill 5558]

GROWTH MANAGEMENT COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION UPDATES—TIMELINES

AN ACT Relating to timelines for growth management comprehensive plan and development regulation updates; and amending RCW 36.70A.130, 36.70A.630, 36.70A.635, and 36.70A.680.

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

Sec. 1. RCW 36.70A.130 and 2024 c 17 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b)(i) A city or town located within a county planning under RCW 36.70A.040 may opt out of a full review and revisions of its comprehensive plan established in this section if the city or town meets the following criteria:

(A) Has a population fewer than 500;

(B) Is not located within 10 miles of a city with a population over 100,000;

(C) Experienced a population growth rate of fewer than 10 percent in the preceding 10 years; and

(D) Has provided the department with notice of its intent to participate in a partial review and revision of its comprehensive plan.

(ii) The department shall review the population growth rate for a city or town participating in the partial review and revision of its comprehensive plan process at least three years before the periodic update is due as outlined in subsection (4) of this section and notify cities of their eligibility.

(iii) A city or town that opts out of a full review and revision of its comprehensive plan must update its critical areas regulations and its capital facilities element and its transportation element.

(c) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(d) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent 10-year population forecast by the office of financial management.

(e) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments

may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the 100 year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, patterns of development occurring within the urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding 20-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas

that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met:

(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

(iv) The areas added to the urban growth areas are suitable for urban growth;

(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

(vi) The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;

(vii) The areas removed from the urban growth area do not include urban growth or urban densities; and

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) Except as provided in subsection (10) of this section, on or before December 31, 2024, with the following review and, if needed, revision on or

before June 30, 2034, and then every 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before December 31, 2025, with the following review and, if needed, revision on or before June 30, 2035, and then every 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before ((~~June 30~~)) December 31, 2026, with the following review and, if needed, revision, on or before June 30, 2036, and every 10 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the 24 months following the deadline established in subsection (5) of this section: The county has a population of less than 50,000 and has had its population increase by no more than 17 percent in the 10 years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the 24 months following the deadline established in subsection (5) of this section: The city has a population of no more than 5,000 and has had its population increase by the greater of either no more than 100 persons or no more than 17 percent in the 10 years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.

(b) A county or city that is fewer than 12 months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities

in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning 10 years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

(9)(a) Counties subject to planning deadlines established in subsection (5) of this section that are required or that choose to plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or (ii) of this subsection, and cities with a population of more than 6,000 as of April 1, 2021, within those counties, must provide to the department an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. Once a county meets the criteria in (a)(i) or (ii) of this subsection, the implementation progress report requirements remain in effect thereafter for that county and the cities therein with populations greater than 6,000 as of April 1, 2021, even if the county later no longer meets either or both criteria. A county is subject to the implementation progress report requirement if it meets either of the following criteria on or after April 1, 2021:

(i) The county has a population density of at least 100 people per square mile and a population of at least 200,000; or

(ii) The county has a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(b) The department shall adopt guidelines for indicators, measures, milestones, and criteria for use by counties and cities in the implementation progress report that must cover:

(i) The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability within the jurisdiction;

(ii) Permit processing timelines; and

(iii) Progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.

(c) If a city or county required to provide an implementation progress report under this subsection (9) has not implemented any specifically identified regulations, zoning and land use changes, or taken other legislative or administrative action necessary to implement any changes in the most recent periodic update in their comprehensive plan by the due date for the implementation progress report, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

(10) Any county or city that is required by RCW 36.70A.095 to include in its comprehensive plan a climate change and resiliency element and that is also required by subsection (5)(a) of this section to review and, if necessary, revise its comprehensive plan on or before December 31, 2024, must update its transportation element and incorporate a climate change and resiliency element into its comprehensive plan as part of the first implementation progress report required by subsection (9) of this section if funds are appropriated and distributed by December 31, 2027, as required under RCW 36.70A.070(10).

Sec. 2. RCW 36.70A.630 and 2023 c 333 s 1 are each amended to read as follows:

(1) For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.

(2) Except as provided in subsection (3) of this section, counties and cities planning under RCW 36.70A.040 may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation:

(a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and

(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

(3) The provisions of subsection (2) of this section do not apply to development regulations that apply only to designated landmarks or historic districts established under a local preservation ordinance.

(4) Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3), and no design review process may include more than one public meeting.

(5) A county or city must comply with the requirements of this section ((~~beginning six months after its~~)) at the same time as the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

Sec. 3. RCW 36.70A.635 and 2024 c 152 s 2 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, any city that is required or chooses to plan under RCW 36.70A.040 must provide by ordinance and incorporate into its development regulations, zoning regulations, and other official controls, authorization for the following:

(a) For cities with a population of at least 25,000 but less than 75,000 based on office of financial management population estimates:

(i) The development of at least two units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies;

(ii) The development of at least four units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, within one-quarter mile walking distance of a major transit stop; and

(iii) The development of at least four units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, if at least one unit is affordable housing.

(b) For cities with a population of at least 75,000 based on office of financial management population estimates:

(i) The development of at least four units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies;

(ii) The development of at least six units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, within one-quarter mile walking distance of a major transit stop; and

(iii) The development of at least six units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, if at least two units are affordable housing.

(c) For cities with a population of less than 25,000, that are within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on office of financial management population estimates the development of at least two units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies.

(2)(a) To qualify for the additional units allowed under subsection (1) of this section, the applicant must commit to renting or selling the required number of units as affordable housing. The units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions adopted by the local government under this chapter. A city must require the applicant to record a

covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years. The covenant or deed restriction must also address criteria and policies to maintain public benefit if the property is converted to a use other than which continues to provide for permanently affordable housing.

(b) The units dedicated as affordable must be provided in a range of sizes comparable to other units in the development. To the extent practicable, the number of bedrooms in affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units must generally be distributed throughout the development and have substantially the same functionality as the other units in the development.

(c) If a city has enacted a program under RCW 36.70A.540, the terms of that program govern to the extent they vary from the requirements of this subsection.

(3) If a city has enacted a program under RCW 36.70A.540, subsection (1) of this section does not preclude the city from requiring any development, including development described in subsection (1) of this section, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand such a program or modify its requirements.

(4)(a) As an alternative to the density requirements in subsection (1) of this section, a city may implement the density requirements in subsection (1) of this section for at least 75 percent of lots in the city that are primarily dedicated to single-family detached housing units.

(b) The 25 percent of lots for which the requirements of subsection (1) of this section are not implemented must include but are not limited to:

(i) Any areas within the city for which the department has certified an extension of the implementation timelines under RCW 36.70A.637 due to the risk of displacement;

(ii) Any areas within the city for which the department has certified an extension of the implementation timelines under RCW 36.70A.638 due to a lack of infrastructure capacity;

(iii) Any lots, parcels, and tracts designated with critical areas or their buffers that are exempt from the density requirements as provided in subsection (8) of this section;

(iv) Any portion of a city within a one-mile radius of a commercial airport with at least 9,000,000 annual enplanements that is exempt from the parking requirements under subsection (7)(b) of this section; and

(v) Any areas subject to sea level rise, increased flooding, susceptible to wildfires, or geological hazards over the next 100 years.

(c) Unless identified as at higher risk of displacement under RCW 36.70A.070(2)(g), the 25 percent of lots for which the requirements of subsection (1) of this section are not implemented may not include:

(i) Any areas for which the exclusion would further racially disparate impacts or result in zoning with a discriminatory effect;

(ii) Any areas within one-half mile walking distance of a major transit stop; or

(iii) Any areas historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area, as known to the city at the time of each comprehensive plan update.

(5) A city subject to the requirements of subsection (1)(a) or (b) of this section must allow at least six of the nine types of middle housing to achieve the unit density required in subsection (1) of this section. A city may allow accessory dwelling units to achieve the unit density required in subsection (1) of this section. Cities are not required to allow accessory dwelling units or middle housing types beyond the density requirements in subsection (1) of this section. A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density required in subsection (1) of this section.

(6) Any city subject to the requirements of this section:

(a) If applying design review for middle housing, only administrative design review shall be required;

(b) Except as provided in (a) of this subsection, shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences, including, but not limited to, set-back, lot coverage, stormwater, clearing, and tree canopy and retention requirements;

(c) Shall apply to middle housing the same development permit and environmental review processes that apply to detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW;

(d) Shall not require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop;

(e) Shall not require more than one off-street parking space per unit as a condition of permitting development of middle housing on lots no greater than 6,000 square feet before any zero lot line subdivisions or lot splits;

(f) Shall not require more than two off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits; and

(g) Are not required to achieve the per unit density under chapter 332, Laws of 2023 on lots after subdivision below 1,000 square feet unless the city chooses to enact smaller allowable lot sizes.

(7) The provisions of subsection (6)(d) through (f) of this section do not apply:

(a) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of subsection (6)(d) through (f) of this section for middle housing will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities on items to include in the study; or

(b) To portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(8) The provisions of this section do not apply to:

(a) Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met;

(b) Areas designated as sole-source aquifers by the United States environmental protection agency on islands in the Puget Sound;

(c) A watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d));

(d) Lots that have been designated urban separators by countywide planning policies as of July 23, 2023; or

(e) A lot that was created through the splitting of a single residential lot.

(9) Nothing in this section prohibits a city from permitting detached single-family residences.

(10) Nothing in this section requires a city to issue a building permit if other federal, state, and local requirements for a building permit are not met.

(11) A city must comply with the requirements of this section on the latter of:

(a) ((~~Six months after its~~)) Its next periodic comprehensive plan update required under RCW 36.70A.130 if the city meets the population threshold based on the 2020 office of financial management population data; or

(b) 12 months after their next implementation progress report required under RCW 36.70A.130 after a determination by the office of financial management that the city has reached a population threshold established under this section.

(12) A city complying with this section and not granted a timeline extension under RCW 36.70A.638 does not have to update its capital facilities plan element required by RCW 36.70A.070(3) to accommodate the increased housing required by chapter 332, Laws of 2023 until the first periodic comprehensive plan update required for the city under RCW 36.70A.130(5) that occurs on or after June 30, 2034.

(13) Until June 30, 2026, for cities subject to a growth target adopted under RCW 36.70A.210 that limit the maximum residential capacity of the jurisdiction, any additional residential capacity required by this section for lots, parcels, and tracts with critical areas or critical area buffers outside of critical areas or their buffers may not be considered an inconsistency with the countywide planning policies, multicounty planning policies, or growth targets adopted under RCW 36.70A.210.

Sec. 4. RCW 36.70A.680 and 2023 c 334 s 3 are each amended to read as follows:

(1)(a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of RCW 36.70A.681, to take effect ((~~six months after~~)) at the same time as the

jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and RCW 36.70A.681 supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and RCW 36.70A.681 must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or RCW 36.70A.681 is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or RCW 36.70A.681 requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in RCW 36.70A.681 prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to RCW 36.70A.681;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.

Passed by the Senate March 5, 2025.

Passed by the House April 10, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 23, 2025.

CHAPTER 149

[Senate Bill 5641]

BLOOD DONATION—PUBLIC SCHOOL INSTRUCTION

AN ACT Relating to public school instruction in awareness of blood donation; amending RCW 28A.210.430; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature recognizes that increasing awareness of blood donation is crucial to addressing the growing need for a reliable and diverse blood supply. Just as bone marrow donation awareness has been shown to save lives, education about blood donation can empower students to become future donors, ensuring a safe and sustainable blood supply for patients in need.

By integrating blood donation awareness into existing instruction, students will gain knowledge about the life-saving impact of blood donation, eligibility requirements, and opportunities to participate in donation programs. The legislature intends for this instruction to complement existing health education requirements and increase opportunities for students to engage in civic and community health initiatives.

Sec. 2. RCW 28A.210.430 and 2023 c 219 s 2 are each amended to read as follows:

(1) Each school district, charter school, and state-tribal education compact school that serves students in any of grades nine through 12 is encouraged to offer instruction in awareness of bone marrow and blood donation to students as provided in this section. Beginning with the ((~~2023-24~~)) 2025-26 school year, instruction in awareness of bone marrow and blood donation may be included in at least one health class necessary for graduation.

(2)(a) Instruction in awareness of bone marrow and blood donation under this section must be an instructional program provided by the national marrow donor program, the American red cross, America's blood centers, Bloodworks Northwest, or other relevant nationally recognized ((~~organization~~)) organizations focused on either bone marrow or blood donation, or both.

(b) The office of the superintendent of public instruction must post on its website a link to the instructional programs described in this subsection (2).

(3) Each school district, charter school, and state-tribal education compact school that serves students in any of grades kindergarten through eight may offer instruction in awareness of bone marrow and blood donation to students. The instruction described in subsection (2) of this section may be adapted to be age appropriate.

(4) School districts, charter schools, and state-tribal education compact schools may offer the instruction in awareness of bone marrow and blood donation directly or arrange for the instruction to be provided by available community-based providers. The instruction does not have to be provided by certificated instructional staff.

Passed by the Senate March 5, 2025.

Passed by the House April 9, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 23, 2025.

CHAPTER 150

[Substitute Senate Bill 5655]

CHILD CARE CENTERS—EXISTING BUILDINGS—OCCUPANCY LOAD CALCULATION

AN ACT Relating to child care centers operated in existing buildings; amending RCW 43.216.265; adding a new section to chapter 19.27 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that there is a need for more child care services for working people. There is a public benefit when communities can use existing buildings rather than permitting new buildings to be built on open land. Churches are one type of building that often have rooms designed for education or care of children that are separate from the main sanctuary or congregational room. The legislature intends to clarify statutes so that building owners, and especially churches, are more likely to offer existing spaces for child care services.

NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27 RCW to read as follows:

When a child care center is operated in a dedicated space within an existing building that has more than one use, the building official must calculate the occupancy load of the child care center based only on the areas in the building where the child care services are provided. This requirement applies when administering and enforcing any of the building codes adopted in accordance with and pursuant to the authority in this chapter.

Sec. 3. RCW 43.216.265 and 2018 c 58 s 42 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the secretary and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to this chapter necessary to protect all persons residing therein from fire hazards;

(2) To adopt licensing minimum standard requirements to allow children who attend classes in a school building during school hours to remain in the same building to participate in before-school or after-school programs and to allow participation in such before-school and after-school programs by children who attend other schools and are transported to attend such before-school and after-school programs;

(3) To make or cause to be made such inspections and investigations of agencies as he or she deems necessary;

(4) To make a periodic review of requirements under RCW 43.216.250(8) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(5) To issue to applicants for licenses under this chapter who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department before a license shall be issued, except that an initial license may be issued as provided in RCW 43.216.315;

(6) When a child care center is operated in a dedicated space within an existing building that has more than one use, to calculate the occupancy load of

the child care center based only on the area in the building where the child care services are provided.

Passed by the Senate February 25, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 151

[Senate Bill 5656]

AQUATIC LEASES—INFLATION RATE INDEX

AN ACT Relating to modifying the definition of inflation rate for aquatic leases; and amending RCW 79.105.060.

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

Sec. 1. RCW 79.105.060 and 2021 c 148 s 2 are each amended to read as follows:

The definitions in this section apply throughout chapters 79.105 through 79.145 RCW unless the context clearly requires otherwise.

(1) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters.

(2) "Beds of navigable waters" means those lands lying waterward of and below the line of navigability on rivers and lakes not subject to tidal flow, or extreme low tide mark in navigable tidal waters, or the outer harbor line where harbor area has been created.

(3) "First-class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, or inner harbor line where established and within or in front of the corporate limits of any city or within two miles of either side.

(4) "First-class tidelands" means the shores of navigable tidal waters belonging to the state, lying within or in front of the corporate limits of any city, or within one mile of either side and between the line of ordinary high tide and the inner harbor line; and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide.

(5) "Harbor area" means the area of navigable waters determined as provided in Article XV, section 1 of the state Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

(6) "Improvements" when referring to state-owned aquatic lands means anything considered a fixture in law placed within, upon, or attached to aquatic lands that has changed the value of those lands, or any changes in the previous condition of the fixtures that changes the value of the land.

(7) "Inflation rate" means for a given year the percentage rate of change in the previous calendar year's ((~~all commodity producer price index of the bureau of labor statistics of the United States department of commerce. If the index ceases to be published, the department shall designate by rule a comparable substitute index~~)) consumer price index for all urban consumers, all items, for the Seattle metropolitan area as calculated by the United States bureau of labor

statistics or its successor agency. For purposes of this subsection, "Seattle metropolitan area" means the geographic area sample that includes Seattle and surrounding areas.

(8) "Inner harbor line" means a line located and established in navigable waters between the line of ordinary high tide or ordinary high water and the outer harbor line, constituting the inner boundary of the harbor area.

(9) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in waterborne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility. "Log booming" does not include the temporary holding of logs to be taken directly into a vessel.

(10) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in waterborne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility.

(11) "Nonwater-dependent use" means a use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility.

(12) "Outer harbor line" means a line located and established in navigable waters as provided in Article XV, section 1 of the state Constitution, beyond which the state shall never sell or lease any rights whatever to private persons.

(13) "Person" means any private individual, partnership, association, organization, cooperative, firm, corporation, the state or any agency or political subdivision thereof, any public or municipal corporation, or any unit of government, however designated.

(14) "Port district" means a port district created under Title 53 RCW.

(15) "Public utility lines" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines.

(16) "Real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the federal home loan bank board or any successor agency, minus the average inflation rate for the most recent ten calendar years.

(17) "Second-class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city.

(18) "Second-class tidelands" means the shores of navigable tidal waters belonging to the state, lying outside of and more than two miles from the corporate limits of any city, and between the line of ordinary high tide and the line of extreme low tide.

(19) "Shorelands," where not preceded by "first-class" or "second-class," means both first-class shorelands and second-class shorelands.

(20) "State-owned aquatic lands" means all tidelands, shorelands, harbor areas, the beds of navigable waters, and waterways owned by the state and administered by the department or managed under RCW 79.105.420 by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department.

(21) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of either cargo or passengers, or both.

(22) "Tidelands," where not preceded by "first-class" or "second-class," means both first-class tidelands and second-class tidelands.

(23) "Valuable materials" when referring to state-owned aquatic lands means any product or material within or upon lands, such as forest products, forage, stone, gravel, sand, peat, agricultural crops, and all other materials of value except mineral, coal, petroleum, and gas as provided for under chapter 79.14 RCW. However, RCW 79.140.190 and 79.140.200 also apply to materials provided for under chapter 79.14 RCW.

(24)(a) "Water-dependent use" means a use that cannot logically exist in any location but on the water. Examples include, but are not limited to: Waterborne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water-dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; and public fishing piers and parks.

(b) "Water-dependent use" includes a vessel or any other floating structure, other than a floating home as defined in RCW 90.58.270(5): ((~~(a) [(i)]~~)) (i) That is designed or used primarily as a residence on the water and has detachable utilities; and ((~~(b) [(ii)]~~)) (ii) whose owner or primary occupant has held an ownership interest in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014. Any rule making necessary under this subsection (24)(b) is not subject to the requirements of RCW 43.21C.030(2)(c).

(25) "Water-oriented use" means a use that historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and a floating home as defined in RCW 90.58.270(5)(b)(ii). For the purposes of determining rent under this chapter, water-oriented uses shall be classified as water-dependent uses if the activity either is conducted on state-owned aquatic lands leased on October 1, 1984, or was actually conducted on the state-owned aquatic lands for at least three years before October 1, 1984. If, after October 1, 1984, the activity is changed to a use other than a water-dependent use, the activity shall be classified as a nonwater-dependent use. If continuation of the existing use requires leasing additional state-owned aquatic lands and is permitted under the shoreline management act of 1971, chapter 90.58 RCW, the department may allow reasonable expansion of the water-oriented use.

Passed by the Senate March 4, 2025.

Passed by the House April 9, 2025.

Approved by the Governor April 22, 2025.

Filed in Office of Secretary of State April 23, 2025.

CHAPTER 152

[Senate Bill 5696]

SALES AND USE TAX—CHEMICAL DEPENDENCY AND MENTAL HEALTH TREATMENT PROGRAMS—NEW FACILITY CONSTRUCTION

AN ACT Relating to the sales and use tax supporting chemical dependency and mental health treatment programs; amending RCW 82.14.460; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that the operation or delivery of chemical dependency or mental health treatment programs and services and the operation or delivery of therapeutic court programs and services are part of local government public safety programs. New construction of facilities as well as modification of existing structures is part of that provision. The legislature finds a need to be clear that both strategies are acceptable within this chapter.

Sec. 2. RCW 82.14.460 and 2023 c 101 s 1 are each amended to read as follows:

(1)(a) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(b) If a county with a population over eight hundred thousand has not imposed the tax authorized under this subsection by January 1, 2011, any city with a population over thirty thousand located in that county may authorize, fix, and impose the sales and use tax in accordance with the terms of this chapter. The county must provide a credit against its tax for the full amount of tax imposed under this subsection (1)(b) by any city located in that county if the county imposes the tax after January 1, 2011.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county for a county's tax and within a city for a city's tax. The rate of tax equals one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section must be used solely for the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services and for the operation or delivery of therapeutic court programs and services. Moneys collected by cities and counties under this section may ((~~also~~)) be used for new construction of facilities and modifications to existing facilities to address health and safety needs necessary for the provision, operation, or delivery of chemical dependency or mental health treatment programs or services otherwise funded with moneys collected in this section. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, transportation, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service. Every county that authorizes the tax provided in this section shall, and every other county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except as follows:

(a) For a county with a population larger than twenty-five thousand or a city with a population over thirty thousand, which initially imposed the tax authorized under this section prior to January 1, 2012, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to fifty percent may be used to supplant existing funding in calendar years 2011-2012; up to forty percent may be used to supplant existing funding in calendar year 2013; up to thirty percent may be used to supplant existing funding in calendar year 2014; up to twenty percent may be used to supplant existing funding in calendar year 2015; and up to ten percent may be used to supplant existing funding in calendar year 2016;

(b) For a county with a population larger than twenty-five thousand or a city with a population over thirty thousand, which initially imposes the tax authorized under this section after December 31, 2011, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to fifty percent may be used to supplant existing funding for up to the first three calendar years following adoption; and up to twenty-five percent may be used to supplant existing funding for the fourth and fifth years after adoption;

(c) For a county with a population of less than twenty-five thousand, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to eighty percent may be used to supplant existing funding in calendar years 2011-2012; up to sixty percent may be used to supplant existing funding in calendar year 2013; up to forty percent may be used to supplant existing funding in calendar year 2014; up to twenty percent may be used to supplant existing funding in calendar year 2015; and up to ten percent may be used to supplant existing funding in calendar year 2016; and

(d) Notwithstanding (a) through (c) of this subsection, moneys collected under this section may be used to support the cost of the judicial officer and support staff of a therapeutic court.

(5) Nothing in this section may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Passed by the Senate March 5, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 153

[Senate Bill 5764]

AMBULANCE TRANSPORT FUND—EXPIRATION DATE

AN ACT Relating to repealing the expiration date for the ambulance transport fund; and repealing RCW 74.70.901.

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

NEW SECTION. **Sec. 1.** RCW 74.70.901 (Expiration date—2020 c 354) and 2023 c 11 s 1 & 2020 c 354 s 13 are each repealed.

Passed by the Senate March 11, 2025.
Passed by the House April 9, 2025.
Approved by the Governor April 22, 2025.
Filed in Office of Secretary of State April 23, 2025.

CHAPTER 154

[House Bill 1270]

DEFERRED COMPENSATION—AUTOMATIC ENROLLMENT FOR POLITICAL SUBDIVISION EMPLOYEES

AN ACT Relating to automatic deferred compensation enrollment for county, municipal, and other political subdivision employees; and amending RCW 41.50.770.

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

Sec. 1. RCW 41.50.770 and 2022 c 72 s 1 are each amended to read as follows:

(1) "Employee" as used in this section and RCW 41.50.780 includes all full-time, part-time, and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of the government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and of the superior and district courts; and members of the state legislature or of the legislative authority of any county, city, or town.

(2) The state, through the department, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the amount allowable under 26 U.S.C. Sec. 401(a) or 457, and deposit or invest such deferred portion in a credit union, savings and loan association, bank, or mutual savings bank or purchase life insurance, shares of an investment company, individual securities, or fixed and/or variable annuity contracts from any insurance company or any investment company licensed to contract business in this state.

(3) Beginning no later than January 1, 2017, all persons newly employed by the state on a full-time basis who are eligible to participate in a deferred compensation plan under 26 U.S.C. Sec. 457 shall be enrolled in the state deferred compensation plan unless the employee affirmatively elects to waive participation in the plan. Persons who participate in the plan without having selected a deferral amount or investment option shall contribute three percent of taxable compensation to their plan account which shall be invested in a default option selected by the state investment board in consultation with the director. This subsection does not apply to higher education undergraduate and graduate student employees, or any county, municipality, or other political subdivision offering its own deferred compensation plan, and shall be administered consistent with the requirements of the federal internal revenue code.

(4) Beginning no later than January 1, 2017, any county, municipality, or other political subdivision offering the state deferred compensation plan authorized under this section, may choose to administer the plan with an opt-out feature for new employees as described in subsection (3) of this section. Any county, municipality, or other political subdivision offering its own deferred compensation plan, may automatically enroll employees in accordance with their plan document all persons newly employed by the county, municipality, or other political subdivision who are eligible to participate in a deferred compensation plan under 26 U.S.C. Sec. 457 unless the employee affirmatively elects to waive participation in the plan as described in the plan document.

(5) Beginning no later than December 1, 2023, the department must offer employees a Roth option in the deferred compensation plan under 26 U.S.C. Sec. 457.

(6) Employees participating in the state deferred compensation plan under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26 U.S.C. Sec. 401(a) administered by the department shall self-direct the investment of the deferred portion of their income through the selection of investment options as set forth in subsection (7) of this section.

(7) The department can provide such plans as it deems are in the interests of state employees. In addition to the types of investments described in this section, the state investment board, with respect to the state deferred compensation plan under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26 U.S.C. Sec. 401(a), shall invest the deferred portion of an employee's income, without limitation as to amount, in accordance with RCW 43.84.150, 43.33A.140, and 41.50.780, and pursuant to investment policy established by the state investment board for the state deferred compensation plan under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26 U.S.C. Sec. 401(a). The state investment board, after consultation with the director regarding any recommendations made pursuant to RCW 41.50.088(2), shall provide a set of options for participants to choose from for investment of the deferred portion of their income. Any income deferred under these plans shall continue to be included as regular compensation, for the purpose of computing the state or local retirement and pension benefits earned by any employee.

(8) Any retirement strategy fund asset mix may include investment in a state investment board commingled fund. Retirement strategy fund means one of several diversified asset allocation portfolios managed by investment advisors under contract to the state investment board. The state investment board shall declare unit values for its commingled funds no less than monthly for the funds or portions thereof requiring valuation. The declared values shall be an approximation of portfolio or fund values, and both the values and the frequency of the valuation shall be based on internal procedures of the state investment board. Such declared unit values, the frequency of their valuation, and internal procedures shall be in the sole discretion of the state investment board. The state investment board may delegate any of the powers and duties under this subsection, including discretion, pursuant to RCW 43.33A.030.

(9) Coverage of an employee under optional salary deferral programs under this section shall not render such employee ineligible for simultaneous membership and participation in any pension system for public employees.

Passed by the House February 6, 2025.

Passed by the Senate April 15, 2025.
Approved by the Governor April 24, 2025.
Filed in Office of Secretary of State April 24, 2025.

CHAPTER 155

[House Bill 1389]

TIMBER PURCHASE REPORTING REQUIREMENTS—EXPIRATION DATE

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; and providing an expiration date.

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

Sec. 1. RCW 84.33.088 and 2021 c 24 s 1 are each amended to read as follows:

(1) A purchaser of privately owned timber in an amount in excess of 200,000 board feet in a voluntary sale made in the ordinary course of business must, on or before the last day of the month following the purchase of the timber, report the particulars of the purchase to the department as required in subsection (2) of this section.

(2) The report required in subsection (1) of this section must contain all information relevant to the value of the timber purchased including, but not limited to, the following, as applicable: Purchaser's name, address, and contact information; seller's name, address, and contact information; sale date; termination date in sale agreement; total sale price; legal description of sale area, sale name if applicable; forest practice application/harvest permit number if available; total acreage involved in the sale; estimated net volume of timber purchased by tree species and log grade; and description and value of property improvements. For the purposes of this subsection property improvements may include, but are not limited to: Road construction or road improvements, reforestation, land clearing, stock piling of rock, or any other agreed upon property improvement. A report may be submitted in any reasonable form or, at the purchaser's option, by submitting relevant excerpts of the timber sales contract. A purchaser may comply by submitting the information in the following form:

Purchaser's name, address, and contact information: . . . . . .
Seller's name, address, and contact information: . . . . . .
Sale date: . . . . . .
Termination date: . . . . . .
Total sale price: . . . . . .
Legal description of sale area: . . . . . .
Sale name (if applicable): . . . . . .
Forest practice application/Harvest permit
number (if available): . . . . . .
Total acreage involved: . . . . . .
Estimated net volume of timber purchased by tree species
and log grade: . . . . . .
Description and value of property improvements, such as road construction or road improvements, reforestation, land clearing, stock piling of rock, or any other agreed upon property improvement: . . . . . .

. . . . . .

(3) A purchaser of privately owned timber involved in a purchase described in subsection (1) of this section, who fails to report a purchase as required, may be liable for a penalty of $250 for each failure to report, as determined by the department.

(4) Privately purchased timber reports are confidential taxpayer information under RCW 82.32.330.

(5) This section expires September 30, ((~~2025~~)) 2029.

Passed by the House March 10, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 24, 2025.
Filed in Office of Secretary of State April 24, 2025.

CHAPTER 156

[Engrossed Substitute House Bill 1522]

ELECTRIC UTILITY WILDFIRE MITIGATION PLANS—MODIFICATION

AN ACT Relating to approval of electric utility wildfire mitigation plans; amending RCW 80.24.010; adding a new section to chapter 80.28 RCW; creating a new section; and repealing RCW 80.28.440.

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

NEW SECTION. **Sec. 1.** It is the intent of the legislature to provide for the safe, efficient, and reliable transmission and distribution of electric power at affordable rates. Preparation for and response to wildfire risk is an increasingly important element of planning conducted by electric utilities. Proper preparation is crucial to position electric utilities to respond to wildfire risk. It is essential to make sure these risks are addressed, as needed, but also within appropriate cost parameters to keep electric power affordable to the public. This legislation is designed to direct the prudent use of resources by electric utilities to mitigate and respond to wildfire risk within costs that can be justified as fair, just, and reasonable in order to balance wildfire risk with affordable electric rates. This act relates to planning only and shall not be construed to create or alter any cause of action or alter the burden of proof in any cause of action.

NEW SECTION. **Sec. 2.** A new section is added to chapter 80.28 RCW to read as follows:

(1)(a) Each electrical company must file a wildfire mitigation plan with the commission as soon as practicable after the effective date of this section, unless the company has previously filed a wildfire mitigation plan with the commission prior to the effective date of this section. An electrical company that has previously filed a wildfire plan with the commission must file a plan update as soon as practicable after the effective date of this section. To the extent practicable, a company should try to align the timing of filing a plan and plan updates with the filing of a multiyear rate plan under RCW 80.28.425. The company shall update a plan no less frequently than every three years. The company shall provide a copy of its wildfire mitigation plan and updates to the department of natural resources and the utility wildland fire prevention advisory

committee created in RCW 76.04.780 in the format prescribed under RCW 76.04.185 to be posted on the committee's website.

(b) Nothing in this subsection prohibits an electrical company from updating its wildfire mitigation plan more often than required under subsection (1)(a) of this section.

(2) The commission, after holding at least one public workshop and a hearing, must by order approve, reject, or approve with conditions, an electrical company's wildfire mitigation plan within 120 days or plan update within 90 days of the filing of such plan or plan update. The commission may, in its order, recommend or require additional elements or practices to be included in the company's plan. The commission may, in approving with conditions the plan or plan update, make modifications to the plan or plan update that the commission reasonably finds represent a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk. The commission shall issue an order explaining any modifications at the time the plan or plan update is approved. In evaluating a plan or plan update, the commission may consult with and consider information from federal, tribal, state, or local governmental entities, utilities, industry organizations, and groups representing utility customers. The commission shall describe the nature of its consultations with third parties in its order approving or approving with conditions a plan or plan update.

(3) The commission must adopt rules to implement this section. The rules must:

(a) Provide that a workshop be held pursuant to subsection (2) of this section that will involve local fire protection districts, utilities, affected landowners, and groups representing utility customers; and

(b) Include, but need not be limited to, procedures and standards regarding vegetation management, including guidelines for determining fair market landowner compensation when appropriate, public safety power shutoffs and service restoration, pole materials, circuitry, and monitoring systems.

(4) The commission is not liable for an electrical company's implementation of its wildfire mitigation plan. There is no liability on the part of, and no cause of action of any nature may arise against, the state, commission, commissioners, commission staff, or commission representatives, agents, or consultants for the death of or injury to persons, or property damage, for any action taken by them in the performance of their powers and duties exercised under this section.

Sec. 3. RCW 80.24.010 and 2024 c 351 s 13 are each amended to read as follows:

(1) Every public service company subject to regulation by the commission shall, on or before the date specified by the commission for filing annual reports under RCW 80.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the commission a fee equal to one-tenth of one percent of the first $50,000 of gross operating revenue, plus four-tenths of one percent of any gross operating revenue in excess of $50,000, except that a large combination utility as defined in RCW 80.86.010 shall pay a fee equal to ((~~0.001~~)) 0.1 percent of the first $50,000 of gross operating revenue, plus ((~~0.005~~)) 0.5 percent of any gross operating revenue in excess of $50,000: PROVIDED, That the commission may, by rule, set minimum fees that do not

exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this ((~~section~~)) subsection (1).

(2) The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Electrical, gas, water, telecommunications, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

(3) The commission shall collect a reasonable fee from an electrical company in addition to the fee in subsection (1) of this section for the purposes of section 2 of this act.

(4) Any payment of the fee imposed by subsection (1) of this section made after its due date shall include a late fee of two percent of the amount due. Delinquent fees shall accrue interest at the rate of one percent per month.

NEW SECTION. **Sec. 4.** RCW 80.28.440 (Wildfire mitigation plan—Review/revision) and 2023 c 132 s 3 are each repealed.

NEW SECTION. **Sec. 5.** 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.

Passed by the House March 7, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 24, 2025.
Filed in Office of Secretary of State April 24, 2025.

CHAPTER 157

[Engrossed Substitute House Bill 1572]

HIGHER EDUCATION ACCREDITATION STANDARDS—MODIFICATION

AN ACT Relating to modifying higher education accreditation standards; amending RCW 28B.85.020 and 28B.85.040; and providing an effective date.

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

Sec. 1. RCW 28B.85.020 and 2013 c 218 s 3 are each amended to read as follows:

(1) The council:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules shall require that an institution operating in Washington:

(i) Be accredited;

(ii) Have applied for accreditation and such application is pending before the accrediting agency;

(iii) Have been granted a waiver by the council waiving the requirement of accreditation; or

(iv) Have been granted an exemption by the council from the requirements of this subsection (1)(a);

(b) Shall recognize accrediting agencies that maintain rigorous standards for institutional eligibility, including requirements related to institutional effectiveness, student learning, assessment, governance, academic independence, administrative and fiscal responsibility, and transparency;

(c) May investigate any entity the council reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the council may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the council deems relevant or material to the investigation. The council, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(((~~(c)~~))) (d) May negotiate and enter into interstate reciprocity agreements with other state or multistate entities if the agreements are consistent with the purposes in this chapter as determined by the council;

(((~~(d)~~))) (e) May enter into agreements with degree-granting institutions of higher education based in this state, that are otherwise exempt under the provisions of ((~~subsection (1)~~))(a) of this ((~~section~~)) subsection, for the purpose of ensuring consistent consumer protection in interstate distance delivery of higher education;

(((~~(e)~~))) (f) Shall develop an interagency agreement with the workforce training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(((~~(f)~~))) (g) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the council by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW.

Sec. 2. RCW 28B.85.040 and 2012 c 229 s 545 are each amended to read as follows:

(1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) No exemption or waiver granted under this chapter is permanent. The council shall periodically review exempted degree-granting institutions and degree-granting institutions granted a waiver, and continue exemptions or

waivers only if an institution meets the statutory or council requirements for exemption or waiver in effect on the date of the review.

(3) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, community college, technical college, or institute operating as part of the public higher educational system of this state;

(b) Institutions that have been accredited by an accrediting association recognized by the council for the purposes of this chapter: PROVIDED, That those institutions meet minimum exemption standards adopted by the council; and PROVIDED FURTHER, That an institution, branch, extension, or facility operating within the state of Washington which is affiliated with ((~~an~~)) a nonprofit institution operating in another state ((~~must be a separately accredited member institution of any such accrediting association to qualify for this exemption~~)):

(i) Has continuously offered degree programs in the state for 10 years or more;

(ii) Has been continuously authorized to offer degree programs in its home state for 20 years or more;

(iii) Has been continuously accredited as a degree-granting institution for 10 years or more by an accrediting association recognized by the council and maintains such accreditation status;

(iv) Maintains eligibility to participate in Title IV financial aid programs;

(v) Is recognized for its extensive academic research and innovation, doctoral programs, and advanced facilities and resources; and

(vi) Maintains ongoing compliance with the requirements for authorization specified in this chapter. If an institution fails to maintain compliance with such requirements, the council may:

(A) Deny an application for exemption; or

(B) Suspend or withdraw an existing exemption;

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications;

(d) Honorary credentials clearly designated as such on the front side of the diploma or certificate awarded by institutions offering other educational credentials in compliance with state law; or

(e) Institutions not otherwise exempt which offer only workshops or seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.

NEW SECTION. **Sec. 3.** Section 1 of this act takes effect December 1, 2026.

Passed by the House March 12, 2025.

Passed by the Senate April 16, 2025.

Approved by the Governor April 24, 2025.

Filed in Office of Secretary of State April 24, 2025.

CHAPTER 158

[Second Substitute House Bill 1715]

STATE ENERGY PERFORMANCE STANDARD—STATE AGENCY COSTS—REPORT

AN ACT Relating to a review of the costs of compliance with the state energy performance standard; adding a new section to chapter 19.27A RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27A RCW to read as follows:

(1) The joint legislative audit and review committee shall review and report on the costs to state agencies to comply with the state energy performance standard established in this chapter. For this review and report, the joint legislative audit and review committee shall build off of the work done for the financial analysis in the clean buildings work group November 2024 report to the legislature.

(2) For a sample of covered buildings owned by state agencies, the committee must:

(a) Compile state expenditures for complying with the standard. Expenditures must be broken out and sorted by:

(i) Fiscal year, beginning in fiscal year 2020;

(ii) Source of the funds, whether state or nonstate funds;

(iii) Amounts spent on capital upgrades; and

(iv) Amounts spent on energy management and benchmarking including, but not limited to, energy audits, energy management planning, and operations and maintenance programs;

(b) For the sample of buildings analyzed in this subsection, include the following:

(i) The anticipated timeline over which any capital investments will be cost-effective in that they will equal operating savings;

(ii) The estimated costs that would have been incurred in the absence of a state energy performance standard, such as the costs of replacing obsolete equipment and standard maintenance; and

(iii) A quantification of energy savings from the expenditures, as determined by the committee. This quantification may include the average energy efficiency gains or average energy cost savings over a sample of expenditures;

(c) Estimate the number of jobs created as a result of expenditures for work on capital upgrades and energy management and benchmarking for the sample of state-owned buildings;

(d) Analyze trends of completed energy audits based on: (i) Reported or average ages of the covered buildings; (ii) covered building type, by category; and (iii) an estimate of the projected costs of required capital upgrades required to come into compliance with the standard; and

(e) Identify sources of potential state, federal, and local funding available to implement the required capital upgrades.

(3) Building type categories for the purposes of the analysis required under subsection (2) of this section must be determined by the committee. Examples of building type categories may include, but are not limited to, office buildings,

higher education buildings, K-12 schools, correctional facilities, and other buildings in the state's portfolio.

(4) When selecting the sample of buildings, the committee must include: Buildings from the east and west side of the state, buildings representing a broad selection of building type categories.

(5) The department of commerce must provide all relevant data to the committee for the purposes of completing the interim and final reports.

(6) The joint legislative audit and review committee must submit a final report to the appropriate policy and fiscal committees of the legislature by June 30, 2027.

(7) This section expires January 1, 2029.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 6, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 24, 2025.
Filed in Office of Secretary of State April 24, 2025.

CHAPTER 159

[Substitute House Bill 1791]

LOCAL REAL ESTATE EXCISE TAX—VARIOUS PROVISIONS

AN ACT Relating to increasing the flexibility of existing funding sources to fund public safety and other facilities by modifying the local real estate excise tax; amending RCW 82.45.010, 82.45.010, 82.46.010, 82.46.015, 82.46.035, and 82.46.037; creating a new section; providing an effective date; and providing an expiration date.

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

Sec. 1. RCW 82.45.010 and 2022 c 199 s 3 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any ((~~thirty-six~~)) 36 month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a ((~~thirty-six~~)) 36 month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur.

For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within ((~~sixty~~)) 60 days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a ((~~thirty-six~~)) 36 month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for ((~~fifty~~)) 50 years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services

determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) The sale by an affordable homeownership facilitator of self-help housing to a low-income household.

(ii) The definitions in this subsection (3)(u) apply to this subsection (3)(u) unless the context clearly requires otherwise.

(A) "Affordable homeownership facilitator" means a nonprofit community or neighborhood-based organization that is exempt from income tax under Title 26 U.S.C. Sec. 501(c) of the internal revenue code of 1986, as amended, as of October 1, 2019, and that is the developer of self-help housing.

(B) "Low-income" means household income as defined by the department, provided that the definition may not exceed ((~~eighty~~)) 80 percent of median household income, adjusted for household size, for the county in which the dwelling is located.

(C) "Self-help housing" means dwelling residences provided for ownership by low-income individuals and families whose ownership requirement includes labor participation. "Self-help housing" does not include residential rental housing provided on a commercial basis to the general public.

(v)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(v), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the

requirements described in (v)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (v)(i)(A), (B), or (C) of this subsection, within the timelines described in (v)(i)(A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (v)(i)(A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (v)(i)(A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (v)(i)(A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (v)(ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (v)(i)(A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3)(v), "low-income" has the same meaning as in (u) of this subsection.

(w)(i) Beginning January 1, 2026, the sale of qualified space in a development that qualifies for a property tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010 to a nonprofit organization, a housing authority, or public corporation for use for an exempt community purpose.

(ii) For the purposes of this subsection (3)(w), the following definitions apply:

(A) "Affordable housing development" means a development with housing provided to households with a household income that does not exceed 80 percent of median household income at initial occupancy, adjusted for household size, for the county in which the dwelling is located.

(B) "Exempt community purpose" means any use to provide a service that benefits affordable housing development tenants or the public including, but not limited to, health clinics, senior day care, food banks, community centers, and early learning facilities.

(C) "Nonprofit organization" means an organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)), as amended.

(D) "Qualified space" means any portion of an affordable housing development that is accessible to tenants or the public that constitutes a separate legal parcel of property under chapter 64.32, 64.34, or 64.90 RCW.

Sec. 2. RCW 82.45.010 and 2022 c 199 s 4 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any ((~~thirty-six~~)) 36 month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a ((~~thirty-six~~)) 36 month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a

finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or

partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a ((~~thirty-six~~)) 36 month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for ((~~fifty~~)) 50 years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(u), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (u)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (u)(i)(A), (B), or (C) of this subsection, within the timelines described in (u)(i)(A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (u)(i)(A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee

is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (u)(i)(A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (u)(i)(A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (u)(ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (u)(i)(A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3)(u), "low-income" means household income as defined by the department, provided that the definition may not exceed 80 percent of median household income, adjusted for household size, for the county in which the dwelling is located.

(v)(i) The sale of qualified space in a development that qualifies for a property tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010 to a nonprofit organization, a housing authority, or public corporation for use for an exempt community purpose.

(ii) For the purposes of this subsection (3)(v), the following definitions apply:

(A) "Affordable housing development" means a development with housing provided to households with a household income that does not exceed 80 percent of median household income at initial occupancy, adjusted for household size, for the county in which the dwelling is located.

(B) "Exempt community purpose" means any use to provide a service that benefits affordable housing development tenants or the public including, but not limited to, health clinics, senior day care, food banks, community centers, and early learning facilities.

(C) "Nonprofit organization" means an organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)), as amended.

(D) "Qualified space" means any portion of an affordable housing development that is accessible to tenants or the public that constitutes a separate legal parcel of property under chapter 64.32, 64.34, or 64.90 RCW.

Sec. 3. RCW 82.46.010 and 2021 c 296 s 10 are each amended to read as follows:

(1) The legislative authority of any county or city must identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and must indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2)(((~~(a)~~))) The legislative authority of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding ((~~one-quarter of one~~)) 0.25 percent of the selling price. ((~~Except as provided in subsection (8) of this section, the~~)) The revenues from this tax must be used by any city or county ((~~with a population of 5,000 or less and any city or~~

~~county that does not plan under RCW 36.70A.040~~)) for any capital purpose identified in a capital improvements plan and local capital improvements, including those listed in RCW 35.43.040((~~.~~

~~(b) Except as provided in subsection (8) of this section, after April 30, 1992, revenues generated from the tax imposed under this subsection (2) in counties over 5,000 population and cities over 5,000 population that are required or choose to plan under RCW 36.70A.040 must be used solely~~)) and for ((~~financing~~)) capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (((~~(i)~~))) (a) pledged by such counties and cities to debt retirement prior to April 30, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (((~~(ii)~~))) (b) committed prior to April 30, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the legislative authority of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding ((~~one-half of one~~)) 0.5 percent of the selling price.

(4) Taxes imposed under this section must be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(5) Taxes imposed under this section must comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(6) The definitions in this subsection (6) apply throughout this section unless the context clearly requires otherwise.

(a) "City" means any city or town.

(b) "Capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative facilities; judicial facilities; river flood control projects; waterway flood control projects by those jurisdictions that, prior to June 11, 1992, have expended funds derived from the tax authorized by this section for such purposes; until December 31, 1995, housing projects for those jurisdictions that, prior to June 11, 1992, have expended or committed to expend funds derived from the tax authorized by this section or the tax authorized by RCW 82.46.035 for such purposes; and technology infrastructure that is integral to the capital project.

(7) ((~~From July 22, 2011, until December 31, 2016, a city or county may use the greater of $100,000 or 35 percent of available funds under this section, but not to exceed $1,000,000 per year, for the operations and maintenance of existing capital projects as defined in subsection (6) of this section.~~

~~(8) After May 13, 2021, through December 31, 2023, a city or county may use the greater of $100,000 or 35 percent of available funds under this section~~

~~for the operation of, maintenance of, and service support for, existing capital projects, including the provision of services to residents of affordable housing or shelter units.~~)) A county or city may use available funds under this section for any eligible use in RCW 82.46.035.

Sec. 4. RCW 82.46.015 and 2021 c 296 s 11 are each amended to read as follows:

(1) ((~~After May 13, 2021, through December 31, 2023, a~~)) A city or county may use the greater of $100,000 or 35 percent of available funds from revenues collected under RCW 82.46.010 for the maintenance of, operation of, and service support for, existing capital projects, as defined in RCW 82.46.010 and 82.46.035, and including the provision of services to residents of affordable housing or shelter units.

(2) ((~~After December 31, 2023, a city or county that meets the requirements of subsection (3) of this section may use the greater of $100,000 or 25 percent of available funds, but not to exceed $1,000,000 per year, from revenues collected under RCW 82.46.010 for the maintenance of capital projects, as defined in RCW 82.46.010.~~

~~(3)~~)) A city or county may use revenues pursuant to subsection (((~~(2)~~))) (1) of this section if:

(a) ((~~The city or county prepares a written report demonstrating that it has or will have adequate funding from all sources of public funding to pay for all capital projects, as defined in RCW 82.46.010, identified in its capital facilities plan for the succeeding two-year period. Cities or counties not required to prepare a capital facilities plan may satisfy this provision by using a document that, at a minimum, identifies capital project needs and available public funding sources for the succeeding two-year period; and~~

~~(b)(i)~~)) The city or county has not enacted, after June 9, 2016: Any requirement on the listing or sale of real property; or any requirement on landlords, at the time of executing a lease, to perform or provide physical improvements or modifications to real property or fixtures, except if necessary to address an immediate threat to health or safety; or

(((~~(ii)~~))) (b) Any local requirement adopted by the city or county under (((~~(b)(i)~~))) (a) of this subsection is: Specifically authorized by RCW 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW; specifically authorized by other state or federal law; or a seller or landlord disclosure requirement pursuant to RCW 64.06.080.

(((~~(4) The report prepared under subsection (3)(a) of this section must: (a) Include information necessary to determine compliance with the requirements of subsection (3)(a) of this section; (b) identify how revenues collected under RCW 82.46.010 were used by the city or county during the prior two-year period; (c) identify how funds authorized under subsection (2) of this section will be used during the succeeding two-year period; and (d) identify what percentage of funding for capital projects within the city or county is attributable to revenues under RCW 82.46.010 compared to all other sources of capital project funding. The city or county must prepare and adopt the report as part of its regular, public budget process.~~

~~(5) The authority to use funds as authorized in this section is in addition to the authority to use funds pursuant to RCW 82.46.010(7), which remains in effect through December 31, 2016.~~

~~(6) For purposes of this section, "maintenance" means the use of funds for labor and materials that will preserve, prevent the decline of, or extend the useful life of a capital project. "Maintenance" does not include labor or material costs for routine operations of a capital project.~~))

Sec. 5. RCW 82.46.035 and 2021 c 296 s 12 are each amended to read as follows:

(1) ((~~Except for revenues used after May 13, 2021, through December 31, 2023, as provided in subsection (3) of this section, the~~)) The legislative authority of any county or city must identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and must indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The legislative authority of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding ((~~one-quarter of one~~)) 0.25 percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(3) ((~~Revenues~~)) Except as provided in subsection (5) of this section, revenues generated from the tax imposed under subsection (2) of this section must be used by such counties and cities solely for ((~~financing~~)) capital projects specified in a capital facilities plan element of a comprehensive plan((~~, except that the greater of $100,000 or 35 percent of revenues may additionally be used for the operation of, maintenance of, and service support for, existing capital projects after May 13, 2021, through December 31, 2023~~)). However, revenues (a) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to March 1, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(4) ((~~Revenues generated by the tax imposed by this section must be deposited in a separate account after December 31, 2023.~~

~~(5)~~)) As used in this section, "city" means any city or town and "capital project" means those public works projects or public investments of a local government for:

(a) Planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems;

(b) Planning, construction, reconstruction, repair, rehabilitation, or improvement of parks; ((~~and~~))

(c) ((~~Until January 1, 2026, planning~~)) Planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of facilities for those experiencing homelessness and affordable housing projects; and

(d) Any use allowed under RCW 82.46.010.

(((~~(6)~~))) (5) Revenues generated by the tax imposed under subsection (2) of this section may be used towards planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of facilities for those experiencing homelessness and affordable housing projects that are supported through an interlocal housing collaboration as established under chapter 39.34 RCW.

(6) A county or city may use the greater of $100,000 or 25 percent of available funds((~~, but not to exceed $1,000,000,~~)) for capital projects as defined in subsection (((~~(5)~~))) (4)(c) of this section. The limits in this subsection do not apply to any county or city that used revenue under this section for the acquisition, construction, improvement, or rehabilitation of facilities to provide housing for the homeless prior to June 30, 2019.

(7) A county or city using funds for uses in subsection (((~~(5)~~))) (4)(c) of this section must document in its plan under RCW 36.70A.070(3) that it has funds during the next two years for capital projects in subsection (((~~(5)~~))) (4)(a) of this section.

(8) When the governor files a notice of noncompliance under RCW 36.70A.340 with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section is temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance.

Sec. 6. RCW 82.46.037 and 2021 c 296 s 13 are each amended to read as follows:

(1) A city or county that meets the requirements of subsection (2) of this section may use the greater of $100,000 or ((~~25~~)) 35 percent of available funds((~~, but not to exceed $1,000,000 per year, except for the period from May 13, 2021, through December 31, 2023, when the greater of $100,000 or 35 percent may be used~~)) from revenues collected under RCW 82.46.035 for((~~:~~

~~(a) The maintenance of capital projects, as defined in RCW 82.46.035(5);~~

~~(b) The planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, improvement, or maintenance of capital projects as defined in RCW 82.46.010(6)(b) that are not also included within the definition of capital projects in RCW 82.46.035(5); and~~

~~(c) The~~)) the operation of, the maintenance of, and service support for, existing capital projects as included in the definition of capital project in RCW 82.46.035(((~~(5)~~))) (4) and 82.46.010(6)(b)((~~, from May 13, 2021, through December 31, 2023~~)).

(2) A ((~~city or county may use revenues pursuant to subsection (1) of this section after May 13, 2021, through December 31, 2023. Thereafter, a~~)) city or county may use revenues pursuant to subsection (1) of this section if:

(a) ((~~The city or county prepares a written report demonstrating that it has or will have adequate funding from all sources of public funding to pay for all capital projects, as defined in RCW 82.46.035(5), identified in its capital facilities plan for the succeeding two-year period; and~~

~~(b)(i)~~)) The city or county has not enacted, after June 9, 2016, any requirement on the listing or sale of real property; or any requirement on landlords, at the time of executing a lease, to perform or provide physical

improvements or modifications to real property or fixtures, except if necessary to address an immediate threat to health or safety;

(((~~(ii)~~))) (b) Any local requirement adopted by the city or county under (((~~(b)(i)~~))) (a) of this subsection is: Specifically authorized by RCW 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW; specifically authorized by other state or federal law; or a seller or landlord disclosure requirement pursuant to RCW 64.06.080((~~; or~~

~~(iii) For a city or county using funds under subsection (1)(b) of this section, the requirements of this subsection apply, except that the date for such enactment under (b)(i) of this subsection is ninety days after October 19, 2017.~~

~~(3) The report prepared under subsection (2)(a) of this section must: (a) Include information necessary to determine compliance with the requirements of subsection (2)(a) of this section; (b) identify how revenues collected under RCW 82.46.035 were used by the city or county during the prior two-year period; (c) identify how funds authorized under subsection (1) of this section will be used during the succeeding two-year period; and (d) identify what percentage of funding for capital projects within the city or county is attributable to revenues under RCW 82.46.035 compared to all other sources of capital project funding. The city or county must prepare and adopt the report as part of its regular, public budget process.~~

~~(4) For purposes of this section, "maintenance" means the use of funds for labor and materials that will preserve, prevent the decline of, or extend the useful life of a capital project. "Maintenance" does not include labor or material costs for routine operations of a capital project~~)).

NEW SECTION. **Sec. 7.** RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. **Sec. 8.** Section 1 of this act expires January 1, 2030.

NEW SECTION. **Sec. 9.** Section 2 of this act takes effect January 1, 2030.

Passed by the House March 6, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 24, 2025.
Filed in Office of Secretary of State April 24, 2025.

CHAPTER 160

[Substitute House Bill 1899]

HOMELESSNESS CENSUS—POINT-IN-TIME COUNT—MODIFICATION

AN ACT Relating to the homelessness point-in-time count; and amending RCW 43.185C.030.

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

Sec. 1. RCW 43.185C.030 and 2018 c 85 s 3 are each amended to read as follows:

(1) The department shall ((~~annually~~)) conduct a Washington homeless census or count consistent with the requirements of RCW 43.185C.180. ((~~The census shall make every effort to count all homeless individuals living outdoors, in shelters, and in transitional housing, coordinated, when reasonably feasible, with already existing homeless census projects including those funded in part by the United States department of housing and urban development under the~~

~~McKinney-Vento homeless assistance program.~~)) The department shall determine, in consultation with local governments, the data to be collected. ((~~Data on subpopulations and other characteristics of the homeless must, at a minimum, be consistent with the United States department of housing and urban development's point-in-time requirements.~~))

(2) All personal information collected in the census is confidential, and the department and each local government shall take all necessary steps to protect the identity and confidentiality of each person counted.

(3) The department and each local government are prohibited from disclosing any personally identifying information about any homeless individual when there is reason to believe or evidence indicating that the homeless individual is an adult or minor victim of domestic violence, dating violence, sexual assault, or stalking or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking; or revealing other confidential information regarding HIV/AIDS status, as found in RCW 70.02.220. The department and each local government shall not ask any homeless housing provider to disclose personally identifying information about any homeless individuals when the providers implementing those programs have reason to believe or evidence indicating that those clients are adult or minor victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. Summary data for the provider's facility or program may be substituted.

(4) The Washington homeless census shall be conducted ((~~annually~~)) on a schedule created by the department. The department shall make summary data by county available to the public each year. This data, and its analysis, shall be included in the department's annual updated homeless housing program strategic plan.

(((~~(5) Based on the annual census and provider information from the local government plans, the department shall, by the end of year four, implement an online information and referral system to enable local governments and providers to identify available housing for a homeless person. The department shall work with local governments and their providers to develop a capacity for continuous case management to assist homeless persons.~~

~~(6) By the end of year four, the department shall implement an organizational quality management system.~~))

Passed by the House March 4, 2025.
Passed by the Senate April 16, 2025.
Approved by the Governor April 24, 2025.
Filed in Office of Secretary of State April 24, 2025.

CHAPTER 161

[Substitute House Bill 1272]

CHILDREN IN CRISIS—CHILD AND YOUTH MULTISYSTEM CARE PROJECT DIRECTOR—EXTENSION

AN ACT Relating to extending the program to address complex cases of children in crisis; amending RCW 43.06.535; creating a new section; providing an expiration date; and declaring an emergency.

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

Sec. 1. RCW 43.06.535 and 2023 c 423 s 1 are each amended to read as follows:

(1) The governor must maintain a children and youth multisystem care ((~~coordinator~~)) project director to serve as a state lead on addressing complex cases of children in crisis. The children and youth multisystem care ((~~coordinator~~)) project director must:

(a) Direct:

(i) The appropriate use of state and other resources to a child in crisis, and that child's family, if appropriate; and

(ii) Appropriate and timely action by state agencies to serve children in crisis;

(b) Have access to flexible funds to support:

(i) The safe discharge of children in crisis from hospitals; and

(ii) Long-term, appropriate placement for children in crisis who are dependent under chapter 13.34 RCW; and

(c) Coordinate with:

(i) The rapid response team established under RCW 43.216.205 to make sure that resources are effectively identified and mobilized for people who meet the definition of child in crisis and a youth or young adult exiting a publicly funded system of care; and

(ii) Youth behavioral health and inpatient navigator teams to efficiently and effectively mobilize services for a child in crisis.

(2) The children and youth multisystem care ((~~coordinator~~)) project director created under this section, in coordination with the department of children, youth, and families, the health care authority, the office of financial management, and the department of social and health services, shall develop and implement a rapid care team for the purpose of supporting and identifying appropriate services and living arrangements for a child in crisis, and that child's family, if appropriate. ((~~The rapid care team created under this section must be implemented as soon as possible, but no later than January 1, 2024.~~))

(3) In creating the rapid care team required under this section, the children and youth multisystem care ((~~coordinator~~)) project director created under this section shall develop and implement a system for:

(a) Identifying children in crisis who should be served by the rapid care team;

(b) Initiating the rapid care team in a timely manner that reduces the time a child in crisis spends in a hospital without a medical need;

(c) Locating services and connecting youth and families with the appropriate services to allow the child in crisis to safely discharge from a hospital;

(d) Screening referrals for a child in crisis; and

(e) Determining when it would be appropriate for the department of children, youth, and families to provide services to a child in crisis as the:

(i) Youth meets the definition of a "child who is a candidate for foster care" under RCW 74.13.020;

(ii) Youth meets the definition of "dependent child" under RCW 13.34.030(6)(a) based on the child being abandoned; or

(iii) Family should be offered a voluntary placement agreement.

(4) The rapid care team under this section may provide assistance and support to a child in crisis, or the family of a child in crisis.

(5) The following individuals may refer a child in crisis to the rapid care team:

(a) A child in crisis themselves;

(b) A family member of the child in crisis;

(c) An advocate for the child in crisis;

(d) An educator;

(e) A law enforcement officer;

(f) An employee of the department of children, youth, and families;

(g) An employee of the department of social and health services;

(h) An employee of the health care authority;

(i) A service provider contracting with the department of children, youth, and families;

(j) A service provider contracting with the department of social and health services;

(k) A behavioral health service provider;

(l) A representative of a managed care organization;

(m) A representative from a youth behavioral health or inpatient navigator team;

(n) A person providing health care services to the child in crisis; or

(o) A hospital employee.

(6) ((~~By November 1, 2023, the governor shall provide an initial report to the legislature describing the process of developing and implementing the rapid care team created under this section, and must include a projection of when the rapid care team process will be implemented. By November 1, 2024, the~~)) The governor shall provide ((~~a final~~)) an annual report to the legislature including data and recommendations related to the rapid care team created in this section. The report required under this subsection must be submitted in compliance with RCW 43.01.036. The report required under this subsection must include the following:

(a) The number of children in crisis referred to the rapid care team and the types of people making referrals to the rapid care team;

(b) The demographic data of the children in crisis served by the rapid care team;

(c) The types of services and living arrangements identified by the rapid care team;

(d) The availability of the services and living arrangements identified as needed for the children in crisis served by the rapid care team;

(e) Any barriers that are preventing children in crisis from safely exiting the hospital setting when there is not a medical need for that hospital stay;

(f) Any barriers that are preventing children in crisis who are dependent under chapter 13.34 RCW from maintaining an appropriate and stable placement;

(g) Recommendations for earlier intervention to prevent children from becoming children in crisis;

(h) Discussion regarding the implementation of youth behavioral health and inpatient navigator programs and their role in serving children in crisis; and

(i) Recommendations for systemic changes that could replace the rapid care team in addressing complex cases involving a child in crisis.

(7) The following definitions apply to this section:

(a) "Child in crisis" means a person under age 18 who is:

(i) At risk of remaining in a hospital without medical necessity, without the ability to return to the care of a parent, and not dependent under chapter 13.34 RCW;

(ii) Staying in a hospital without medical necessity and who is unable to return to the care of a parent but is not dependent under chapter 13.34 RCW; or

(iii) Dependent under chapter 13.34 RCW, experiencing placement instability, and referred to the rapid care team by the department of children, youth, and families.

(b) "Rapid care team" means a team, whose work is managed and directed by the children and youth multisystem care ((~~coordinator~~)) project director created under this section, working to quickly identify the appropriate services and living arrangements for a child in crisis. A rapid care team must include:

(i) One designee from the health care authority;

(ii) One designee from the department of social and health services;

(iii) One designee from the office of financial management;

(iv) One designee from the developmental disabilities administration of the department of social and health services;

(v) One designee from the department of children, youth, and families; and

(vi) Any other entities, including governmental entities and managed care organizations, or individuals, including clinicians and other service providers, that the children and youth multisystem care ((~~coordinator~~)) project director deems appropriate to support a child in crisis.

(8) This section expires June 30, ((~~2025~~)) 2027.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 4, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 25, 2025.
Filed in Office of Secretary of State April 25, 2025.

CHAPTER 162

[House Bill 1068]

DEPARTMENT OF CORRECTIONS—INTEREST ARBITRATION—WASHINGTON MANAGEMENT SERVICE EMPLOYEES

AN ACT Relating to removing the exclusion from interest arbitration of Washington management service employees at the department of corrections; and amending RCW 41.80.200.

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

Sec. 1. RCW 41.80.200 and 2020 c 89 s 1 are each amended to read as follows:

(1) In order to maintain dedicated and uninterrupted services to the supervision of criminal offenders that are in state correctional facilities and on community supervision, it is the legislature's intent to grant certain employees of the department of corrections interest arbitration rights as an alternative means of settling disputes.

(2) This section applies only to employees covered by chapter 41.06 RCW working for the department of corrections, except confidential employees as defined in RCW 41.80.005((~~, members of the Washington management service,~~)) and internal auditors.

(3) Negotiations between the employer and the exclusive bargaining representative of a unit of employees shall be commenced at least five months before submission of the budget to the legislature. If no agreement has been reached sixty days after the commencement of such negotiations then, at any time thereafter, either party may declare that an impasse exists and may submit the dispute to the commission for mediation, with or without the concurrence of the other party. The commission shall appoint a mediator, who shall promptly meet with the representatives of the parties, either jointly or separately, and shall take such other steps as he or she may deem appropriate in order to persuade the parties to resolve their differences and effect an agreement. A mediator, however, does not have a power of compulsion. The mediator may consider only matters that are subject to bargaining under this chapter.

(4) If an agreement is not reached following a reasonable period of negotiations and mediation, and the director, upon recommendation of the assigned mediator, finds that the parties remain at impasse, then an arbitrator must be appointed to resolve the dispute. The issues for determination by the arbitrator must be limited to the issues certified by the executive director.

(5) Within ten working days after the first Monday in September of every odd-numbered year, the governor or the governor's designee and the bargaining representatives for any bargaining units covered by this section shall attempt to agree on an interest arbitrator to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. The parties will select an arbitrator by mutual agreement or by alternatively striking names from a regional list of seven qualified arbitrators provided by the federal mediation and conciliation service.

(a) The fees and expenses of the arbitrator, the court reporter, if any, and the cost of the hearing room, if any, will be shared equally between the parties. Each party is responsible for the costs of its attorneys, representatives and witnesses, and all other costs related to the development and presentation of their case.

(b) Immediately upon selecting an interest arbitrator, the parties shall cooperate to reserve dates with the arbitrator for a potential hearing between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates, absent an agreement to the contrary.

(c) The parties shall execute a written agreement before December 15th of the odd-numbered year setting forth the name of the arbitrator and the dates reserved for bargaining and arbitration.

(d)(i) The arbitrator must hold a hearing and provide reasonable notice of the hearing to the parties to the dispute. The hearing must be informal and each

party has the opportunity to present evidence and make arguments. The arbitrator may not present the case for a party to the proceedings.

(ii) The rules of evidence prevailing in judicial proceedings may be considered, but are not binding, and any oral testimony or documentary evidence or other data deemed relevant by the arbitrator may be received in evidence. A recording of the proceedings must be taken.

(iii) The arbitrator may administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements, and documents deemed by the arbitrator to be material to a just determination of the issues in dispute. If a person refuses to obey a subpoena issued by the arbitrator, or refuses to be sworn or to make an affirmation to testify, or a witness, party, or attorney for a party is guilty of contempt while in attendance at a hearing, the arbitrator may invoke the jurisdiction of the superior court in the county where the labor dispute exists, and the court may issue an appropriate order. Any failure to obey the order may be punished by the court as a contempt thereof.

(6) The arbitrator may consider only matters that are subject to bargaining under RCW 41.80.020(1), and may not consider those subjects listed under RCW 41.80.020 (2) and (3) and 41.80.040.

(a) In making its determination, the arbitrator shall take into consideration the following factors:

(i) The financial ability of the department of corrections to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The constitutional and statutory authority of the employer;

(iii) Stipulations of the parties;

(iv) Comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like state government employers of similar size in the western United States;

(v) The ability of the department of corrections to retain employees;

(vi) The overall compensation presently received by department of corrections employees, including direct wage compensation, vacations, holidays, and other paid excused time, pensions, insurance benefits, and all other direct or indirect monetary benefits received;

(vii) Changes in any of the factors listed in this subsection during the pendency of the proceedings; and

(viii) Such other factors which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.80.020(1).

(b) The decision of an arbitrator under this section is subject to RCW 41.80.010(3).

(7) During the pendency of the proceedings before the arbitrator, existing wages, hours, and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his or her rights or position under chapter 41.56 RCW.

(8)(a) If the representative of either or both the employees and the state refuses to submit to the procedures set forth in subsections (3), (4), and (5) of this section, the parties, or the commission on its own motion, may invoke the jurisdiction of the superior court for the county in which the labor dispute exists

and the court may issue an appropriate order. A failure to obey the order may be punished by the court as a contempt thereof.

(b) A decision of the arbitrator is final and binding on the parties, and may be enforced at the instance of either party, the arbitrator, or the commission in the superior court for the county where the dispute arose. However, the decision of the arbitrator is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to the compensation and fringe benefit provision of an interest arbitration award, the provisions are not binding on the state or department of corrections.

(9) Subject to the provisions of this section, the parties shall follow the commission's procedures for interest arbitration.

Passed by the House March 3, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 25, 2025.
Filed in Office of Secretary of State April 25, 2025.

CHAPTER 163

[Substitute House Bill 1177]

CHILD WELFARE HOUSING ASSISTANCE PROGRAM—MODIFICATION

AN ACT Relating to the child welfare housing assistance program; and amending RCW 74.13.802.

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

Sec. 1. RCW 74.13.802 and 2023 c 321 s 1 are each amended to read as follows:

(1) Within funds appropriated for this specific purpose, the department shall administer a child welfare housing assistance program, which provides housing vouchers, rental assistance, navigation, and other support services to eligible families.

(a) The department shall operate or contract for the operation of the child welfare housing assistance program under subsection (3) of this section in one or more counties west of the crest of the Cascade mountain range and one or more counties east of the crest of the Cascade mountain range.

(b) The child welfare housing assistance program is intended to reduce the need for foster care placement and to shorten the time that children remain in out-of-home care when placement is necessary.

(c) The department or entities contracted with the department under this section may continue to provide housing assistance through the child welfare housing assistance program after the department is no longer providing child welfare or child protective services to the family.

(d) The department shall adopt rules to establish formal procedures for implementation of the child welfare housing assistance program.

(2) The following families are eligible for assistance from the child welfare housing assistance program:

(a) A parent with a child who is dependent pursuant to chapter 13.34 RCW and a lack of appropriate housing is a remaining barrier to reunification; and

(b) A parent of a child who is a candidate for foster care as defined in RCW 26.44.020 and whose housing instability is a barrier to the child remaining in the home.

(3) The department shall contract with an outside entity or entities, who must have a demonstrated understanding of the importance of stable housing for children and families involved or at risk of being involved with the child welfare system, to operate the child welfare housing assistance program. If no outside entity or entities are available to operate the program or specific parts of the program, the department may operate the program or the specific parts that are not operated by an outside entity.

(4) Families may be referred to the child welfare housing assistance program by a department caseworker, an attorney, a guardian ad litem as defined in chapter 13.34 RCW, a parent ally as defined in RCW 2.70.060, an office of public defense social worker, or the court.

(5) The department shall consult with a stakeholder group that must include, but is not limited to, the following:

(a) Parent allies;

(b) Parent attorneys and social workers managed by the office of public defense parent representation program;

(c) The department of commerce;

(d) Housing experts;

(e) Community-based organizations;

(f) Advocates; and

(g) Behavioral health providers.

(6) The stakeholder group established in subsection (5) of this section shall begin meeting after July 28, 2019, and assist the department in design of the child welfare housing assistance program in areas including, but not limited to:

(a) Equitable racial, geographic, ethnic, and gender distribution of program support;

(b) Eligibility criteria;

(c) Creating a definition of homeless for purposes of eligibility for the program; and

(d) Options for program design that include outside entities operating the entire program or specific parts of the program.

(7) Beginning November 1, 2024, the department shall annually report data and outcomes for the child welfare housing assistance program to the legislature. At a minimum, when available, the report must include the following information:

(a) Distribution of the child welfare housing assistance program by race, geography, ethnicity, and gender including a discussion of whether this distribution was equitable; ((~~and~~))

(b) Any recommendations for legislative changes to the child welfare housing assistance program;

(c) The number of unhoused parents on the waiting list for vouchers supported by the child welfare housing assistance program and the average time spent on the waiting list;

(d) The percentage of funding spent on housing assistance for families to prevent out-of-home placement, support reunification, provide for program administration, or other purposes; and

(e) The percentage of funding spent on program administration, rental assistance to families, and supportive services necessary to receive federal housing voucher support.

(8) The child welfare housing assistance program established in this section is subject to the availability of funds appropriated for this purpose.

(9) Subject to the availability of amounts appropriated for this specific purpose, the department shall serve families eligible for the child welfare housing assistance program who are placed on a waiting list of any kind in an attempt to serve all families eligible for the child welfare housing assistance program and eliminate any waiting lists.

Passed by the House March 3, 2025.
Passed by the Senate April 15, 2025.
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CHAPTER 164

[House Bill 1494]

MULTIFAMILY PROPERTY TAX EXEMPTION PROGRAM—MODIFICATION

AN ACT Relating to the property tax exemptions for new and rehabilitated multiple-unit dwellings in urban centers without extending the expiration date of the exemptions or expanding the exemptions to conversions of market rate residential buildings to affordable housing; and amending RCW 84.14.010, 84.14.020, 84.14.021, 84.14.040, 84.14.060, 84.14.070, 84.14.100, and 84.14.110.

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

Sec. 1. RCW 84.14.010 and 2024 c 332 s 17 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means residential housing ((~~that is rented by a person or household whose~~)) with monthly ((~~housing~~)) costs, including utilities other than telephone, that do not exceed ((~~thirty~~)) 30 percent of the ((~~household's~~)) monthly income of a low-income or moderate-income household. ((~~For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.~~))

(2) "Campus facilities master plan" means the area that is defined by the University of Washington as necessary for the future growth and development of its campus facilities for campuses authorized under RCW 28B.45.020.

(3) "City" means either (a) a city or town with a population of at least ((~~fifteen thousand~~)) 15,000, (b) the largest city or town, if there is no city or town with a population of at least ((~~fifteen thousand~~)) 15,000, located in a county planning under the growth management act, (c) a city or town with a population of at least ((~~five thousand~~)) 5,000 located in a county subject to the provisions of RCW 36.70A.215, or (d) any city that otherwise does not meet the qualifications under (a) through (c) of this subsection, until December 31, 2031, that complies with RCW 84.14.020(1)(a)(iii) or 84.14.021(1)(b).

(4) "Conversion" means the conversion of a nonresidential building, in whole or in part, to multiple-unit housing under this chapter.

(5) "County" means a county with an unincorporated population of at least 170,000.

(6) "Governing authority" means the local legislative authority of a city or a county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(7) "Growth management act" means chapter 36.70A RCW.

(8) "Household" means a single person, family, or unrelated persons living together.

(9) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below ((~~eighty~~)) 80 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(10) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than ((~~eighty~~)) 80 percent but is at or below ((~~one hundred fifteen~~)) 115 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.

(11) "Multiple-unit housing" means a building or a group of buildings having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(12) "Owner" means the property owner of record.

(13) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(14) "Rehabilitation improvements" means modifications to existing structures, that are vacant for ((~~twelve~~)) 12 months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(15) "Residential targeted area" means an area within an urban center or urban growth area that has been designated by the governing authority as a residential targeted area in accordance with this chapter. With respect to designations after July 1, 2007, "residential targeted area" may not include a campus facilities master plan.

(16) ((~~"Rural county" means a county with a population between fifty thousand and seventy-one thousand and bordering Puget Sound.~~

(~~17~~))) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(((~~18~~))) (17) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

Sec. 2. RCW 84.14.020 and 2021 c 187 s 3 are each amended to read as follows:

(1)(a) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows:

(i) For properties for which applications for certificates of tax exemption eligibility are submitted under this chapter before July 22, 2007, the value is exempt for ((~~ten~~)) 10 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate;

(ii) For properties for which applications for certificates of tax exemption eligibility are submitted under this chapter on or after July 22, 2007, the value is exempt:

(A) For eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate;

(B) For ((~~twelve~~)) 12 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this subsection (1)(a)(ii)(B). For the property to qualify for the ((~~twelve~~)) 12-year exemption under this subsection, the applicant must commit to renting or selling at least ((~~twenty~~)) 20 percent of the multifamily housing units as affordable housing units to either low-income ((~~and~~)) or moderate-income households, or both, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter. In the case of projects intended exclusively for owner occupancy, the local government must require the applicant to record a covenant or deed restriction that ensures the affordability requirements and other conditions of the exemption are met, and the minimum requirement of this subsection (1)(a)(ii)(B) may be satisfied solely through housing affordable to moderate-income households; or

(C) For 20 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this subsection (1)(a)(ii)(C). For the property to qualify for the 20-year exemption under this subsection, the project must be located within one mile of high capacity transit of at least 15 minute scheduled frequency, in a city that has implemented((~~, as of July 25, 2021,~~)) a mandatory inclusionary zoning requirement for affordable housing that ensures affordability of housing units for a period of at least 99 years and that has a population of ((~~no more than 65,000 as measured on July 25, 2021~~)) at least 15,000. To qualify for the exemption provided in this subsection (1)(a)(ii)(C), the applicant must commit to renting at least 20 percent of the dwelling units as affordable to low-income households for

a term of at least 99 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions adopted by the local government under this chapter. A city must require the applicant to record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in this subsection (1)(a)(ii)(C) for a period of no less than 99 years. The covenant or deed restriction must also address criteria and policies to maintain public benefit if the property is converted to a use other than which continues to provide for permanently affordable low-income housing consistent with this subsection (1)(a)(ii)(C); and

(iii) Until December 31, 2026, for a city as defined in RCW 84.14.010(3)(d), for 12 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this subsection (1)(a)(iii). For the property to qualify for the 12-year exemption under this subsection, the applicant must commit to renting or selling at least 20 percent of the multifamily housing units as affordable housing units to either low-income ((~~and~~)) or moderate-income households, or both, the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter, and the area must be zoned to have an average minimum density equivalent to 15 dwelling units or more per gross acre((~~, or for cities with a population over 20,000, the area must be zoned to have an average minimum density equivalent to 25 dwelling units or more per gross acre~~)). In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection (1)(a)(iii) may be satisfied solely through housing affordable to either low-income or moderate-income households, or both.

(b) The exemptions provided in (a)(i) through (iii) of this subsection do not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(c) For properties receiving an exemption as provided in (a)(ii)(B) of this subsection that are in compliance with existing contracts and where the certificate of tax exemption is set to expire after June 11, 2020, but before December 31, 2021, the exemption is extended until December 31, 2021, provided that the property must satisfy any eligibility criteria or limitations provided in this chapter as a condition to the existing exemption for a given property continue to be met. For all properties eligible to receive an extension pursuant to this subsection (1)(c), the city or county that issued the initial certificate of tax exemption, as required in RCW 84.14.090, must notify the county assessor and the applicant of the extension of the certificate of tax exemption.

(d) A county subject to the criteria for a residential targeted area in RCW 84.14.040(1)(d)(ii) may not approve a certificate of tax exemption eligibility for the eight-year exemption authorized under (a)(ii)(A) of this subsection (1).

(2) When a local government adopts guidelines pursuant to RCW 84.14.030(2) and includes conditions that must be satisfied with respect to individual dwelling units, rather than with respect to the multiple-unit housing as a whole or some minimum portion thereof, the exemption may, at the local

government's discretion, be limited to the value of the qualifying improvements allocable to those dwelling units that meet the local guidelines.

(3) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

(4) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(5) At the conclusion of the exemption period, the value of the new housing construction, conversion, or rehabilitation improvements must be considered as new construction for the purposes of chapters 84.55 and 36.21 RCW as though the property was not exempt under this chapter.

(6) For properties that qualified for, satisfied the conditions of, and utilized the exemption under subsection (1)(a)(ii)(A) or (B) of this section, following the initial exemption period or the extension period authorized in subsection (1)(c) of this section, the exemption period may be extended for an additional 12 years for projects that are within 18 months of expiration contingent on city or county approval. For the property to qualify for an extension under this subsection (6), the applicant must meet at a minimum the locally adopted requirements for the property to qualify for an exemption under subsection (1)(a)(ii)(B) of this section as applicable at the time of the extension application, and the applicant commits to renting or selling at least 20 percent of the multifamily housing units as affordable housing units for low-income households.

(7) At the end of both the ((~~tenth~~)) 10th and ((~~eleventh~~)) 11th years of an extension, for ((~~twelve~~)) 12-year extensions of the exemption, applicants must provide tenants of rent-restricted units with notification of intent to provide the tenant with rental relocation assistance as provided in subsection (8) of this section.

(8)(a) Except as provided in (b) of this subsection, for any 12-year exemption authorized under subsection (1)(a)(ii)(B) or (iii) of this section after July 25, 2021, or for any 12-year exemption extension authorized under subsection (6) of this section, at the expiration of the exemption the applicant must provide tenant relocation assistance in an amount equal to one month's rent to a qualified tenant within the final month of the qualified tenant's lease. To be eligible for tenant relocation assistance under this subsection, the tenant must occupy an income-restricted unit at the time the exemption expires and must qualify as a low-income household under this chapter at the time relocation assistance is sought.

(b) If affordability requirements consistent, at a minimum, with those required under subsection (1)(a)(ii)(B) or (iii) of this section remain in place for the unit after the expiration of the exemption, relocation assistance in an amount equal to one month's rent must be provided to a qualified tenant within the final month of a qualified tenant's lease who occupies an income-restricted unit at the time those additional affordability requirements cease to apply to the unit.

(9) For compliance with the affordability requirements of subsection (1)(a)(ii)(B) or (C) or (a)(iii) of this section, a low-income or moderate-income household that initially qualifies for an income-restricted rental unit may continue to qualify as low-income or moderate-income until their adjusted household income exceeds 150 percent of the established income limit.

(10) No new exemptions may be provided under this section beginning on or after January 1, 2032. No extensions may be granted under subsection (6) of this section on or after January 1, 2046.

Sec. 3. RCW 84.14.021 and 2021 c 187 s 7 are each amended to read as follows:

(1)(a) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows: For 20 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this section. For the property to qualify for the 20-year exemption under this section, at least 25 percent of the units must be built by or sold to a qualified nonprofit or local government that will assure permanent affordable homeownership. The remaining 75 percent of units may be rented or sold at market rates.

(b) Until December 31, 2031, for a city as defined in RCW 84.14.010(3)(d), in any city the value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows: For 20 successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter and meets the conditions in this section. For the property to qualify for the 20-year exemption under this section, at least 25 percent of the units must be sold to a qualified nonprofit or local government partner that will assure permanent affordable homeownership. The remaining 75 percent of units may be rented or sold at market rates. The area must be zoned to have an average minimum density equivalent to 15 dwelling units or more per gross acre((~~, or for cities with a population over 20,000, the area must be zoned to have an average minimum density equivalent to 25 dwelling units or more per gross acre~~)).

(2) Permanently affordable homeownership units or permanently affordable rental units must be sold or rented to low-income households ((~~earning no more than 80 percent of the average median income for the city or local jurisdiction in which the unit is located~~)).

(3) A local jurisdiction may assign and collect an administration fee at each point of sale to cover the administrative costs for oversight of the program to maintain permanently affordable housing units consistent with this section.

(4) The exemptions in this section do not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(5) At the conclusion of the exemption period, the value of the new housing construction, conversion, or rehabilitation improvements must be considered as new construction for the purposes of chapters 84.55 and 36.21 RCW as though the property was not exempt under this chapter.

(6) For purposes of this section, "permanently affordable homeownership" means homeownership that, in addition to meeting the definition of "affordable housing" in RCW 43.185A.010, is:

(a) Sponsored by a nonprofit organization or governmental entity;

(b) Subject to a ground lease or deed restriction that includes:

(i) A resale restriction designed to provide affordability for future low and moderate-income homebuyers;

(ii) A right of first refusal for the sponsor organization to purchase the home at resale; and

(iii) A requirement that the sponsor must approve any refinancing, including home equity lines of credit; and

(c) Sponsored by a nonprofit organization or governmental entity and the sponsor organization:

(i) Executes a new ground lease or deed restriction with a duration of at least 99 years at the initial sale and with each successive sale; and

(ii) Supports homeowners and enforces the ground lease or deed restriction.

(7) The department of commerce must develop a template for permanent affordability for home or condo ownership through deed restrictions that can be used by a city or local government to ensure compliance with this section.

(8) No new exemptions may be provided under this section beginning on or after January 1, 2032.

Sec. 4. RCW 84.14.040 and 2021 c 187 s 4 are each amended to read as follows:

(1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center, if the affordable, desirable, attractive, and livable places to live were available;

(c) The providing of additional housing opportunity, including affordable housing, in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter;

(d) If the residential targeted area is designated by a county, the area must be located in an unincorporated area of the county that is within an urban growth area under RCW 36.70A.110 and the area must be: (i) In a ((~~rural county, served by a sewer system and designated by a county prior to January 1, 2013; or (ii) in a~~)) county that includes a campus of an institution of higher education, as defined in RCW 28B.92.030, where at least ((~~one thousand two hundred~~)) 1,200 students live on campus during the academic year; ((~~and (iii) until July 15, 2024,~~)) or (ii) in a county seeking to promote transit supportive densities and efficient land use in an area that is located within a designated urban growth area and within ((~~.25~~)) 0.5 miles of a corridor where bus service is scheduled at least ((~~every thirty minutes for no less than 10 hours per weekday~~)) 10 times per day in each direction and is in service or is planned for service to begin within five years of designation in a transit development plan as required under RCW 35.58.2795; ((~~and~~))

(e) For a residential targeted area designated by a county after July 25, 2021, the county governing authority must conduct an evaluation of the risk of potential displacement of residents currently living in the area if the tax incentives authorized in this chapter were to be used in the area. The county may use an existing analysis if one exists. An area may not be designated as a residential targeted area unless: (i) The evaluation finds that the risk of displacement is minimal; or (ii) the governing authority mitigates the risk of displacement with locally adopted mitigation measures such as, but not limited to, ensuring that those directly or indirectly displaced have a first right of refusal to occupy the newly created dwelling units receiving an exemption under this chapter, including the affordable units if they otherwise meet the qualifications; and

(f) For a residential targeted area designated by a city after the effective date of this section, the city must determine that designation of the area is in compliance with the antidisplacement requirements in RCW 36.70A.070(2).

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than ((~~thirty~~)) 30 days before the date of the hearing in a paper having a general circulation in the city or county where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area. The governing authority must send a copy of the notice to all taxing districts in the proposed residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under RCW 84.14.060. The standards and guidelines must establish basic requirements for both new construction and rehabilitation, which must include:

(a) Application process and procedures;

(b) Income and rent standards for affordable units;

(c) Requirements that address demolition of existing structures and site utilization; and

(d) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the livability of the residential targeted area in which they are to be located.

(6)(a) The governing authority may adopt and implement, either as conditions to eight-year exemptions or as conditions to an extended exemption period under RCW 84.14.020(1)(a)(ii) (B) or (C), or as conditions to any combination of exemptions authorized under this chapter, more stringent income eligibility, rent, or sale price limits, including limits that apply to a higher percentage of units, than the minimum conditions for an extended exemption period under RCW 84.14.020(1)(a)(ii) (B) or (C).

(b) Additionally, a governing authority may adopt and implement as a contractual prerequisite to any exemption granted pursuant to RCW 84.14.020:

(i) A requirement that applicants pay at least the prevailing rate of hourly wage established under chapter 39.12 RCW for journey level and apprentice workers on residential and commercial construction;

(ii) Payroll record requirements consistent with RCW 39.12.120(1);

(iii) Apprenticeship utilization requirements consistent with RCW 39.04.310; and

(iv) A contracting inclusion plan developed in consultation with the office of minority and women's business enterprises.

(7) For any multiunit housing located in an unincorporated area of a county, a property owner seeking tax incentives under this chapter must commit to renting or selling at least ((~~twenty~~)) 20 percent of the multifamily housing units as affordable housing units to ((~~low and~~)) either low-income or moderate-income households, or both. In the case of multiunit housing intended exclusively for owner occupancy, the minimum requirement of this subsection (7) may be satisfied solely through housing affordable to moderate-income households.

(8) Nothing in this section prevents a governing authority from adopting and implementing additional requirements to any exemption granted under RCW 84.14.020.

(9) Before changing any adopted standards, guidelines, requirements, or conditions under subsections (5) and (6) of this section, the governing authority must notify all taxing districts in the residential targeted area of the proposed changes.

Sec. 5. RCW 84.14.060 and 2014 c 96 s 5 are each amended to read as follows:

(1) The duly authorized administrative official or committee of the city or county may approve the application if it finds that:

(a) A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion a minimum of four additional multifamily units are being developed;

(b) If applicable, the proposed multiunit housing project meets the affordable housing requirements as described in RCW 84.14.020;

(c) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(d) The owner has complied with all standards and guidelines adopted by the city or county under this chapter; and

(e) The site is located in a residential targeted area of an urban center or urban growth area that has been designated by the governing authority in accordance with procedures and guidelines indicated in RCW 84.14.040.

(2) An application may not be approved after July 1, 2007, if any part of the proposed project site is within a campus facilities master plan, except as provided in RCW 84.14.040(1)(d).

((~~(3) An application may not be approved for a residential targeted area in a rural county on or after January 1, 2020.~~))

Sec. 6. RCW 84.14.070 and 2012 c 194 s 7 are each amended to read as follows:

(1) The governing authority or an administrative official or commission authorized by the governing authority must approve or deny an application filed under this chapter within ((~~ninety~~)) 90 days after receipt of the application.

(2) If the application is approved, the city or county must issue the owner of the property a conditional certificate of acceptance of tax exemption and submit a copy of the certificate to the county assessor. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in RCW 84.14.060.

(3) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ((~~ten~~)) 10 days of the denial.

(4) Upon denial by a duly authorized administrative official or commission, an applicant may appeal the denial to the governing authority within ((~~thirty~~)) 30 days after receipt of the denial. The appeal before the governing authority must be based upon the record made before the administrative official with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official's decision. The decision of the governing body in denying or approving the application is final.

Sec. 7. RCW 84.14.100 and 2021 c 187 s 5 are each amended to read as follows:

(1) Thirty days after the anniversary of the date of the certificate of tax exemption and each year for the tax exemption period, the owner of the rehabilitated or newly constructed property, or the qualified nonprofit or local government that will assure permanent affordable homeownership for at least 25 percent of the units for properties receiving an exemption under RCW 84.14.021, must file with a designated authorized representative of the city or county an annual report indicating the following:

(a) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the ((~~twelve~~)) 12 months ending with the anniversary date;

(b) A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in RCW 84.14.020 since the date of the certificate approved by the city or county;

(c) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(d) Any additional information requested by the city or county in regards to the units receiving a tax exemption.

(2) All cities or counties, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, must report annually by April 1st of each year, beginning in 2007, to the department of commerce. A city or county must be in compliance with the reporting requirements of this section to offer certificates of tax exemption for multiunit housing authorized in this chapter. The report must include the following information:

(a) The number of tax exemption certificates granted;

(b) The total number and type of units produced or to be produced;

(c) The number, size, and type of units produced or to be produced meeting affordable housing requirements;

(d) The actual development cost of each unit produced;

(e) The total monthly rent or total sale amount of each unit produced;

(f) The annual household income and household size for each of the affordable units receiving a tax exemption and a summary of these figures for the city or county; ((~~and~~))

(g) An analysis of the affordable units produced or to be produced, including unit size, number of bedrooms, and income requirements, and how the units will support the existing and projected housing needs identified under RCW 36.70A.070(2)(a); and

(h) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.

(3)(a) The department of commerce must adopt and implement a program to effectively audit or review that the owner or operator of each property for which a certificate of tax exemption has been issued, except for those properties receiving an exemption that are owned or operated by a nonprofit or for those properties receiving an exemption from a city or county that operates an independent audit or review program, is offering the number of units at rents as committed to in the approved application for an exemption and that the tenants are being properly screened to be qualified for an income-restricted unit. The audit or review program must be adopted in consultation with local governments and other stakeholders and may be based on auditing a percentage of income-restricted units or properties annually. A private owner or operator of a property for which a certificate of tax exemption has been issued under this chapter, must be audited at least once every five years.

(b) If the review or audit required under (a) of this subsection for a given property finds that the owner or operator is not offering the number of units at rents as committed to in the approved application or is not properly screening tenants for income-restricted units, the department of commerce must notify the city or county and the city or county must impose and collect a sliding scale penalty not to exceed an amount calculated by subtracting the amount of rents that would have been collected had the owner or operator complied with their commitment from the amount of rents collected by the owner or operator for the income-restricted units, with consideration of the severity of the noncompliance. If a subsequent review or audit required under (a) of this subsection for a given property finds continued substantial noncompliance with the program requirements, the exemption certificate must be canceled pursuant to RCW 84.14.110(1)(a).

(c) The department of commerce may impose and collect a fee, not to exceed the costs of the audit or review, from the owner or operator of any property subject to an audit or review required under (a) of this subsection.

(4) The department of commerce must provide guidance to cities and counties, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, on best practices in managing and reporting for the exemption programs authorized under this chapter, including guidance for cities and counties to collect and report demographic information for tenants of units receiving a tax exemption under this chapter.

(5) This section expires January 1, 2058.

Sec. 8. RCW 84.14.110 and 2012 c 194 s 10 are each amended to read as follows:

(1) If improvements have been exempted under this chapter, the improvements continue to be exempted for the applicable period under RCW 84.14.020, so long as they are not converted to another use and continue to satisfy all applicable conditions. If the owner intends to convert the multifamily development to another use, or if applicable, if the owner intends to discontinue compliance with the affordable housing requirements as described in RCW 84.14.020 or any other condition to exemption, the owner must notify the assessor within ((~~sixty~~)) 60 days of the change in use or intended discontinuance. If, after a certificate of tax exemption has been filed with the county assessor, the authorized representative of the governing authority discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements, including, if applicable, affordable housing requirements, as previously approved or agreed upon by contract between the city or county and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, ((~~the tax exemption must be canceled and~~)) the following must occur:

(a)(i) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to ((~~twenty~~)) 20 percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(((~~(b)~~))) (ii) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(((~~(c)~~))) (iii) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of

delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes;

(b) If the owner or operator is not offering the number of units at rents as committed to in the approved application or is not properly screening tenants for income-restricted units, the city or county may impose and collect a sliding scale penalty not to exceed an amount calculated by subtracting the amount of rents that would have been collected had the owner or operator complied with their commitment from the amount of rents collected by the owner or operator for the income-restricted units, with consideration of the severity of the noncompliance. If the owner or operator is subsequently found to be in substantial noncompliance with the program requirements, the exemption certificate must be canceled pursuant to subsection (a) of this section; or

(c) If the owner of an income-restricted unit intended solely for owner occupancy causes a project to be out of compliance with any conditions of the exemption, a city or county may implement a sliding fee penalty and assign the highest penalty to the owner who caused the project to be out of compliance and assign a lesser or no penalty to the other owners. A city or county may also cancel the exemption for the noncompliant unit only.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority or authorized representative must notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority or authorized representative, within ((~~thirty~~)) 30 days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer must either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls must correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor must make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The value of the new housing construction, conversion, and rehabilitation improvements added to the rolls is considered as new construction for the purposes of chapter 84.55 RCW. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW and according to the provisions of RCW 84.40.038. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

Passed by the House March 5, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 25, 2025.
Filed in Office of Secretary of State April 25, 2025.

CHAPTER 165

[Substitute House Bill 1509]

FAMILY RECONCILIATION SERVICES—VARIOUS PROVISIONS

AN ACT Relating to family reconciliation services; amending RCW 13.32A.040 and 13.32A.045; reenacting and amending RCW 13.32A.030; adding a new section to chapter 13.32A RCW; creating a new section; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 13.32A.030 and 2020 c 51 s 1 are each reenacted and amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances that indicate the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center, or his or her designee.

(3) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

(4) "Child," "juvenile," "youth," and "minor" mean any unemancipated individual who is under the chronological age of eighteen years.

(5) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement; and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person;

(c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, or education; or (B) services designed to maintain or reunite the family;

(ii) Who lacks access to, or has declined to use, these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure; or

(d) Who is a "sexually exploited child."

(6) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

(7) "Community-based family reconciliation services" means family reconciliation services as defined in this section that are provided by a community-based entity under contract with the department.

(((~~(7)~~))) (8) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(((~~(8)~~))) (9) "Custodian" means the person or entity that has the legal right to custody of the child.

(((~~(9)~~))) (10) "Department" means the department of children, youth, and families.

(((~~(10)~~))) (11) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

(((~~(11)~~))) (12) "Family reconciliation services" means services provided by culturally relevant, trauma-informed community-based entities under contract with the department, or provided directly by the department, designed to assess and stabilize the family with the goal of resolving crisis and building supports, skills, and connection to community networks and resources including, but not limited to:

(a) Referrals for services for suicide prevention, psychiatric or other medical care, psychological care, behavioral health treatment, legal assistance, or educational assistance;

(b) Parent training;

(c) Assistance with conflict management or dispute resolution; or

(d) Other social services, as appropriate to meet the needs of the child and the family.

(((~~(12)~~))) (13) "Guardian" means the person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(((~~(13)~~))) (14) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team must include the parent, a department caseworker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members must be volunteers who do not receive compensation while acting in a

capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

(((~~(14)~~))) (15) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(((~~(15)~~))) (16) "Parent" means the parent or parents who have the legal right to custody of the child. "Parent" includes custodian or guardian.

(((~~(16)~~))) (17) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(((~~(17)~~))) (18) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(((~~(18)~~))) (19) "Sexually exploited child" means any person under the age of eighteen who is a victim of the crime of commercial sex abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102.

(((~~(19)~~))) (20) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department with a ratio of at least one adult staff member to every two children.

(((~~(20)~~))) (21) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

Sec. 2. RCW 13.32A.040 and 2023 c 151 s 1 are each amended to read as follows:

(1) ((~~The~~)) Subject to the availability of funding appropriated for this specific purpose, the department, or a designated contractor of the department, shall:

(a) Offer family reconciliation services to families or youth who are experiencing conflict and who may be in need of services upon request from the family or youth ((~~and subject to the availability of funding appropriated for this specific purpose~~)); ((~~and~~))

(b) Offer family reconciliation services to families or youth after receiving a report that a youth is away from a lawfully prescribed residence or home without parental permission under RCW 13.32A.082(1). If the family or youth is being served by the community support team created under RCW 43.330.726, the department or designated contractor of the department must:

(i) Still offer family reconciliation services; and

(ii) Coordinate with the community support team created in RCW 43.330.726;

(c) Offer family reconciliation services to families or youth, where the youth is in a county juvenile detention center and family conflict exists, upon request by the youth, family, or juvenile detention center; and

(d) Offer family reconciliation services to families or youth, where the youth is identified through the housing stability for youth in crisis program as described in RCW 43.330.724, upon request by the youth, family, or program.

(2) The department may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible.

Sec. 3. RCW 13.32A.045 and 2020 c 51 s 4 are each amended to read as follows:

(1) Beginning December 1, 2020, and annually thereafter, in compliance with RCW 43.01.036, the department shall make data available on the use of family reconciliation services which includes:

(a) The number of requests for family reconciliation services;

(b) The number of referrals made for family reconciliation services;

(c) The demographic profile of families and youth accessing family reconciliation services including race, ethnicity, housing status, child welfare history, existence of an individualized education program, eligibility for services under 29 U.S.C. Sec. 701, or eligibility for other disability-related services;

(d) The nature of the family conflict;

(e) The type and length of the family reconciliation services delivered;

(f) Family outcomes after receiving family reconciliation services; ((~~and~~))

(g) Recommendations for improving family reconciliation services;

(h) The number of requests for community-based reconciliation services; and

(i) The number of referrals made to community-based family reconciliation services.

(2) If the department cannot provide the information specified under subsection (1) of this section, the department shall identify steps necessary to obtain and make available the information required under subsection (1) of this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 13.32A RCW to read as follows:

By July 1, 2025, and subject to the amounts appropriated for this specific purpose, the department shall offer a contract or contracts to provide community-based family reconciliation services in at least one location that is already providing community-based family reconciliation services.

NEW SECTION. **Sec. 5.** Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2025.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 11, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 25, 2025.
Filed in Office of Secretary of State April 25, 2025.

CHAPTER 166

[Engrossed Substitute House Bill 1620]
PARENTING PLANS—LIMITATIONS

AN ACT Relating to limitations in parenting plans; amending RCW 26.09.191, 11.130.215, 26.09.187, 26.09.194, 26.09.260, 26.09.520, and 26.12.177; reenacting and amending RCW 26.51.020; and adding a new section to chapter 26.09 RCW.

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

Sec. 1. RCW 26.09.191 and 2021 c 215 s 134 are each amended to read as follows:

(1) ((~~The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action~~)) PURPOSE. Parents are responsible for protecting and preserving the health and well-being of their minor children. When a parent acts contrary to the health and well-being of the parent's child, or engages in conduct that creates an unreasonable risk of harm to a child, the court may, and in some situations must, impose limitations intended to protect the child from harm as described in this section and section 2 of this act.

(2) GENERAL CONSIDERATIONS.

(a) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(b) The weight given to the existence of a protection order issued under chapter 7.105 RCW or former chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(c) In determining whether any of the conduct described in this section or section 2 of this act has occurred, the court shall apply the rules of evidence and civil procedure except where the parties have opted for an informal family law trial pursuant to state or local court rules.

(3) DEFINITIONS. The definitions in this subsection apply throughout this section and section 2 of this act unless the context clearly requires otherwise.

(a) "Abusive use of conflict" refers to a party engaging in ongoing and deliberate actions to misuse conflict. This includes, but is not limited to: (i) Repeated bad faith violations of court orders regarding the child or the protection of the child or other parent; (ii) credible threats of physical, emotional, or financial harm to the other parent or to family, friends, or professionals providing support to the child or other parent; (iii) intentional use of the child in conflict; or (iv) abusive litigation as defined in RCW 26.51.020. Litigation that is aggressive or improper but does not meet the definition of abusive litigation shall not constitute a basis for finding abusive use of conflict

under this section. Protective actions as defined in this section shall not constitute a basis for a finding of abusive use of conflict.

(b) "Child" shall also mean "children."

(c) "Knowingly" means knows or reasonably should know.

(d) "Parenting functions" has the same meaning as in RCW 26.09.004.

(e) "Protective actions" are actions taken by a parent in good faith for the purpose of protecting themselves or the parent's child from the risk of harm posed by the other parent. "Protective actions" can include, but are not limited to: (i) Reports or complaints regarding physical, sexual, or mental abuse of a child or child neglect to an individual or entity connected to the provision of care or safety of the child such as law enforcement, medical professionals, therapists, schools, day cares, or child protective services; (ii) seeking court orders changing residential time; or (iii) petitions for protection or restraining orders.

(f) "Sex offense against a child" means any of the following offenses involving a child victim: (i) Any sex offense as defined in RCW 9.94A.030; (ii) any offense with a finding of sexual motivation; (iii) any offense in violation of chapter 9A.44 RCW other than RCW 9A.44.132; (iv) any offense involving the sexual abuse of a minor, including any offense under chapter 9.68A RCW; or (v) any federal or out-of-state offense comparable to any offense under (f)(i) through (iv) of this subsection.

(g) "Social worker" means a person with a master's degree or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(h) "Willful abandonment" has occurred when the child's parent has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. "Willful abandonment" does not include a parent who has been unable to see the child due to circumstances that include, but are not limited to: Incarceration, deportation, inpatient treatment, medical emergency, fleeing to an emergency shelter or domestic violence shelter, or withholding of the child by the other parent.

(4) RESIDENTIAL TIME LIMITATIONS.

(a) PARENTAL CONDUCT REQUIRING LIMITS ON A PARENT'S RESIDENTIAL TIME. A parent's residential time with the parent's child shall be limited if it is found that a parent has engaged in any of the following conduct:

(((~~(a)~~))) (i) Willful abandonment that continues for an extended period of time ((~~or substantial refusal to perform parenting functions; (b) physical, sexual,~~));

(ii) Physical abuse or a pattern of emotional abuse of a child;

((~~or (c) a~~)) (iii) A history of acts of domestic violence as defined in RCW 7.105.010 ((~~or~~)), an assault ((~~or sexual assault~~)) that causes grievous bodily harm or the fear of such harm ((~~or that results in a pregnancy. (2)(a) The~~)), or any sexual assault; or

(iv) Sexual abuse of a child. Required limitations and considerations for a parent who has been convicted of a sex offense against a child or found to have sexually abused a child in the current case or a prior case are addressed in section 2 of this act.

(b) PARENT RESIDING WITH A PERSON WHOSE CONDUCT REQUIRES RESIDENTIAL TIME LIMITATIONS. A parent's residential time with the child shall be limited if it is found that the parent knowingly resides with a person who has engaged in any of the following conduct: (((~~(i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual,~~))

(i) Physical abuse or a pattern of emotional abuse of a child;

(((~~(iii) a~~)) (ii) A history of acts of domestic violence as defined in RCW 7.105.010 ((~~or~~)), an assault ((~~or sexual assault~~)) that causes grievous bodily harm or the fear of such harm ((~~or that results in a pregnancy; or (iv) the parent has been convicted as an adult of a sex offense under:~~

~~(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;~~

~~(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;~~

~~(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;~~

~~(D) RCW 9A.44.089;~~

~~(E) RCW 9A.44.093;~~

~~(F) RCW 9A.44.096;~~

~~(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;~~

~~(H) Chapter 9.68A RCW;~~

~~(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;~~

~~(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.~~

~~This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.~~

~~(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 7.105.010 or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:~~

~~(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;~~

~~(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;~~

~~(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (c) of this subsection;~~

~~(D) RCW 9A.44.089;~~

~~(E) RCW 9A.44.093;~~

~~(F) RCW 9A.44.096;~~

~~(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;~~

~~(H) Chapter 9.68A RCW;~~

~~(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;~~

~~(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.~~

~~This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.~~

~~(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.~~

~~(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:~~

~~(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;~~

~~(ii) RCW 9A.44.073;~~

~~(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;~~

~~(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;~~

~~(v) RCW 9A.44.083;~~

~~(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;~~

~~(vii) RCW 9A.44.100;~~

~~(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;~~

~~(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.~~

~~(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:~~

~~(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;~~

~~(ii) RCW 9A.44.073;~~

~~(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;~~

~~(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;~~

~~(v) RCW 9A.44.083;~~

~~(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;~~

~~(vii) RCW 9A.44.100;~~

~~(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;~~

~~(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.~~

~~(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:~~

~~(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or~~

~~(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.~~

~~(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:~~

~~(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or~~

~~(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is~~

~~appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.~~

~~(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.~~

~~(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.~~

~~(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.~~

~~(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has~~

~~occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.~~

~~(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.~~

~~(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child~~

~~will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.~~

~~(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.~~

~~(iii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence pursuant to RCW 26.26A.465 to have committed sexual assault, as defined in RCW 26.26A.465, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.~~

~~(iv) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.~~

~~(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection. The weight given to the existence of a protection order issued under chapter 7.105 RCW or former chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.~~

~~(3)~~)), or any sexual assault; or

(iii) Sexual abuse of a child. Required limitations and considerations on a parent who resides with someone convicted of a sex offense against a child or found to have sexually abused a child in the current case or a prior case are addressed in section 2 of this act.

(c) PARENTAL CONDUCT THAT MAY RESULT IN LIMITATIONS ON A PARENT'S RESIDENTIAL TIME. A parent's involvement or conduct

may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(((~~(a)~~))) (i) A parent's neglect or substantial nonperformance of parenting functions;

(((~~(b)~~))) (ii) A long-term emotional or physical impairment ((~~which~~)) that interferes with the parent's performance of parenting functions ((~~as defined in RCW 26.09.004~~));

(((~~(c)~~))) (iii) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(((~~(d)~~))) (iv) The absence or substantial impairment of emotional ties between the parent and the child;

(((~~(e) The~~)) (v) A parent has engaged in the abusive use of conflict ((~~by the parent~~)) which creates the danger of serious damage to the child's psychological development((~~. Abusive use of conflict includes, but is not limited to, abusive litigation as defined in RCW 26.51.020. If the court finds a parent has engaged in abusive litigation, the court may impose any restrictions or remedies set forth in chapter 26.51 RCW in addition to including a finding in the parenting plan. Litigation that is aggressive or improper but that does not meet the definition of abusive litigation shall not constitute a basis for a finding under this section. A report made in good faith to law enforcement, a medical professional, or child protective services of sexual, physical, or mental abuse of a child shall not constitute a basis for a finding of abusive use of conflict;~~

(~~(f)~~))~~:~~

(vi) A parent has withheld from the other parent access to the child for a protracted period without good cause. Withholding does not include protective actions taken by a parent in good faith for the legitimate and lawful purpose of protecting themselves or the parent's child from the risk of harm posed by the other parent; or

(((~~(g)~~))) (vii) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(((~~(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.~~

~~(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.~~

~~(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.~~

~~(7) For the purposes of this section:~~

~~(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and~~

~~(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.~~))

(d) LIMITATIONS A COURT MAY IMPOSE ON A PARENT'S RESIDENTIAL TIME. The limitations that may be imposed by the court under this section shall be reasonably calculated to protect a child from the physical, sexual, or emotional abuse or harm that could result if a child has contact with

the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the other parent. The limitations the court may impose include, but are not limited to:

(i) SUPERVISED VISITATION. A court may, in its discretion, order supervised contact between a child and the parent.

(A) If the court requires supervised visitation, there is a presumption that the supervision shall be provided by a professional supervisor. This presumption is overcome if the court finds: (I) There is a lay person who has demonstrated through sworn testimony and evidence of past interactions with children that they are capable and committed to protecting the child from physical or emotional abuse or harm; and (II) the parent is unable to access professional supervision due to (1) geographic isolation or other factors that would make professionally supervised visitation inaccessible or (2) financial indigency that has been demonstrated by a general rule 34 waiver or other evidence that the parent's current income and necessary expenses do not allow for the cost of professional supervision.

(B) For all supervision, the court shall include clear written guidelines and prohibitions to be followed by the supervised party. No visits shall take place until the supervised parent and supervisor, or designated representative of a professional supervision program, have signed an acknowledgment confirming that they have read the court orders and the guidelines and prohibitions regarding visitation and agree to follow them. The court shall only permit supervision by an individual or program that is committed to protecting the child from any physical or emotional abuse or harm and is willing and capable of intervening in behaviors inconsistent with the court orders and guidelines.

(C) A parent may seek an emergency ex parte order temporarily suspending residential time until review by the court if: (I) The supervised parent repeatedly violates the court order or guidelines; (II) the supervised parent threatens the supervisor or child with physical harm, commits an act of domestic violence, or materially violates any treatment condition associated with any restrictions under this section (a missed counseling appointment does not constitute a violation); (III) the supervisor is unable or unwilling to protect the child and/or the protected parent; or (IV) the supervisor is no longer willing to provide service to the supervised parent. The court suspending residential time shall set a review hearing to take place within 14 days of entering the ex parte order.

(ii) EVALUATION OR TREATMENT. The court may order a parent to undergo evaluations for such issues as domestic violence perpetration, substance use disorder, mental health, or anger management, with collateral input provided from the other parent. Any evaluation report that does not include collateral input must provide details as to why and the attempts made to obtain collateral input.

(A) The court may also order that a parent complete treatment for any of these issues if the need for treatment is supported by the evidence and the evidence supports a finding that the issue interferes with parenting functions.

(B) A parent's residential time and decision-making authority may be conditioned on the parent's completion of an evaluation or treatment ordered by the court.

(iii) NO CONTACT. If, based on the evidence, the court expressly finds that limitations on the residential time with a child will not adequately protect a child from the harm or abuse that could result if a child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with a child.

(5) LIMITATIONS ON DECISION MAKING AND DISPUTE RESOLUTION. Except for circumstances provided in subsection (6)(b) of this section, the court shall order sole decision making and no dispute resolution other than court action if it is found that a parent has engaged in any of the following conduct:

(a) Willful abandonment that continues for an extended period;

(b) Physical, sexual, or a pattern of emotional abuse of a child;

(c) A history of acts of domestic violence as defined in RCW 7.105.010; or

(d) An assault that causes grievous bodily harm or the fear of such harm or any sexual assault.

(6) DETERMINATION NOT TO IMPOSE LIMITATIONS.

(a) If the court makes express written findings based on clear and convincing evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply limitations to residential time under subsection (4) of this section, then the court need not apply the limitations of subsection (4) of this section. This subsection shall not apply to findings of sexual abuse which are governed by section 2 of this act.

(b) If the court makes express written findings based on clear and convincing evidence that it would be contrary to the child's best interests to order sole decision making or preclude dispute resolution under subsection (5) of this section, the court need not apply those limitations. Where there has been a finding of domestic violence, there is a rebuttable presumption that there will be sole decision making. The court shall not require face-to-face mediation, arbitration, or interventions, including therapeutic interventions, that require the parties to share the same physical or virtual space if there has been a finding of domestic violence.

(c) In determining whether there is clear and convincing evidence supporting a determination not to impose limitations, the court shall consider and make express written findings on all of the following factors:

(i) Any current risk posed by the parent to the physical or psychological well-being of the child or other parent;

(ii) Whether a parent has demonstrated that they can and will prioritize the child's physical and psychological well-being;

(iii) Whether a parent has adhered to and is likely to adhere to court orders;

(iv) Whether a parent has genuinely acknowledged past harm and is committed to avoiding harm in the future; and

(v) A parent's compliance with any previously court-ordered treatment. A parent's compliance with the requirements for participation in a treatment program does not, by itself, constitute evidence that the parent has made the requisite changes.

(7) WHEN LIMITATIONS APPLY TO BOTH PARENTS.

(a) When mandatory limitations in subsection (4)(a) or (b) of this section apply to both parents, the court may make an exception in applying mandatory limitations. The court shall make detailed written findings regarding the comparative risk of harm to the child posed by each parent, and shall explain the limitations imposed on each parent, including any decision not to impose restrictions on a parent or to award decision making to a parent who is subject to limitations.

(b) When mandatory limitations under subsection (4)(a) or (b) of this section apply to one parent and discretionary limitations under subsection (4)(c) of this section apply to another parent, there is a presumption that the mandatory limitations shall have priority in setting the limitations of the residential schedule, decision making, and dispute resolution. If the court deviates from this presumption, the court shall make detailed written findings as to the reasons for the deviation.

(c) When discretionary limitations in subsection (4)(c) of this section apply to both parents, the court shall make detailed written findings regarding the comparative risk of harm to the child posed by each parent, and shall explain the limitations imposed on each parent, including any decision not to impose restrictions on a parent or to award decision making to a parent who is subject to limitations in subsection (4)(c) of this section.

(d) In making the determinations under (a), (b), or (c) of this subsection, the court shall consider the best interests of the child and which parenting arrangement best maintains a child's emotional growth, health and stability, and physical care. Further, the best interests of the child are ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

(8) RIGHTS TO APPEAL. Nothing in this section restricts any right to appeal.

NEW SECTION. **Sec. 2.** A new section is added to chapter 26.09 RCW to read as follows:

This section governs limitations on residential provisions, decision-making authority, and dispute resolution when a parent, or a person the parent resides with, has been convicted of a sex offense against a child or found to have sexually abused a child.

(1) SEXUALLY VIOLENT PREDATORS. If a parent has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside the predator's presence.

(2) CHILD SEXUAL ABUSE BY PARENT.

(a) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense against any child in this or another jurisdiction poses a present danger to a child. Unless the parent rebuts this presumption, the court

shall restrain the parent from all contact with the parent's child that would otherwise be allowed under this chapter.

(b) The court shall not enter an order allowing a parent to have contact with the parent's child if the parent has been found by a preponderance of the evidence in a dependency or family law action, including in the current case, to have sexually abused that child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact.

(3) PARENT RESIDING WITH A PERSON FOUND TO HAVE SEXUALLY ABUSED A CHILD.

(a) There is a rebuttable presumption that a parent who knowingly resides with a person who, as an adult, has been convicted of a sex offense against a child, or as a juvenile has been adjudicated of a sex offense against a child at least eight years younger, in this or another jurisdiction, places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence.

(b) The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by a preponderance of the evidence in a dependency or family law action, including in the current case, to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(4) REBUTTING THE PRESUMPTION OF NO CONTACT.

(a) OFFENDING PARENT. The presumption established in subsection (2)(a) of this section may be rebutted only after a written finding based on clear and convincing evidence that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court.

(b) PARENT RESIDES WITH OFFENDING PERSON. The presumption established in subsection (3)(a) of this section may be rebutted only after a written finding based on clear and convincing evidence that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is

appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has provided documentation that they have successfully completed treatment for sex offenders or are engaged in and making progress in such treatment, if any was ordered by a court.

(c) CONTACT IF PRESUMPTION REBUTTED.

(i)(A) If the court finds that the parent has met the burden of rebutting the presumption under (a) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense against a child to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time.

(B) The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child;

(ii) If the court finds that the parent has met the burden of rebutting the presumption under (b) of this subsection, the court may allow a parent residing with a person who has been convicted of a sex offense against a child or adjudicated of a juvenile sex offense with a child at least eight years younger to have residential time with the child in the presence of that person, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The supervisor may be the parent if the court finds, based on the evidence, that the parent is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor, including the parent, upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child;

(iii) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent;

(iv) A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under subsection (2)(a) of this section has been rebutted pursuant to (a) of this subsection and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children and (A) the sex offense of the offending parent was not committed against a child of the

offending parent, and (B) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(5) RESTRICTED DECISION MAKING AND DISPUTE RESOLUTION. The parenting plan shall not require mutual decision making or designation of a dispute resolution process other than court action if it is found that a parent has been convicted as an adult of a sex offense against any child in this or any other jurisdiction or has been found to be a sexually violent predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction.

Sec. 3. RCW 11.130.215 and 2022 c 243 s 8 are each amended to read as follows:

(1) After a hearing under RCW 11.130.195, the court may appoint a guardian for a minor, if appointment is proper under RCW 11.130.185, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a probated will or other record unless the court finds the appointment is contrary to the best interest of the minor. Any "other record" must be a declaration or other sworn document and may include a power of attorney or other sworn statement as to the care, custody, or control of the minor child.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under RCW 26.09.191 or section 2 of this act; and which may include decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

Sec. 4. RCW 26.09.187 and 2007 c 496 s 603 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 or section 2 of this act applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(5)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191 and section 2 of this act; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191 or section 2 of this act;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection.

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191 or section 2 of this act;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(5)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(5)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191 and section 2 of this act. Where the limitations of RCW 26.09.191 or section 2 of this act are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions as defined in RCW 26.09.004((~~(3)~~)) (2), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) Where the limitations of RCW 26.09.191 or section 2 of this act are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

Sec. 5. RCW 26.09.194 and 2008 c 6 s 1045 are each amended to read as follows:

(1) A parent seeking a temporary order relating to parenting shall file and serve a proposed temporary parenting plan by motion. The other parent, if contesting the proposed temporary parenting plan, shall file and serve a responsive proposed parenting plan. Either parent may move to have a proposed temporary parenting plan entered as part of a temporary order. The parents may enter an agreed temporary parenting plan at any time as part of a temporary order. The proposed temporary parenting plan may be supported by relevant evidence and shall be accompanied by an affidavit or declaration which shall state at a minimum the following:

(a) The name, address, and length of residence with the person or persons with whom the child has lived for the preceding twelve months;

(b) The performance by each parent during the last twelve months of the parenting functions relating to the daily needs of the child;

(c) The parents' work and child-care schedules for the preceding twelve months;

(d) The parents' current work and child-care schedules; and

(e) Any of the circumstances set forth in RCW 26.09.191 or section 2 of this act that are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(2) At the hearing, the court shall enter a temporary parenting order incorporating a temporary parenting plan which includes:

(a) A schedule for the child's time with each parent when appropriate;

(b) Designation of a temporary residence for the child;

(c) Allocation of decision-making authority, if any. Absent allocation of decision-making authority consistent with RCW 26.09.187(2), neither party shall make any decision for the child other than those relating to day-to-day or emergency care of the child, which shall be made by the party who is present with the child;

(d) Provisions for temporary support for the child; and

(e) Restraining orders, if applicable, under RCW 26.09.060.

(3) A parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon a showing of necessity.

(4) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of RCW 26.09.191 and section 2 of this act and is in the best interest of the child.

(5) If a proceeding for dissolution of marriage or dissolution of domestic partnership, legal separation, or declaration of invalidity is dismissed, any temporary order or temporary parenting plan is vacated.

Sec. 6. RCW 26.09.260 and 2009 c 502 s 3 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan,

that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191 and section 2 of this act.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 ((~~(2) or (3)~~)) or section 2 of this act may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion

alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191 or section 2 of this act. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

Sec. 7. RCW 26.09.520 and 2019 c 79 s 3 are each amended to read as follows:

The person proposing to relocate with the child shall provide his or her reasons for the intended relocation. There is a rebuttable presumption that the intended relocation of the child will be permitted. A person entitled to object to the intended relocation of the child may rebut the presumption by demonstrating that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person, based upon the following factors. The factors listed in this section are not weighted. No inference is to be drawn from the order in which the following factors are listed:

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

(2) Prior agreements of the parties;

(3) Whether disrupting the contact between the child and the person seeking relocation would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191 or section 2 of this act;

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical,

educational, and emotional development, taking into consideration any special needs of the child;

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

(8) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

(9) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

(10) The financial impact and logistics of the relocation or its prevention; and

(11) For a temporary order, the amount of time before a final decision can be made at trial.

Sec. 8. RCW 26.12.177 and 2011 c 292 s 7 are each amended to read as follows:

(1) All guardians ad litem appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191 or section 2 of this act, the guardians ad litem appointed under this title must have additional relevant training under RCW 2.56.030(15) when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information record as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem is inappropriate or unqualified, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who has been found to have misrepresented his or her qualifications.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

Sec. 9. RCW 26.51.020 and 2021 c 215 s 143 and 2021 c 65 s 103 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abusive litigation" means litigation where the following apply:

(a)(i) The opposing parties have a current or former intimate partner relationship;

(ii) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed domestic violence against the other party pursuant to: (A) An order entered under chapter 7.105 RCW or former chapter 26.50 RCW; (B) a parenting plan with restrictions based on RCW 26.09.191((~~(2)(a)(iii)~~)) (4)(a)(iii); or (C) a restraining order entered under chapter 26.09, 26.26A, or 26.26B RCW, provided that the issuing court made a specific finding that the restraining order was necessary due to domestic violence; and

(iii) The litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party; and

(b) At least one of the following factors apply:

(i) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or

(iii) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) "Intimate partner" is defined in RCW 7.105.010.

(3) "Litigation" means any kind of legal action or proceeding including, but not limited to: (a) Filing a summons, complaint, demand, or petition; (b) serving a summons, complaint, demand, or petition, regardless of whether it has been filed; (c) filing a motion, notice of court date, note for motion docket, or order to appear; (d) serving a motion, notice of court date, note for motion docket, or order to appear, regardless of whether it has been filed or scheduled; (e) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or (f) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) "Perpetrator of abusive litigation" means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation.

Passed by the House April 18, 2025.
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CHAPTER 167

[House Bill 1698]

LIQUOR PERMITS AND LICENSING—VARIOUS PROVISIONS

AN ACT Relating to updating liquor permit and licensing provisions; amending RCW 66.20.010, 66.20.300, 66.20.310, and 66.20.320; and repealing RCW 66.24.580.

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

Sec. 1. RCW 66.20.010 and 2024 c 91 s 1 are each amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee must issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(7) ((~~Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation;~~

~~(8)~~)) Where the application is for a special permit by a vendor that manufactures or sells a product which cannot be effectively presented to potential buyers without serving it with liquor or by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(((~~(9)~~))) (8) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(((~~(10)~~))) (9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a liquor spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(((~~(11)~~))) (10) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility," as used in this subsection, means a facility offering from one to eight lodging units and breakfast to travelers and guests;

(((~~(12)~~))) (11) Where the application is for a special permit to allow tasting of alcohol by persons at least 18 years of age under the following circumstances:

(a) The application is from a community or technical college as defined in RCW 28B.50.030, a regional university, or a state university;

(b) The person who is permitted to taste under this subsection is enrolled as a student in a required or elective class that is part of a culinary, sommelier, wine business, enology, viticulture, wine technology, beer technology, or spirituous technology-related degree program;

(c) The alcohol served to any person in the degree-related programs under (b) of this subsection is tasted but not consumed for the purposes of educational

training as part of the class curriculum with the approval of the educational provider;

(d) The service and tasting of alcoholic beverages is supervised by a faculty or staff member of the educational provider who is 21 years of age or older. The supervising faculty or staff member shall possess a class 12 or 13 alcohol server permit under the provisions of RCW 66.20.310;

(e) The enrolled student permitted to taste the alcoholic beverages does not purchase the alcoholic beverages;

(f) The enrolled student permitted to taste the alcoholic beverages conducts the tasting either: (i) On the premises of the college or university at which the student is enrolled; or (ii) while on a field trip to a grape-growing area or production facility so long as the enrolled student is accompanied by a faculty or staff member with a class 12 or 13 alcohol server permit who supervises as provided in (d) of this subsection and all other requirements of this subsection ((~~(12)~~)) (11) are met; and

(g) The permit fee for the special permit provided for in this subsection ((~~(12)~~)) (11) must be waived by the board;

((~~(13)~~)) (12) Where the application is for a special permit by a distillery or craft distillery for an event not open to the general public to be held or conducted at a specific place, including at the licensed premise of the applying distillery or craft distillery, upon a specific date for the purpose of tasting and selling spirits of its own production. The distillery or craft distillery must obtain a permit for a fee of $10 per event. An application for the permit must be submitted for private banquet permits prior to the event and, once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No licensee may receive more than 12 permits under this subsection ((~~(13)~~)) each year;

((~~(14)~~)) (13) Where the application is for a special permit by a manufacturer of wine for an event not open to the general public to be held or conducted at a specific place upon a specific date for the purpose of tasting and selling wine of its own production. The winery must obtain a permit for a fee of $10 per event. An application for the permit must be submitted at least ten days before the event and once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No more than 12 events per year may be held by a single manufacturer under this subsection;

((~~(15)~~)) (14) Where the application is for a special permit by a manufacturer of beer for an event not open to the general public to be held or conducted at a specific place upon a specific date for the purpose of tasting and selling beer of its own production. The brewery or microbrewery must obtain a permit for a fee of $10 per event. An application for the permit must be submitted at least 10 days before the event and, once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No more than 12 events per year may be held by a single manufacturer under this subsection;

((~~(16)~~)) (15) Where the application is for a special permit by an individual or business to sell a private collection of wine or spirits to an individual or business. The seller must obtain a permit at least five business days before the sale, for a fee of $25 per sale. The seller must provide an inventory of products sold and the agreed price on a form provided by the board. The seller shall

submit the report and taxes due to the board no later than 20 calendar days after the sale. A permit may be issued under this section to allow the sale of a private collection to licensees, but may not be issued to a licensee to sell to a private individual or business which is not otherwise authorized under the license held by the seller. If the liquor is purchased by a licensee, all sales are subject to taxes assessed as on liquor acquired from any other source. The board may adopt rules to implement this section;

((~~(17)~~)) (16)(a) A special permit, where the application is for a special permit by a nonprofit organization to sell wine through an auction, not open to the public, to be conducted at a specific place, upon a specific date, and to allow wine tastings at the auction of the wine to be auctioned.

(b) A permit holder under this subsection ((~~(17)~~)) (16) may at the specified event:

(i) Sell wine by auction for off-premises consumption; and

(ii) Allow tastings of samples of the wine to be auctioned at the event.

(c) An application is required for a permit under this subsection ((~~(17)~~)) (16). The application must be submitted prior to the event and once issued must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use.

(d) Wine from more than one winery may be sold at the auction; however, each winery selling wine at the auction must be listed on the permit application. Only a single application form may be required for each auction, regardless of the number of wineries that are selling wine at the auction. The total fee per event for a permit issued under this subsection ((~~(17)~~)) (16) is $25 multiplied by the number of wineries that are selling wine at the auction.

(e) For the purposes of this subsection ((~~(17)~~)) (16), "nonprofit organization" means an entity incorporated as a nonprofit organization under Washington state law.

(f) The board may adopt rules to implement this section;

((~~(18)~~)) (17) An annual special permit to allow a short-term rental operator to provide one complimentary bottle of wine to rental guests who are age 21 or over. The annual special permit fee is $75. A single permit applies to all rental properties owned or operated by the short-term rental operator and identified in the permit application. One complimentary bottle of wine per booking may be provided, regardless of the total number of rental guests. The provision of the complimentary bottle of wine may occur only after an operator or staff person of the short-term rental, who is present at the short-term rental property, verifies that each rental guest who will consume the complimentary bottle of wine is age 21 or over by checking a valid form of identification of each such rental guest at the time rental guests arrive. The rental guests must be informed the rental guests are being offered one complimentary bottle of wine and that opening or consuming the bottle of wine in a public place is illegal pursuant to RCW 66.44.100. The rental guests must not have notified the operator that the rental guests decline the complimentary bottle of wine. The complimentary bottle of wine may be consumed on the premises of the rental property or removed and consumed off the premises of the rental property. A permit holder may purchase wine from wine distributors in accordance with RCW 66.24.200, and from retailers and other suppliers of wine authorized under this title to sell wine at retail to consumers for off-premises consumption. For purposes of this

subsection, the terms "short-term rental," "operator," and "guest" have the same meanings as in RCW 64.37.010; and

((~~(19)~~)) (18) Where the application is for an emergency liquor permit by a licensed manufacturer to authorize the sale, service, and consumption of liquor on the premises of another liquor licensee with retail sales privileges when an emergency or disaster as defined in RCW 38.52.010 has made the premises of the applicant inaccessible and unable to operate due to an emergency or road closure, except that the fee must be waived if there is a proclamation of a state of emergency issued by the governor or by the city, town, or county where the applicant is located. The permit shall be valid for 30 days and may be continually renewed for periods of 30 days if the emergency or disaster continues. Employees or agents of the emergency permit holder or the licensed premises may serve liquor provided by the permit holder. The permit holder may store no more than a 30-day supply of liquor at the licensed premises in segregated storage. No more than a total of three emergency permit holders may sell at the same licensed premises under an emergency permit.

Sec. 2. RCW 66.20.300 and 2019 c 64 s 20 are each amended to read as follows:

The definitions in this section apply throughout RCW 66.20.310 through 66.20.350 unless the context clearly requires otherwise.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of ((~~his or her~~)) their employment participates in the sale or service of alcoholic beverages for on-premises consumption at ((~~a retail licensed premise~~)) an on-premises licensed facility as a regular requirement of ((~~his or her~~)) their employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) ((~~"Board" means the Washington state liquor and cannabis board.~~

~~(4) "Retail licensed premises"~~)) "On-premises licensed facility" means any:

(a) Premises ((~~licensed~~)) issued an annual license to sell or serve alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises, or a premises holding a privilege for on-premises tasting activities, as authorized by this ((~~section and RCW 66.20.310, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690, 66.24.450, 66.24.570, 66.24.610, 66.24.650, 66.24.655, and 66.24.680~~)) title;

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); ((~~and~~))

(d) Brewery or microbrewery authorized to serve or sell beer or other liquor under RCW 66.24.240 or 66.24.244;

(e) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363;

(f) Beer and/or wine specialty shop licensed under RCW 66.24.371, but only with respect to employees whose duties include serving during tasting activities;

(g) Spirit retailers licensed under RCW 66.24.630 or 66.24.632, but only with respect to employees whose duties include serving during tasting activities.

((~~(5)~~)) (4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

Sec. 3. RCW 66.20.310 and 2024 c 265 s 1 are each amended to read as follows:

(1)(a) There is an alcohol server permit, known as a class 12 permit, for:

(i) A manager;

(ii) A bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility; or

(iii) An employee conducting alcohol deliveries for a licensee that delivers alcohol under RCW 66.24.710.

(b) There is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at ((~~a retail licensed premise~~)) an on-premises licensed facility must be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit is valid for employment at any ((~~retail licensed premises~~)) on-premises licensed facility described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee of an on-premises licensed facility holding a license as authorized by this ((~~section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690, 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, 66.24.655, and 66.24.680~~)) title may employ or accept the services of any person whose duties include the compounding, sale, service, or handling of liquor without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages ((~~on a retail licensed premises~~)) at an on-premises licensed facility without possessing a valid alcohol server permit.

(f) Every person whose duties include the delivery of alcohol authorized under RCW 66.24.710 must have a class 12 permit before engaging in alcohol delivery. A delivery employee whose duties include the delivery of alcohol authorized under RCW 66.24.710 must complete an approved class 12 permit course that includes a curriculum component that covers best practices for delivery of alcohol.

(3) A permit issued by a training entity under this section is valid for employment at any ((~~retail licensed premises~~)) on-premises licensed facility described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state, has been convicted at any time of a felony under chapter 9A.40, 9A.44, 9A.46, 9A.86, or 9A.88 RCW, or a felony that is directly related to alcohol service; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the ((~~retail licensed premises~~)) on-premises licensed facility. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any ((~~retail~~)) on-premises licensed facility licensee or agent of a ((~~retail licensee~~)) on-premises licensed facility as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

Sec. 4. RCW 66.20.320 and 2023 c 279 s 4 are each amended to read as follows:

(1) The board shall regulate a required alcohol server education program that includes:

(a) Development of the curriculum and materials for the education program;

(b) Examination and examination procedures;

(c) Certification procedures, enforcement policies, and penalties for education program instructors and providers; and

(d) The curriculum for an approved class 12 alcohol permit training program that includes but is not limited to the following subjects:

(i) The physiological effects of alcohol including the effects of alcohol in combination with drugs;

(ii) Liability and legal information;

(iii) Driving while intoxicated;

(iv) Intervention with the problem customer, including ways to stop service, ways to deal with the belligerent customer, and alternative means of transportation to get the customer safely home;

(v) Methods for checking proper identification of customers;

(vi) Nationally recognized programs, such as TAM (Techniques in Alcohol Management) and TIPS (Training for Intervention Programs) modified to include Washington laws and rules; and

(vii) Best practices for delivery of alcohol for a course approved for a person whose duties include the delivery of alcohol authorized under RCW 66.24.710.

(2) The board shall provide the program through liquor licensee associations, independent contractors, private persons, private or public schools certified by the board, or any combination of such providers.

(3) Each training entity shall provide a class 12 permit to the manager, bartender, or delivery employee who has successfully completed a course the board has certified. A list of the individuals receiving the class 12 permit shall be forwarded to the board on the completion of each course given by the training entity.

(4) ((~~After January 1, 1997, the board shall require all alcohol servers applying for a class 13 alcohol server permit to view a video training session. Retail liquor licensees shall fully compensate employees for the time spent participating in this training session.~~

~~(5) When requested by a retail liquor licensee, the board shall provide copies of videotaped training programs that have been produced by private vendors and make them available for a nominal fee to cover the cost of purchasing and shipment, with the fees being deposited in the liquor revolving fund for distribution to the board as needed.~~

~~(6) Each training entity may provide the board with a video program of not less than one hour that covers the subjects in subsection (1)(d)(i) through (v) of this section that will be made available to a licensee for the training of a class 13 alcohol server.~~

~~(7)~~)) Applicants shall be given a class 13 permit upon the successful completion of the program.

(((~~(8)~~))) (5) A list of the individuals receiving the class 13 permit shall be forwarded to the board on the completion of each video training program.

(((~~(9)~~))) (6) The board shall develop a model permit for the class 12 and 13 permits. The board may provide such permits to training entities or licensees for a nominal cost to cover production.

(((~~(10)~~))) (7)(a) Persons who have completed a nationally recognized alcohol management or intervention program since July 1, 1993, may be issued a class 12 or 13 permit upon providing proof of completion of such training to the board.

(b) Persons who completed the board's alcohol server training program after July 1, 1993, but before July 1, 1995, may be issued a class 13 permit upon providing proof of completion of such training to the board.

NEW SECTION. **Sec. 5.** RCW 66.24.580 (Public house license—Fees—Limitations) and 2021 c 6 s 13, 2011 c 119 s 206, 1999 c 281 s 6, & 1996 c 224 s 2 are each repealed.

Passed by the House March 4, 2025.

Passed by the Senate April 16, 2025.

Approved by the Governor April 25, 2025.

Filed in Office of Secretary of State April 25, 2025.

CHAPTER 168

[Second Substitute House Bill 1788]

WORKERS' COMPENSATION—BENEFIT CALCULATION

AN ACT Relating to workers' compensation benefits; amending RCW 51.32.010 and 51.32.060; creating a new section; and providing an effective date.

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

Sec. 1. RCW 51.32.010 and 1977 ex.s. c 350 s 37 are each amended to read as follows:

((~~Each~~)) (1) Except as provided in subsection (2) of this section, each worker injured in the course of ((~~his or her~~)) the worker's employment, or ((~~his or her~~)) the worker's family or dependents in case of death of the worker, shall receive compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever((~~: PROVIDED, That if an injured~~)).

(2)(a) If an injured worker, or the surviving spouse of an injured worker shall not have the legal custody of a child for, or on account of whom payments are required to be made under this title, such payment or payments shall be made to the person or persons having the legal custody of such child but only for the periods of time after the department has been notified of the fact of such legal custody, and it shall be the duty of any such person or persons receiving payments because of legal custody of any child immediately to notify the department of any change in such legal custody.

(b)(i) For claims with a date of injury or disease manifestation on or after July 1, 2026, the payment or payments to be made to the person or persons having the legal custody of a worker's child shall be two percent of the worker's wages.

(ii) For claims with a date of injury or disease manifestation on or after July 1, 2026, the payment to be made to the worker or surviving spouse under this chapter shall be reduced by the amount of the payment or payments to be made to person or persons having the legal custody of a worker's child or children under (b)(i) of this subsection (2).

Sec. 2. RCW 51.32.060 and 2007 c 284 s 2 are each amended to read as follows:

(1) ((~~When~~)) For claims with a date of injury or disease manifestation on or after July 1, 2026, when the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability, except as provided in RCW 51.32.010, a percentage of the worker's wages, as follows:

Worker's status	Percentage of the worker's wages
Unmarried with no children	60 percent
Unmarried with one child or married with no children	65 percent
Unmarried with two children or married with one child	67 percent

Worker's status	Percentage of the worker's wages
Unmarried with three children or married with two children	69 percent
Unmarried with four children or married with three children	71 percent
Unmarried with five children or married with four children	73 percent
Unmarried with six or more children or married with five or more children	75 percent

(2) For claims with a date of injury or disease manifestation before July 1, 2026, when the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty-five percent of his or her wages.

(b) If married with one child at the time of injury, sixty-seven percent of his or her wages.

(c) If married with two children at the time of injury, sixty-nine percent of his or her wages.

(d) If married with three children at the time of injury, seventy-one percent of his or her wages.

(e) If married with four children at the time of injury, seventy-three percent of his or her wages.

(f) If married with five or more children at the time of injury, seventy-five percent of his or her wages.

(g) If unmarried at the time of the injury, sixty percent of his or her wages.

(h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages.

(i) If unmarried with two children at the time of injury, sixty-four percent of his or her wages.

(j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages.

(k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages.

(l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages.

((~~(2)~~)) (3) For any period of time where both ((~~husband and wife~~)) spouses are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

((~~(3)~~)) (4) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

((~~(4)~~)) (5) Should any further accident result in the permanent total disability of an injured worker, ((~~he or she~~)) the injured worker shall receive the pension to which ((~~he or she~~)) the injured worker would be entitled, notwithstanding the payment of a lump sum for ((~~his or her~~)) the injured worker's prior injury.

((~~(5)~~)) (6) In no event shall the monthly payments provided in this section:

(a) Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if a worker is married and an additional ten dollars per month for each child of the worker up to a maximum of five children for claims with a date of injury or disease manifestation before July 1, 2026, and six children for claims with a date of injury or disease manifestation on or after July 1, 2026. However, if the monthly payment computed under this subsection ((~~(5)~~)) (6)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

The limitations under this subsection shall not apply to the payments provided for in subsection ((~~(3)~~)) (4) of this section.

((~~(6)~~)) (7) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the workforce, benefits shall not be paid under this section.

((~~(7)~~)) (8) The benefits provided by this section are subject to modification under RCW 51.32.067.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2026.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Passed by the House March 5, 2025.

Passed by the Senate April 15, 2025.

Approved by the Governor April 25, 2025.

Filed in Office of Secretary of State April 25, 2025.

CHAPTER 169

[Engrossed Substitute House Bill 1815]

PRISON RIOT OFFENSES—JUVENILES

AN ACT Relating to prison riot offenses; amending RCW 9.94.049 and 9.94A.640; adding a new section to chapter 9.94A RCW; adding new sections to chapter 13.40 RCW; creating a new section; and declaring an emergency.

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

Sec. 1. RCW 9.94.049 and 2021 c 243 s 5 are each amended to read as follows:

(1)(a) For the purposes of this chapter, except for RCW 9.94.010, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, juvenile detention centers, and other facilities operated by the department of corrections, department of children, youth, and families, or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense.

(b) For the purposes of RCW 9.94.010, the term "correctional institution" means any place designated by law primarily for the keeping of persons age 18 or older held in custody under process of law, or under lawful arrest, including state prisons, county and local adult jails, and other facilities operated by the department of corrections, or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense. For the purposes of RCW 9.94.010, the term "correctional institution" does not include facilities operated by the department of children, youth, and families or county juvenile detention facilities.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons.

Sec. 2. RCW 9.94A.640 and 2021 c 237 s 2 are each amended to read as follows:

(1) ((~~Every~~)) Except as provided in subsection (5) of this section, every offender who has been discharged under RCW 9.94A.637 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if:

(a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree

under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(c) The offense is a class B felony and the offender has been convicted of a new crime in this state, another state, or federal court in the ten years prior to the application for vacation;

(d) The offense is a class C felony and the offender has been convicted of a new crime in this state, another state, or federal court in the five years prior to the application for vacation;

(e) The offense is a class B felony and less than ten years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date;

(f) The offense was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and less than five years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date; or

(g) The offense was a felony described in RCW 46.61.502 or 46.61.504.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, the victim or the prosecutor of the county in which the victim was sentenced may apply to the sentencing court or the sentencing court's successor to vacate the victim's record of conviction for a class B or class C felony offense using the process in RCW 9.94A.648. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in RCW 9.94A.648 is subject to subsection (4) of this section.

(4)(a) Except as otherwise provided, once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution, and nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040.

(b) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense occurring on or after July 28, 2019, and may be used to establish an ongoing pattern of abuse for purposes of RCW 9.94A.535.

(5) Every person convicted of a prison riot offense under RCW 9.94.010 who was incarcerated in a facility operated by the department of children, youth, and families or a county juvenile detention facility at the time of the offense may apply to the sentencing court for a vacation of the applicant's record of adjudication or conviction for the offense. If an applicant qualifies under this subsection, the court shall vacate the record of conviction or adjudication.

NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW to read as follows:

(1) In any criminal case where an offender has been sentenced for an offense where a conviction or adjudication for a prison riot offense that occurred in a facility operated by the department of children, youth, and families or a county juvenile detention facility was used as a basis for the offender's sentence, the prosecuting attorney shall, or the offender may, make a motion for relief from sentence to the original sentencing court.

(2) The sentencing court shall grant the motion for relief from sentence established in this section if it finds that a current or past conviction or adjudication for a prison riot offense that occurred in a facility operated by the department of children, youth, and families or a county juvenile detention facility was used as a basis for the offender's sentence and shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if the current or past conviction for a prison riot offense that occurred in a facility operated by the department of children, youth, and families or a county juvenile detention facility did not occur.

NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40 RCW to read as follows:

(1) In any juvenile offender case where an offender has been sentenced for an offense where an adjudication for a prison riot offense that occurred in a facility operated by the department of children, youth, and families or a county juvenile detention facility was used as a basis for the offender's sentence or disposition, the prosecuting attorney shall, or the offender may, make a motion for relief from disposition to the original court that imposed the disposition.

(2) The court that imposed the disposition shall grant the motion for relief from disposition established in this section if it finds that a current or past adjudication for a prison riot offense that occurred in a facility operated by the department of children, youth, and families or a county juvenile detention facility was used as a basis for the offender's disposition and shall immediately set an expedited date for resentencing. At resentencing, the court shall impose a disposition as if the current or past adjudication for a prison riot offense that occurred in a facility operated by the department of children, youth, and families or a county juvenile detention facility did not occur.

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The department shall establish rules for including prison riot behavior as described in RCW 9.94.010(1) as an infraction that is managed through the internal behavioral management infraction system.

(2) By August 1, 2025, the department shall respond to prison riot behavior as described in RCW 9.94.010(1) that occurs in an institution using the internal behavioral management infraction system.

(3) The department may impose an infraction using the internal behavioral management infraction system for offenses that were vacated under section 2 of this act when appropriate.

NEW SECTION. **Sec. 6.** Section 1 of this act applies retroactively to all prison riot convictions or adjudications and prison riot offenses that have been charged within five years before the effective date of this section.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House April 18, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor April 25, 2025.
Filed in Office of Secretary of State April 25, 2025.

CHAPTER 170

[Engrossed Substitute House Bill 1875]
PAID SICK LEAVE—IMMIGRATION PROCEEDINGS

AN ACT Relating to allowing the use of paid sick leave to prepare for or participate in certain immigration proceedings; and reenacting and amending RCW 49.46.210.

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

Sec. 1. RCW 49.46.210 and 2024 c 356 s 1 and 2024 c 39 s 1 are each reenacted and amended to read as follows:

(1) Beginning January 1, 2018, except as provided in RCW 49.46.180, every employer shall provide each of its employees paid sick leave as follows:

(a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

(b) An employee is authorized to use paid sick leave for the following reasons:

(i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; ((~~and~~))

(iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a health-related reason or after the declaration of an emergency by a local or state government or agency, or by the federal government; and

(iv) To allow the employee to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or employee's family member.

(c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

(d) An employee is entitled to use accrued paid sick leave beginning on the ninetieth calendar day after the commencement of his or her employment.

(e) Employers are not prevented from providing more generous paid sick leave policies or permitting use of paid sick leave for additional purposes.

(f) An employer may require employees to give reasonable notice of an absence from work, so long as such notice does not interfere with an employee's lawful use of paid sick leave.

(g)(i) For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(ii)(A) For purposes of fulfilling a request for verification for leave taken under (b)(iv) of this subsection, an employee may submit, and the employer must accept:

(I) Documentation that the employee or the employee's family member is involved in a qualifying immigration proceeding from any of the following persons from whom the employee or employee's family member sought assistance in addressing the proceeding: An advocate for immigrants or refugees, an attorney, a member of the clergy, or other professional. The provision of documentation under this subsection does not waive or diminish the confidential or privileged nature of communications between an employee or an employee's family member and one or more of the individuals described in this subsection pursuant to RCW 5.60.060 or other applicable law; or

(II) An employee's written statement that the employee or the employee's family member is involved in a qualifying immigration proceeding and that the leave taken was for one of the purposes described in (b)(iv) of this subsection.

(B) The documentation or written statement must not disclose any personally identifiable information about a person's immigration status or underlying immigration protection.

(h) An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

(i) For each hour of paid sick leave used, an employee shall be paid the greater of the minimum hourly wage rate established in this chapter or his or her normal hourly compensation. The employer is responsible for providing regular notification to employees about the amount of paid sick leave available to the employee.

(j) Except as provided in (l) of this subsection, accrued and unused paid sick leave carries over to the following year, but an employer is not required to allow an employee to carry over paid sick leave in excess of 40 hours.

(k) Except as provided in (l) of this subsection, an employer is not required to provide financial or other reimbursement for accrued and unused paid sick leave to any employee upon the employee's termination, resignation, retirement, or other separation from employment. When there is a separation from

employment and the employee is rehired within 12 months of separation by the same employer, whether at the same or a different business location of the employer, previously accrued unused paid sick leave shall be reinstated and the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave under (d) of this subsection. For purposes of this subsection (1)(k), "previously accrued and unused paid sick leave" does not include sick leave paid out to a construction worker under (l) of this subsection.

(l)(i) A construction industry employer must pay a construction worker, who has not met the 90th day eligibility under (d) of this subsection at the time of separation, the balance of the worker's accrued and unused paid sick leave at the end of the established pay period following the worker's separation pursuant to RCW 49.48.010(2).

(ii) The definitions in this subsection (1)(l)(ii) apply throughout this subsection (1)(l) unless the context clearly requires otherwise.

(A) "Construction worker" means a worker who performed service, maintenance, or construction work on a jobsite, in the field or in a fabrication shop using the tools of the worker's trade or craft.

(B) "Construction industry employer" means an employer in the industry described in North American industry classification system industry code 23, except for residential building construction code 2361.

(2) The definitions in this subsection apply throughout this section, except for subsection (5) of this section:

(a) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

(b) "Child" means a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(c) "Grandchild" means a child of the employee's child.

(d) "Grandparent" means a parent of the employee's parent.

(e) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(f) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

(5)(a) The definitions in this subsection apply to this subsection:

(i) "Average hourly compensation" means a driver's compensation during passenger platform time from, or facilitated by, the transportation network company, during the 365 days immediately prior to the day that paid sick time is used, divided by the total hours of passenger platform time worked by the driver on that transportation network company's driver platform during that period. "Average hourly compensation" does not include tips.

(ii) "Driver," "driver platform," "passenger platform time," and "transportation network company" have the meanings provided in RCW 49.46.300.

(iii) "Earned paid sick time" is the time provided by a transportation network company to a driver as calculated under this subsection. For each hour of earned paid sick time used by a driver, the transportation network company shall compensate the driver at a rate equal to the driver's average hourly compensation.

(iv) For purposes of drivers, the following definitions apply:

(A) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of a driver, and also includes any individual who regularly resides in the driver's home or where the relationship creates an expectation that the driver care for the person, and that individual depends on the driver for care. "Family member" includes any individual who regularly resides in the driver's home, except that it does not include an individual who simply resides in the same home with no expectation that the driver care for the individual.

(B) "Child" means a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the driver stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(C) "Grandchild" means a child of the driver's child.

(D) "Grandparent" means a parent of the driver's parent.

(E) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of a driver or the driver's spouse, or an individual who stood in loco parentis to a driver when the driver was a child.

(F) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

(b) Beginning January 1, 2023, a transportation network company must provide to each driver operating on its driver platform compensation for earned paid sick time as required by this subsection and subject to the provisions of this subsection. A driver shall accrue one hour of earned paid sick time for every 40 hours of passenger platform time worked.

(c) A driver is entitled to use accrued earned paid sick time upon recording 90 hours of passenger platform time on the transportation network company's driver platform.

(d) For each hour of earned paid sick time used, a driver shall be paid the driver's average hourly compensation.

(e) A transportation network company shall establish an accessible system for drivers to request and use earned paid sick time. The system must be available to drivers via smartphone application and online web portal.

(f) A driver may carry over up to 40 hours of unused earned paid sick time to the next calendar year. If a driver carries over unused earned paid sick time to the following year, accrual of earned paid sick time in the subsequent year must be in addition to the hours accrued in the previous year and carried over.

(g) A driver is entitled to use accrued earned paid sick time if the driver has used the transportation network company's platform as a driver within 90 calendar days preceding the driver's request to use earned paid sick time.

(h) A driver is entitled to use earned paid sick time for the following reasons:

(i) An absence resulting from the driver's mental or physical illness, injury, or health condition; to accommodate the driver's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(ii) To allow the driver to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

(iii) When the driver's child's school or place of care has been closed by order of a public official for any health-related reason or has been closed after the declaration of an emergency by a local or state government or agency, or by the federal government;

(iv) For absences for which an employee would be entitled for leave under RCW 49.76.030; ((~~and~~))

(v) During a deactivation or other status that prevents the driver from performing network services on the transportation network company's platform, unless the deactivation or status is due to a verified allegation of sexual assault or physical assault perpetrated by the driver; and

(vi) To allow the driver to prepare for, or participate in, any judicial or administrative immigration proceeding involving the driver or driver's family member.

(i) If a driver does not record any passenger platform time in a transportation network company's driver platform for 365 or more consecutive days, any unused earned paid sick time accrued up to that point with that transportation network company is no longer valid or recognized.

(j) Drivers may use accrued days of earned paid sick time in increments of a minimum of four or more hours. Drivers are entitled to request four or more hours of earned paid sick time for immediate use, including consecutive days of use. Drivers are not entitled to use more than eight hours of earned paid sick time within a single calendar day.

(k) A transportation network company shall compensate a driver for requested hours or days of earned paid sick time no later than 14 calendar days or the next regularly scheduled date of compensation following the requested hours or days of earned paid sick time.

(l) A transportation network company shall not request or require reasonable verification of a driver's qualifying illness or of a driver's qualifying judicial or administrative immigration proceeding except as would be permitted to be requested of an employee under subsection (1)(g) of this section. If a transportation network company requires verification pursuant to this subsection, the transportation network company must compensate the driver for the requested hours or days of earned paid sick time no later than the driver's next regularly scheduled date of compensation after satisfactory verification is provided.

(m) If a driver accepts an offer of prearranged services for compensation from a transportation network company during the four-hour period or periods for which the driver requested earned paid sick time, a transportation network company may determine that the driver did not use earned paid sick time for an authorized purpose.

(n) A transportation network company shall provide each driver with:

(i) Written notification of the current rate of average hourly compensation while a passenger is in the vehicle during the most recent calendar month for use of earned paid sick time;

(ii) An updated amount of accrued earned paid sick time since the last notification;

(iii) Reduced earned paid sick time since the last notification;

(iv) Any unused earned paid sick time available for use; and

(v) Any amount that the transportation network company may subtract from the driver's compensation for earned paid sick time. The transportation network company shall provide this information to the driver no less than monthly. The transportation network company may choose a reasonable system for providing this notification, including but not limited to: A pay stub; a weekly summary of compensation information; or an online system where drivers can access their own earned paid sick time information. A transportation network company is not required to provide this information to a driver if the driver has not worked any days since the last notification.

(o) A transportation network company may not adopt or enforce any policy that counts the use of earned paid sick time as an absence that may lead to or result in any action that adversely affects the driver's use of the transportation network.

(p) A transportation network company may not take any action against a driver that adversely affects the driver's use of the transportation network due to his or her exercise of any rights under this subsection including the use of earned paid sick time.

(q) The department may adopt rules to implement this subsection.

Passed by the House March 6, 2025.
Passed by the Senate April 15, 2025.
Approved by the Governor April 25, 2025.
Filed in Office of Secretary of State April 25, 2025.

CHAPTER 171

[Engrossed Substitute House Bill 1971]

HEALTH PLANS—PRESCRIPTION HORMONE THERAPY COVERAGE

AN ACT Relating to increasing access to prescription hormone therapy to patients of all ages by requiring health plans to provide reimbursement for a 12-month refill of prescription hormone therapy obtained at one time by an enrollee; reenacting and amending RCW 41.05.017; and adding a new section to chapter 48.43 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health plan issued or renewed on or after January 1, 2026, that includes coverage for prescription hormone therapy must provide

reimbursement for a 12-month refill of covered prescription hormone therapy obtained at one time by the enrollee, unless the enrollee requests a smaller supply, the prescribing provider instructs that the enrollee must receive a smaller supply, or the prescription hormone therapy is a controlled substance. The 12-month refill requirement only applies to prescription hormone therapy that is able to be safely stored at room temperature without refrigeration. If the prescription hormone therapy is a controlled substance, the health plan must provide reimbursement for the maximum refill allowed under state and federal law to be obtained at one time by the enrollee. Any dispensing practices required by the health plan must follow clinical guidelines for appropriate prescribing and dispensing to ensure the health of the patient while maximizing access to effective prescription hormone therapy.

(2) Nothing in this section prohibits a health plan from limiting refills that may be obtained in the last quarter of the plan year if a 12-month supply of the prescription hormone therapy has already been dispensed during the plan year.

(3) Nothing in this section prohibits a prescribing provider from temporarily limiting refills that may be obtained to a 90-day supply at one time if the prescription hormone therapy is experiencing an acute dispensing shortage during the plan year provided limits must be rescinded at first opportunity of a regularly reinstated, sustainable supply.

(4) To the extent not otherwise prohibited under this section or state or federal law, health plans may apply drug utilization management strategies to prescription drugs covered under subsection (1) of this section.

(5) For purposes of this section, "prescription hormone therapy" means all drugs approved by the United States food and drug administration that are used to medically suppress, increase, or replace hormones that the body is not producing at intended levels. Prescription hormone therapy does not include glucagon-like peptide-1 and glucagon-like peptide-1 receptor agonists.

Sec. 2. RCW 41.05.017 and 2024 c 251 s 5 and 2024 c 242 s 10 are each reenacted and amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, 48.43.780, 48.43.435, 48.43.815, 48.200.020 through 48.200.280, 48.200.300 through 48.200.320, 48.43.440, section 1 of this act, and chapter 48.49 RCW.

Passed by the House March 8, 2025.
Passed by the Senate April 16, 2025.
Approved by the Governor April 25, 2025.
Filed in Office of Secretary of State April 25, 2025.

CHAPTER 172

[House Bill 1605]

STATE PATROL LONGEVITY BONUS—EXPANSION

AN ACT Relating to the establishment of a state patrol longevity bonus; amending RCW 43.43.386; and declaring an emergency.

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

Sec. 1. RCW 43.43.386 and 2024 c 237 s 2 are each amended to read as follows:

(1) Beginning July 1, 2024, an eligible commissioned employee completing 26 or more years of service shall qualify for an annual state trooper longevity bonus of $15,000 on the employee's anniversary date of state employment, which shall be paid in four equal quarterly payments.

(2) An eligible commissioned employee who completed 26 or more years of service before July 1, 2024, and who has been continuously employed by the Washington state patrol for at least one year as of the effective date of this section qualifies for a one-time retention incentive. The incentive is equal to $3,750 multiplied by the result when one is subtracted from the number of the fiscal quarter in which the employee's anniversary date falls. The one-time retention incentive shall be completed no later than June 30, 2025.

(3) The establishment of the state trooper longevity bonus is subject to a change to the applicable collective bargaining agreements negotiated with the exclusive bargaining representatives.

(((~~(3)~~))) (4) This section does not interfere with, impede, or in any way diminish the right of the officers of the Washington state patrol to bargain collectively with the state through the exclusive bargaining representatives as provided for in RCW 41.56.473.

(((~~(4)~~))) (5) The state patrol longevity bonus created in this section is a time-limited incentive targeted at retaining senior personnel and is not intended to be included in salary or average final salary for calculation of pension benefits in this chapter.

(((~~(5)~~))) (6) The benefits provided pursuant to chapter 237, Laws of 2024 are not provided to employees as a matter of contractual right. The legislature retains the right to alter or abolish these benefits at any time.

(((~~(6)~~))) (7) Beginning July 15, 2024, and every three months thereafter, the Washington state patrol must submit a report showing the average filled positions in field force trooper positions in comparison to the 683 total authorized field force trooper positions in the prior fiscal quarter. The quarterly reports detailed must be submitted to the office of financial management and the transportation committees of the legislature. The authorized field force trooper level as the basis for this comparison may be adjusted as specified in the omnibus transportation appropriations act.

(((~~(7)~~))) (8) For the purposes of this section((~~, "eligible~~)):

(a) "Eligible commissioned employee" means a Washington state patrol employee with 26 or more years of service in the Washington state patrol retirement system.

(((~~(8)~~))) (b) "Number of the fiscal quarter" equals:

(i) One, if the employee's anniversary date falls between July 1st and September 30th, inclusive;

(ii) Two, if the employee's anniversary date falls between October 1st and December 31st, inclusive;

(iii) Three, if the employee's anniversary date falls between January 1st and March 31st, inclusive; and

(iv) Four, if the employee's anniversary date falls between April 1st and June 30th, inclusive.

(9) This section expires June 30, 2029.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 3, 2025.
Passed by the Senate April 16, 2025.
Approved by the Governor April 25, 2025.
Filed in Office of Secretary of State April 25, 2025.

CHAPTER 173

[Engrossed Substitute House Bill 1644]

WORKING MINORS—SAFETY AND HEALTH—VARIOUS PROVISIONS

AN ACT Relating to the safety and health of working minors; amending RCW 39.04.350, 49.12.390, 49.12.410, and 49.30.040; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.17 RCW; adding new sections to chapter 49.30 RCW; prescribing penalties; and providing an effective date.

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

Sec. 1. RCW 39.04.350 and 2023 c 88 s 1 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW, a plumbing contractor license in compliance with chapter 18.106 RCW, an elevator contractor license in compliance with chapter 70.87 RCW, or an electrical contractor license in compliance with chapter 19.28 RCW, as required under the provisions of those chapters;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);

(e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;

(f) Have received training on the requirements related to public works and prevailing wage under this chapter and chapter 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in

consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its website. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; ((~~and~~))

(g) Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW; and

(h) At the time of bid submittal, not be subject to a revocation of a minor work permit under RCW 49.12.390(4).

(2) Before award of a public works contract, a bidder shall submit to the contracting agency a signed statement in accordance with chapter 5.50 RCW verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of subsection (1)(g) and (h) of this section. A contracting agency may award a contract in reasonable reliance upon such a sworn statement.

(3) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract

with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(e) If the bidder has a history of receiving monetary penalties for not achieving the apprentice utilization requirements pursuant to RCW 39.04.320, or is habitual in utilizing the good faith effort exception process, the bidder must submit an apprenticeship utilization plan within ten business days immediately following the notice to proceed date.

(4) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's website.

Sec. 2. RCW 49.12.390 and 1991 c 303 s 3 are each amended to read as follows:

(1)(a) ((~~Except as otherwise provided in subsection (2) of this section, if~~)) If the director, or the director's designee, finds that an employer has violated any of the requirements of RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, a citation and notice of assessment stating the violations shall be issued to the employer. The citation and notice of assessment shall be in writing, describing the nature of the violation including reference to the standards, rules, or orders alleged to have been violated. ((~~An initial~~)) The citation and penalty assessment must be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and penalty assessment to the central personnel office of the employer. Citations issued under this section must be posted at or near the place where the violation occurred.

(b) A first-time citation for failure to ((~~comply with RCW 49.12.123 or rules requiring a minor work permit and maintenance of records shall~~)) obtain a minor work permit or parental or school authorization, for failure to maintain records, or for a violation deemed nonserious by the department must state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation ((~~without penalty. The director or the director's designee may establish a specific time for abatement of other nonserious violations in lieu of a penalty for first time violations. The citation and a proposed penalty assessment shall be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and proposed penalty assessment to the central personnel office of the employer. Citations issued under this section shall be posted at or near the place where the violation occurred.~~

~~(b) Except when an employer corrects a violation as provided in (a) of this subsection, he or she shall be assessed a civil penalty of not more than one thousand dollars depending on the size of the business and the gravity of the violation. The employer shall pay the amount assessed within thirty days of receipt of the assessment or notify the director of his or her intent to appeal the citation or the assessment penalty as provided in RCW 49.12.400~~)). The department may waive or reduce a civil penalty assessed for a first-time violation under this subsection if the director determines that the employer has taken corrective action to resolve the violation.

(c) The employer must be assessed a civil penalty as follows:

(i) No less than $100 and no more than $1,000 for each violation involving failure to obtain a minor work permit or parental or school authorization, for failure to maintain records, or for each other nonserious violation;

(ii) No less than $150 and no more than $1,000 for each violation involving failure to comply with hours of work requirements;

(iii) No less than $300 and no more than $1,000 for each violation involving failure to comply with meal break or rest break requirements;

(iv) No less than $1,000 for each violation involving failure to comply with prohibited duty requirements, variance conditions, or minimum wage requirements for minors, or for each other serious violation, except the civil penalty may be no less than $2,000 for each violation in a second or subsequent citation for any of these violations identified in this subsection (1)(c)(iv);

(v) No less than $15,000 for any violation resulting in the serious physical harm of a minor, which may be doubled where the violation is a willful violation or a repeated violation; and

(vi) No less than $71,000 for any violation resulting in the death of a minor, which may be doubled where the violation is a willful violation or a repeated violation.

((~~(2)~~)) (d) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of the requirements of RCW 49.12.121 or 49.12.123, or any rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, the employer is subject to ((~~a~~)) an additional civil penalty assessment of ((~~not more than one thousand dollars~~)) a maximum of $5,000 for each subsequent day the violation continues. For the purposes of this subsection (1)(d), a serious violation shall be deemed to exist if death or serious physical harm has resulted or is imminent from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use by the employer, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(e) The department shall consider the following factors when determining the amount of any penalty assessment under this section: (i) Whether the violation was committed willfully or the violation is a repeat violation; (ii) the size of the employer; (iii) the age of the minor; (iv) the gravity of the violation; (v) the hazards created by the violation; (vi) the penalties for comparable violations under federal law; (vii) the penalty amount necessary to deter future noncompliance; (viii) ensuring the penalty amount is consistent with the purposes of this chapter; and (ix) any other factor warranting an adjustment in the penalty as deemed appropriate by the department.

(f) Beginning July 1, 2027, and every two years thereafter, the department shall adjust by rule the amounts in (c) and (d) of this subsection for inflation by calculating to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index.

(2) The employer shall pay the amount assessed under this section within 30 days of receipt of the penalty assessment or notify the director of the employer's intent to appeal the citation or the penalty assessment as provided in RCW 49.12.400. If an employer fails to pay an assessment under this section after it has become a final and unappealable order, or after the court has entered final judgment in favor of the department, the director may initiate collection procedures in accordance with RCW 49.48.086.

(3) In addition to any other authority provided in this section, if, upon inspection or investigation, the director, or director's designee, believes that an employer has violated RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, and that the violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director, or director's designee, may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace. An order issued under this subsection may require the employer to take steps necessary to avoid, correct, or remove the danger and ((~~to~~)) may prohibit the ((~~employment or~~)) presence of a minor in locations or under conditions where the danger exists.

(4) ((~~An employer who violates any of the posting requirements of RCW 49.12.121 or rules adopted implementing RCW 49.12.121 shall be assessed a civil penalty of not more than one hundred dollars for each violation.~~)) (a) The director or the director's designee shall revoke an employer's minor work permit and prohibit the employer from obtaining a minor work permit for no less than 12 months if:

(i) The employer has been issued a safety and health citation under RCW 49.17.120 containing one or more violations under RCW 49.17.180 (1), (2), (4), or (5) or any citation and notice of assessment containing one or more violations of RCW 49.12.121 or 49.12.123 or any applicable rule or order, where one or more of the violations caused serious physical harm or death to a minor; or

(ii) An order has been issued immediately restraining an employer's condition, practice, method, process, or means in the workplace pursuant to subsection (3) of this section or RCW 49.17.130 or 49.17.170.

(b) Following a revocation under this subsection, a minor work permit may not be reissued to an employer unless the employer has not been issued a citation for any violations of the provisions identified in (a)(i) of this subsection for at least 12 months.

(c) This subsection does not prohibit the department from revoking, suspending, or modifying a minor work permit for any reason or cause provided for under state law or department rule or policy.

(5) A person who gives advance notice, without the authority of the director, of an inspection to be conducted under this chapter shall be assessed a civil penalty of not more than one thousand dollars.

(6) Penalties assessed under this section shall be paid to the director and deposited into the general fund.

(7) The department shall include in its annual report submitted under RCW 49.12.180 the following information:

(a) The number and type of citations and penalties issued and imposed under this section;

(b) The number of and reasons for revocations of minor work permits; and

(c) The number and nature of workplace injuries involving minors reviewed by the department, including whether those injuries resulted in citations or permit revocations under this section.

Sec. 3. RCW 49.12.410 and 2003 c 53 s 273 are each amended to read as follows:

(1) An employer who knowingly or recklessly violates the requirements of RCW 49.12.121 ((~~or~~)), 49.12.123, or section 8 of this act, or a rule or order

adopted under RCW 49.12.121 ((~~or~~)), 49.12.123, or section 8 of this act, is guilty of a gross misdemeanor.

(2) An employer whose practices in violation of the requirements of RCW 49.12.121 ((~~or~~)), 49.12.123, or section 8 of this act, or a rule or order adopted under RCW 49.12.121 ((~~or~~)), 49.12.123, or section 8 of this act, result in the death or permanent disability of a minor employee is guilty of a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 49.12 RCW to read as follows:

Before granting a variance from RCW 49.12.121 or an applicable rule in order to allow a minor participating in a bona fide cooperative vocational education program, diversified career experience program, work experience program certified and monitored by the office of the superintendent of public instruction or the minor employee's school district, or a registered apprenticeship program to perform a work duty typically prohibited based on the minor's age, the department shall:

(1) Conduct a safety and health consultation at the worksite; and

(2) Consult with the employer on the types of tools, equipment, and practices permitted under the variance.

NEW SECTION. **Sec. 5.** A new section is added to chapter 49.17 RCW to read as follows:

The department shall make a good faith effort to notify an employer within 10 calendar days when the department immediately identifies a hazard that could cause injury to a minor worker during an inspection conducted under this chapter. Such notice does not eliminate or modify any other right, responsibility, or authority provided in this chapter.

Sec. 6. RCW 49.30.040 and 1989 c 380 s 86 are each amended to read as follows:

((~~Any~~)) Except as provided in section 8 of this act, any violation of the provisions of this chapter or rules adopted hereunder shall be a class 1 civil infraction. The director shall have the authority to issue and enforce civil infractions according to chapter 7.80 RCW.

NEW SECTION. **Sec. 7.** A new section is added to chapter 49.30 RCW to read as follows:

Before granting a variance from this chapter or an applicable rule in order to allow a minor participating in a bona fide cooperative vocational education program, diversified career experience program, work experience program certified and monitored by the office of the superintendent of public instruction or the minor employee's school district, or a registered apprenticeship program to perform a work duty typically prohibited based on the minor's age, the department shall:

(1) Conduct a safety and health consultation at the worksite; and

(2) Consult with the employer on the types of tools, equipment, and practices permitted under the variance.

NEW SECTION. **Sec. 8.** A new section is added to chapter 49.30 RCW to read as follows:

(1) In accordance with the rule-making authority granted to the department under this chapter to protect employees in agriculture, the department's rules

must provide for the protection of the safety, health, and welfare of minor employees, provided that such rules grant appropriate exceptions for emancipated minors. The department's rules must prohibit an employer from employing a minor unless the employer has a valid minor work permit with the consent of the minor's parent, guardian, or legal custodian and the approval of the minor's school, provided that such rules grant appropriate exceptions for employers who are the minor's parent, guardian, or legal custodian and for emancipated minors.

(2)(a) If the director, or the director's designee, finds that an employer has violated any of the requirements of this section or any applicable rule or a variance from those requirements issued under this chapter and applicable rules, a citation and notice of assessment stating the violations must be issued to the employer. The citation and notice of assessment must be in writing, describing the nature of the violation including reference to the standards, rules, or orders alleged to have been violated. The citation and penalty assessment must be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department shall mail a copy of the citation and penalty assessment to the central personnel office of the employer. Citations issued under this section must be posted at or near the place where the violation occurred.

(b) A first-time citation for failure to obtain a minor work permit or parental or school authorization, for failure to maintain records, or for a violation deemed nonserious by the department must state a specific and reasonable time for abatement of the violation to allow the employer to correct the violation. The department may waive or reduce a civil penalty assessed for a first-time violation under this subsection if the director determines that the employer has taken corrective action to resolve the violation.

(c) The employer must be assessed a civil penalty as follows:

(i) No less than $100 and no more than $1,000 for each violation involving failure to obtain a minor work permit or parental or school authorization, for failure to maintain records, or for each other nonserious violation;

(ii) No less than $150 and no more than $1,000 for each violation involving failure to comply with hours of work requirements;

(iii) No less than $300 and no more than $1,000 for each violation involving failure to comply with meal break or rest break requirements;

(iv) No less than $1,000 for each violation involving failure to comply with prohibited duty requirements, variance conditions, or minimum wage requirements for minors, or for each other serious violation, except the civil penalty may be no less than $2,000 for each violation in a second or subsequent citation for any of these violations identified in this subsection (2)(c)(iv);

(v) No less than $15,000 for any violation resulting in the serious physical harm of a minor, which may be doubled where the violation is a willful violation or a repeated violation; and

(vi) No less than $71,000 for any violation resulting in the death of a minor, which may be doubled where the violation is a willful violation or a repeated violation.

(d) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of any of the requirements of this section or any applicable rule or order, the employer is subject to an additional

civil penalty assessment of a maximum of $5,000 for each subsequent day the violation continues. For the purposes of this subsection (2)(d), a serious violation exists if death or serious physical harm has resulted or is imminent from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use by the employer, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(e) The department shall consider the following factors when determining the amount of any penalty assessment under this section: (i) Whether the violation was committed willfully or the violation is a repeat violation; (ii) the size of the employer; (iii) the age of the minor; (iv) the gravity of the violation; (v) the hazards created by the violation; (vi) the penalties for comparable violations under federal law; (vii) the penalty amount necessary to deter future noncompliance; (viii) ensuring the penalty amount is consistent with the purposes of this chapter; and (ix) any other factor warranting an adjustment in the penalty as deemed appropriate by the department.

(f) Beginning July 1, 2027, and every two years thereafter, the department shall adjust by rule the amounts in (c) and (d) of this subsection for inflation by calculating to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index.

(3) In addition to any other authority provided in this section, if, upon inspection or investigation, the director, or the director's designee, believes that an employer has violated any of the requirements of this section or any applicable rule or order governing the employment of minors, and that the violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director, or the director's designee, may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace. An order issued under this subsection may require the employer to take steps necessary to avoid, correct, or remove the danger and may prohibit the presence of a minor in locations or under conditions where the danger exists.

(4)(a) The director or the director's designee shall revoke an employer's minor work permit and prohibit the employer from obtaining a minor work permit for no less than 12 months if:

(i) The employer has been issued a safety and health citation under RCW 49.17.120 containing one or more violations under RCW 49.17.180 (1), (2), (4), or (5) or any citation and notice of assessment containing one or more violations of any of the requirements of this section, any applicable rules, or applicable orders, where one or more of the violations caused serious physical harm or death to a minor; or

(ii) An order has been issued immediately restraining an employer's condition, practice, method, process, or means in the workplace pursuant to subsection (3) of this section or RCW 49.17.130 or 49.17.170.

(b) Following a revocation under this subsection (4), a minor work permit may not be reissued to an employer unless the employer has not been issued a citation for any violations of the provisions identified in (a)(i) of this subsection (4) for at least 12 months.

(c) This subsection does not prohibit the department from revoking, suspending, or modifying a minor work permit for any reason or cause provided for under state law or department rule or policy.

(5) Any person aggrieved by an action taken or decision made by the department under this section may appeal the action or decision to the director by filing notice of the appeal with the director within 30 days of the department's action or decision. A notice of appeal filed under this section stays the effectiveness of a citation or notice of the assessment of a penalty pending review of the appeal by the director, but such appeal does not stay the effectiveness of an order of immediate restraint issued under this section. Upon receipt of an appeal, a hearing must be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are subject to appeal in accordance with chapter 34.05 RCW. Orders not appealed within the time period specified in chapter 34.05 RCW are final and binding.

(6) The employer shall pay the amount assessed under this section within 30 days of receipt of the penalty assessment or notify the director of the employer's intent to appeal the citation or the penalty assessment under subsection (5) of this section. If an employer fails to pay an assessment under this section after it has become a final and unappealable order, or after the court has entered final judgment in favor of the department, the director may initiate collection procedures in accordance with RCW 49.48.086.

(7) A person who gives advance notice, without the authority of the director, of an inspection to be conducted under this chapter must be assessed a civil penalty of not more than $1,000.

(8) Penalties assessed under this section must be paid to the director and deposited into the general fund.

(9) The department may adopt rules for purposes of implementing and enforcing this section.

NEW SECTION. **Sec. 9.** This act takes effect July 1, 2026.

Passed by the House March 10, 2025.
Passed by the Senate April 9, 2025.
Approved by the Governor April 28, 2025.
Filed in Office of Secretary of State April 28, 2025.

CHAPTER 174

[House Bill 1012]

WOMEN'S COMMISSION—RECEIPT OF GIFTS, GRANTS, AND ENDOWMENTS

AN ACT Relating to expressly authorizing the women's commission to solicit gifts, grants, and endowments from public or private sources; and amending RCW 43.119.050.

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

Sec. 1. RCW 43.119.050 and 2018 c 98 s 6 are each amended to read as follows:

The Washington state women's commission shall have the following powers:

(1) ((~~Receive~~)) Solicit and receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission

and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The commission's executive director shall make a report of such funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources shall not be applied to reduce or substitute for the commission's budget as appropriated by the legislature, but shall be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature.

(2) In carrying out its duties, the commission may establish such relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the general public as may be needed to promote equal opportunity for women in government, education, economic security, employment, and services.

(3) The commission may adopt rules and regulations pursuant to chapter 34.05 RCW as shall be necessary to implement the purpose of this chapter.

Passed by the House January 30, 2025.
Passed by the Senate April 16, 2025.
Approved by the Governor April 29, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 175

[Substitute House Bill 1244]

TRAFFIC INFRACTIONS—SAFE DRIVING COURSE AS ALTERNATIVE TO DRIVER LICENSE SUSPENSION

AN ACT Relating to training as an alternative to driver license suspension for the accumulation of certain traffic infractions; amending RCW 46.20.2892 and 46.20.311; and providing an effective date.

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

Sec. 1. RCW 46.20.2892 and 2021 c 240 s 7 are each amended to read as follows:

(1) Whenever the official records of the department show that a person has committed a traffic infraction for a moving violation on three or more occasions within a one-year period, or on four or more occasions within a two-year period, the department must suspend the license of the driver for a period of 60 days and establish a period of probation for one ((~~calendar~~)) year to begin when the suspension ends, except as provided in subsection (2) of this section. Prior to reinstatement of a license, the person must complete a safe driving course as recommended by the department.

(2) At any time after the department provides notice of a pending suspension under subsection (1) of this section, a person may complete the safe driving course mandated under subsection (1) of this section. The department must terminate a suspension or pending suspension prior to the expiration of the 60-day period when the department receives notice that the person has completed the safe driving course, provided applicable requirements under RCW 46.20.311 have been met and any other applicable licensing fees have been paid. The department must establish a period of probation for one year to begin the day the suspension or pending suspension is terminated. A suspension

or pending suspension may only be terminated early once every five years under this subsection.

(3) During ((~~the~~)) a period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Any traffic infraction for a moving violation committed during the period of probation shall result in an additional 30-day suspension to run consecutively with any suspension already being served. A person is not eligible for early reinstatement under subsection (2) of this section for a probation violation that occurs during the period of probation.

((~~(2)~~)) (4) When a person has committed a traffic infraction for a moving violation on two occasions within a one-year period or three occasions within a two-year period, the department shall send the person a notice that an additional infraction will result in suspension of the person's license for a period of 60 days.

((~~(3)~~)) (5) The department may not charge a reissue fee at the end of the term of suspension under this section.

((~~(4)~~)) (6) For purposes of this section, multiple traffic infractions issued during or as the result of a single traffic stop constitute one occasion.

Sec. 2. RCW 46.20.311 and 2021 c 240 s 8 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a

vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) Except as provided in RCW 46.20.2892((~~(3)~~))(5), the department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of ((~~seventy-five dollars~~)) $75.

(ii) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be ((~~one hundred seventy dollars~~)) $170.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of ((~~seventy-five dollars~~)) $75.

(ii) Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be ((~~one hundred seventy dollars~~)) $170. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning

ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of ((~~seventy-five dollars~~)) $75.

(b) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be ((~~one hundred seventy dollars~~)) $170.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(e)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction.

NEW SECTION. **Sec. 3.** This act takes effect April 1, 2026.

Passed by the House March 3, 2025.

Passed by the Senate April 16, 2025.

Approved by the Governor April 29, 2025.

Filed in Office of Secretary of State April 30, 2025.

CHAPTER 176

[Senate Bill 5102]

PUBLIC RISK POOLS—PUBLIC RECORDS ACT EXEMPTION

AN ACT Relating to establishing a public records exemption for the proprietary information of public risk pools; and amending RCW 42.56.270.

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

Sec. 1. RCW 42.56.270 and 2023 c 340 s 11 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.168, and 43.181 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), cannabis producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed cannabis business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of 60 days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell cannabis as allowed under chapter 69.50 RCW;

(25) Cannabis transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of cannabis product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an

employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for cannabis research licenses under RCW 69.50.372, or in reports submitted by cannabis research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed cannabis business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; ((~~and~~))

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW; and

(33) Formulas and data public risk pools used to calculate rates for pool member contributions or assessments, and actuarial analyses and reports prepared by or for public risk pools.

Passed by the Senate March 4, 2025.
Passed by the House April 11, 2025.
Approved by the Governor April 29, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 177

[Senate Bill 5110]

TRIBAL ELDERS—COMMUNITY AND TECHNICAL COLLEGE TUITION WAIVERS

AN ACT Relating to tuition waivers for tribal elders at Washington's community and technical colleges; and adding a new section to chapter 28B.15 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.15 RCW to read as follows:

(1) Each community and technical college may waive all or a portion of tuition fees and services and activity fees for tribal elders over the age of 55 from eligible Indian tribes as defined in RCW 43.376.010.

(2) The state board for community and technical colleges may adopt and amend as necessary rules to implement this section.

Passed by the Senate February 28, 2025.
Passed by the House April 12, 2025.
Approved by the Governor April 29, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 178

[Substitute Senate Bill 5191]

PAID FAMILY AND MEDICAL LEAVE—DOCKWORKERS—EMPLOYER DEFINITION

AN ACT Relating to paid family and medical leave premium collection for dockworkers; and amending RCW 50A.05.010.

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

Sec. 1. RCW 50A.05.010 and 2023 c 25 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1)(a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(3) "Commissioner" means the commissioner of the department or the commissioner's designee.

(4) "Department" means the employment security department.

(5)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(7)(a) "Employer" means:

(i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title;

(ii) ((~~the~~)) The state, state institutions, and state agencies; ((~~and~~))

(iii) ((~~any~~)) Any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision; and

(iv) Representatives for employers of dockworkers who normally work for several employers in the same industry interchangeably through a collectively bargained agreement. Other than for their own employees, employer representatives are not obligated to report dockworkers who are not covered by the collective bargaining agreement.

(b) "Employer" does not include the United States of America.

(8)(a) "Employment" means personal service, of whatever nature, unlimited by any employment relationship as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes

normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

(10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee;

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on October 19, 2017, for family members as defined in subsection (11) of this section; or

(d) During the seven calendar days following the death of the family member for whom the employee:

(i) Would have qualified for medical leave under subsection (15) of this section for the birth of their child; or

(ii) Would have qualified for family leave under (b) of this subsection.

(11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual.

(12) "Grandchild" means a child of the employee's child.

(13) "Grandparent" means a parent of the employee's parent.

(14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an *advanced registered nurse practitioner under chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

(15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an

individual who stood in loco parentis to an employee when the employee was a child.

(18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition, treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(19) "Postnatal" means the first six weeks after birth.

(20) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

(21) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

(22)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(23)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by

a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring

special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

(24) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

(25) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

(26) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

(27) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

(28) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

(29) "Wage" or "wages" means:

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

Passed by the Senate February 5, 2025.
Passed by the House April 11, 2025.
Approved by the Governor April 29, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 179

[Senate Bill 5199]

DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES OVERSIGHT BOARD—MEMBER COMPENSATION

AN ACT Relating to providing compensation to members of the department of children, youth, and families oversight board with direct lived experience; and amending RCW 43.216.015.

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

Sec. 1. RCW 43.216.015 and 2021 c 304 s 4 are each amended to read as follows:

(1)(a) The department of children, youth, and families is created as an executive branch agency. The department is vested with all powers and duties transferred to it under chapter 6, Laws of 2017 3rd sp. sess. and such other powers and duties as may be authorized by law. The vision for the department is that Washington state's children and youth grow up safe and healthy—thriving physically, emotionally, and academically, nurtured by family and community.

(b) The department, in partnership with state and local agencies, tribes, and communities, shall protect children and youth from harm and promote healthy

development with effective, high quality prevention, intervention, and early education services delivered in an equitable manner. An important role for the department shall be to provide preventative services to help secure and preserve families in crisis. The department shall partner with the federally recognized Indian tribes to develop effective services for youth and families while respecting the sovereignty of those tribes and the government-to-government relationship. Nothing in chapter 6, Laws of 2017 3rd sp. sess. alters the duties, requirements, and policies of the federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963, as amended, or the Indian child welfare act, chapter 13.38 RCW.

(2) Beginning July 1, 2018, the department must develop definitions for, work plans to address, and metrics to measure the outcomes for children, youth, and families served by the department and must work with state agencies to ensure services for children, youth, and families are science-based, outcome-driven, data-informed, and collaborative.

(3)(a) Beginning July 1, 2018, the department must establish short and long-term population level outcome measure goals, including metrics regarding reducing disparities by family income, race, and ethnicity in each outcome.

(b) In addition to transparent, frequent reporting of the outcome measures in (c)(i) through (viii) of this subsection, the department must report to the legislature an examination of engagement, resource utilization, and outcomes for clients receiving department services and youth participating in juvenile court alternative programs funded by the department, no less than annually and beginning September 1, 2020. The data in this report must be disaggregated by race, ethnicity, and geography. This report must identify areas of focus to advance equity that will inform department strategies so that all children, youth, and families are thriving. Metrics detailing progress towards eliminating disparities and disproportionality over time must also be included. The report must also include information on department outcome measures, actions taken, progress toward these goals, and plans for the future year.

(c) The outcome measures must include, but are not limited to:

(i) Improving child development and school readiness through voluntary, high quality early learning opportunities as measured by: (A) Increasing the number and proportion of children kindergarten-ready as measured by the Washington kindergarten inventory of developing skills (WAKids) assessment including mathematics; (B) increasing the proportion of children in early learning programs that have achieved the level 3 or higher early achievers quality standard; and (C) increasing the available supply of licensed child care in child care centers, outdoor nature-based child care, and family homes, including providers not receiving state subsidy;

(ii) Preventing child abuse and neglect;

(iii) Improving child and youth safety, permanency, and well-being as measured by: (A) Reducing the number of children entering out-of-home care; (B) reducing a child's length of stay in out-of-home care; (C) reducing maltreatment of youth while in out-of-home care; (D) licensing more foster homes than there are children in foster care; (E) reducing the number of children that reenter out-of-home care within twelve months; (F) increasing the stability of placements for children in out-of-home care; and (G) developing strategies to demonstrate to foster families that their service and involvement is highly valued

by the department, as demonstrated by the development of strategies to consult with foster families regarding future placement of a foster child currently placed with a foster family;

(iv) Improving reconciliation of children and youth with their families as measured by: (A) Increasing family reunification; and (B) increasing the number of youth who are reunified with their family of origin;

(v) In collaboration with county juvenile justice programs, improving adolescent outcomes including reducing multisystem involvement and homelessness; and increasing school graduation rates and successful transitions to adulthood for youth involved in the child welfare and juvenile justice systems;

(vi) Reducing future demand for mental health and substance use disorder treatment for youth involved in the child welfare and juvenile justice systems;

(vii) In collaboration with county juvenile justice programs, reducing criminal justice involvement and recidivism as measured by: (A) An increase in the number of youth who successfully complete the terms of diversion or alternative sentencing options; (B) a decrease in the number of youth who commit subsequent crimes; and (C) eliminating the discharge of youth from institutional settings into homelessness; and

(viii) Eliminating racial and ethnic disproportionality and disparities in system involvement and across child and youth outcomes in collaboration with other state agencies.

(4) Beginning July 1, 2018, the department must:

(a) Lead ongoing collaborative work to minimize or eliminate systemic barriers to effective, integrated services in collaboration with state agencies serving children, youth, and families;

(b) Identify necessary improvements and updates to statutes relevant to their responsibilities and proposing legislative changes to the governor no less than biennially;

(c) Help create a data-focused environment in which there are aligned outcomes and shared accountability for achieving those outcomes, with shared, real-time data that is accessible to authorized persons interacting with the family, child, or youth to identify what is needed and which services would be effective;

(d) Lead the provision of state services to adolescents, focusing on key transition points for youth, including exiting foster care and institutions, and coordinating with the office of homeless youth prevention and protection programs to address the unique needs of homeless youth; and

(e) Create and annually update a list of the rights and responsibilities of foster parents in partnership with foster parent representatives. The list of foster parent rights and responsibilities must be posted on the department's website, provided to individuals participating in a foster parent orientation before licensure, provided to foster parents in writing at the time of licensure, and provided to foster parents applying for license renewal.

(5) The department is accountable to the public. To ensure transparency, beginning December 30, 2018, agency performance data for the services provided by the department, including outcome data for contracted services, must be available to the public, consistent with confidentiality laws, federal protections, and individual rights to privacy. Publicly available data must include budget and funding decisions, performance-based contracting data, including data for contracted services, and performance data on metrics identified in this

section. The board must work with the secretary and director to develop the most effective and cost-efficient ways to make department data available to the public, including making this data readily available on the department's website.

(6) The department shall ensure that all new and renewed contracts for services are performance-based.

(7) The department must execute all new and renewed contracts for services in accordance with this section and consistent with RCW 74.13B.020. When contracted services are managed through a network administrator or other third party, the department must execute data-sharing agreements with the entities managing the contracts to track provider performance measures. Contracts with network administrators or other third parties must provide the contract administrator the ability to shift resources from one provider to another, to evaluate individual provider performance, to add or delete services in consultation with the department, and to reinvest savings from increased efficiencies into new or improved services in their catchment area. Whenever possible, contractor performance data must be made available to the public, consistent with confidentiality laws and individual rights to privacy.

(8)(a) The board shall begin its work and call the first meeting of the board on or after July 1, 2018. The board shall immediately assume the duties of the legislative children's oversight committee, as provided for in RCW 74.13.570 and assume the full functions of the board as provided for in this section by July 1, 2019. The office of innovation, alignment, and accountability shall provide quarterly updates regarding the implementation of the department to the board between July 1, 2018, and July 1, 2019.

(b) The office of the family and children's ombuds shall establish the board. The board is authorized for the purpose of monitoring and ensuring that the department achieves the stated outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with administrative acts, relevant statutes, rules, and policies pertaining to early learning, juvenile rehabilitation, juvenile justice, and children and family services.

(9)(a) The board shall consist of the following members:

(i) Two senators and two representatives from the legislature with one member from each major caucus;

(ii) One nonvoting representative from the governor's office;

(iii) One subject matter expert in early learning;

(iv) One subject matter expert in child welfare;

(v) One subject matter expert in juvenile rehabilitation and justice;

(vi) One subject matter expert in eliminating disparities in child outcomes by family income and race and ethnicity;

(vii) One tribal representative from west of the crest of the Cascade mountains;

(viii) One tribal representative from east of the crest of the Cascade mountains;

(ix) One current or former foster parent representative;

(x) One representative of an organization that advocates for the best interest of the child;

(xi) One parent stakeholder group representative;

(xii) One law enforcement representative;

(xiii) One child welfare caseworker representative;

(xiv) One early childhood learning program implementation practitioner;

(xv) One current or former foster youth under age twenty-five;

(xvi) One individual under age twenty-five with current or previous experience with the juvenile justice system;

(xvii) One physician with experience working with children or youth; and

(xviii) One judicial representative presiding over child welfare court proceedings or other children's matters.

(b) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(c) The remaining board members shall be nominated by the governor, subject to the approval of the appointed legislators by majority vote, and serve four-year terms. When nominating and approving members after July 28, 2019, the governor and appointed legislators must ensure that at least five of the board members reside east of the crest of the Cascade mountains.

(10) The board has the following powers, which may be exercised by majority vote of the board:

(a) To receive reports of the office of the family and children's ombuds;

(b) To obtain access to all relevant records in the possession of the office of the family and children's ombuds, except as prohibited by law;

(c) To select its officers and adoption of rules for orderly procedure;

(d) To request investigations by the office of the family and children's ombuds of administrative acts;

(e) To request and receive information, outcome data, documents, materials, and records from the department relating to children and family welfare, juvenile rehabilitation, juvenile justice, and early learning;

(f) To determine whether the department is achieving the performance measures;

(g) If final review is requested by a licensee, to review whether department licensors appropriately and consistently applied agency rules in inspection reports that do not involve a violation of health and safety standards as defined in RCW 43.216.395 in cases that have already been reviewed by the internal review process described in RCW 43.216.395 with the authority to overturn, change, or uphold such decisions;

(h) To conduct annual reviews of a sample of department contracts for services from a variety of program and service areas to ensure that those contracts are performance-based and to assess the measures included in each contract; and

(i) Upon receipt of records or data from the office of the family and children's ombuds or the department, the board is subject to the same confidentiality restrictions as the office of the family and children's ombuds is under RCW 43.06A.050. The provisions of RCW 43.06A.060 also apply to the board.

(11) The board has general oversight over the performance and policies of the department and shall provide advice and input to the department and the governor.

(12) The board must no less than twice per year convene stakeholder meetings to allow feedback to the board regarding contracting with the department, departmental use of local, state, private, and federal funds, and other matters as relating to carrying out the duties of the department.

(13) The board shall review existing surveys of providers, customers, parent groups, and external services to assess whether the department is effectively delivering services, and shall conduct additional surveys as needed to assess whether the department is effectively delivering services.

(14) The board is subject to the open public meetings act, chapter 42.30 RCW, except to the extent disclosure of records or information is otherwise confidential under state or federal law.

(15) Records or information received by the board is confidential to the extent permitted by state or federal law. This subsection does not create an exception for records covered by RCW 13.50.100.

(16) ((~~The~~)) Unless specified otherwise, board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose((~~, except appointed~~)). Appointed legislators ((~~who~~)) shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Board members with direct lived experience may receive compensation as provided in RCW 43.03.220 and 43.03.270 and are entitled to be reimbursed for travel expenses as provided in 43.03.050 and 43.03.060.

(17) The board shall select, by majority vote, an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of the state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the board established in this section.

(18) The board shall maintain a staff not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(19) The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2019. The report must review the department's progress towards meeting stated performance measures and desired performance outcomes, and must also include a review of the department's strategic plan, policies, and rules.

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the oversight board for children, youth, and families established in subsection (8) of this section.

(b) "Direct lived experience" has the same meaning as provided in RCW 43.03.220.

(c) "Director" means the director of the office of innovation, alignment, and accountability.

((~~(c)~~)) (d) "Performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and requirements.

Passed by the Senate February 5, 2025.
Passed by the House April 11, 2025.
Approved by the Governor April 29, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 180

[Substitute Senate Bill 5494]

LEAD-BASED PAINT—RENOVATION, REPAIR, AND PAINTING PROGRAM—DEPARTMENT OF COMMERCE

AN ACT Relating to lead-based paint program capacity improvements; amending RCW 70A.420.010, 70A.420.020, 70A.420.040, 70A.420.050, 70A.420.070, 70A.420.080, 70A.420.060, and 70A.420.090; adding a new section to chapter 70A.420 RCW; prescribing penalties; and repealing RCW 70A.420.030.

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

Sec. 1. RCW 70A.420.010 and 2010 c 158 s 1 are each amended to read as follows:

(1) The legislature finds that lead hazards associated with lead-based paint represent a significant and preventable environmental health problem. Lead-based paint is the most widespread of the various sources of lead exposure to the public. Census data show that ((~~one million five hundred sixty thousand~~)) 1,560,000 homes in Washington state were built prior to 1978 when the sale of residential lead-based paint was banned. These are homes that are believed to contain some lead-based paint.

Lead negatively affects every system of the body. It is harmful to individuals of all ages and is especially harmful to children, fetuses, and adults of childbearing age. The effects of lead on a child's cognitive, behavioral, and developmental abilities may necessitate large expenditures of public funds for health care and special education. The irreversible damage to children and subsequent expenditures could be avoided if exposure to lead is reduced.

(2) The federal government regulates lead poisoning and lead hazard reduction through:

(a)(i) The lead-based paint poisoning prevention act;

(ii) The lead contamination control act;

(iii) The safe drinking water act;

(iv) The resource conservation and recovery act of 1976; and

(v) The residential lead-based paint hazard reduction act of 1992; and

(b) Implementing regulations of:

(i) The environmental protection agency;

(ii) The department of housing and urban development;

(iii) The occupational safety and health administration; and

(iv) The centers for disease control and prevention.

(3) In 1992, congress passed the federal residential lead-based paint hazard reduction act, which allows states to provide for the accreditation of lead-based paint activities programs, the certification of persons completing such training programs, and the licensing of lead-based paint activities contractors under standards developed by the United States environmental protection agency.

(4) The legislature recognizes the state's need to protect the public from exposure to lead hazards. A qualified and properly trained workforce is needed

to assist in the prevention, detection, reduction, and elimination of hazards associated with lead-based paint. The purpose of training workers, supervisors, inspectors, risk assessors, project designers, renovators, and dust sampling technicians engaged in lead-based paint activities is to protect building occupants, particularly children ((~~ages six years and younger~~)) under the age of six years from potential lead-based paint hazards and exposures both during and after lead-based paint activities. Qualified and properly trained individuals and firms will help to ensure lead-based paint activities are conducted in a way that protects the health of the citizens of Washington state and safeguards the environment.

(5) The state lead-based paint activities program requires that all lead-based paint activities be performed by certified personnel trained by an accredited program, and that all lead-based paint activities meet minimum work practice standards established by the department of commerce. Therefore, the lead-based paint activities accreditation, training, and certification program shall be established in accordance with this chapter. The lead-based paint activities accreditation, training, and certification program shall be administered by the department of commerce and shall be used as a means to assure the protection of the general public from exposure to lead hazards.

((~~(5)~~)) (6) For the welfare of the people of the state of Washington, this chapter establishes a lead-based paint activities program within the department of commerce to protect the general public from exposure to lead hazards and to ensure the availability of a trained and qualified workforce to identify and address lead-based paint hazards. ((~~The legislature recognizes the department of commerce is not a regulatory agency and may delegate enforcement responsibilities under chapter 322, Laws of 2003 to local governments or private entities.~~))

NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.420 RCW to read as follows:

The department shall administer and enforce a state program for training and certification, and accreditation as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts D (2001), E (1998), L and Q (1996), and Title X of the housing and community development act of 1992 (P.L. 102-550). This program, as established in chapter 158, Laws of 2010 (state lead-based paint program—renovation activities) shall be known as the state renovation, repair, and painting program. The state renovation, repair, and painting program requires that all renovation activities on pre-1978 residential or child-occupied facilities must be performed by certified renovation firms utilizing certified renovators or individuals trained by certified renovators and that renovation activities are directed by certified renovators. All renovation activities must meet minimum work practice standards established by the department. The department shall establish rules under this program as described in RCW 70A.420.040.

Sec. 3. RCW 70A.420.020 and 2010 c 158 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(a) Abatement includes, but is not limited to:

(i) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(ii) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(b) Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(A) Shall result in the permanent elimination of lead-based paint hazards; or

(B) Are designed to permanently eliminate lead-based paint hazards and are described in (a)(i) and (ii) of this subsection;

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by (c) of this subsection;

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by (c) of this subsection; or

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited training program" means a training program that has been accredited by the department to provide training for individuals engaged in <u>either</u> lead-based paint activities <u>or renovation activities, or both</u>.

(3) "Certified abatement worker" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to perform abatements.

(4) "Certified dust sampling technician" means an individual who has been trained by an accredited training program <u>for dust sampling technicians</u>, meets all the qualifications established by the department, and is certified by the department to conduct dust sampling for renovation projects.

(5) "Certified firm" includes a company, partnership, corporation, sole proprietorship, association, agency, or other business entity that meets all the qualifications established by the department and performs lead-based paint activities <u>or renovation activities</u> to which the department has issued a certificate.

(6) "Certified inspector" means an individual who has been trained by an accredited training program for lead-based paint inspectors, meets all the qualifications established by the department, and is certified by the department to conduct inspections.

(7) "Certified project designer" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to prepare abatement project designs, occupant protection plans, and abatement reports.

(8) "Certified renovator" means an individual who has been trained by an accredited training program for renovators, meets all the qualifications established by the department, and is certified by the department to perform renovations or direct workers in the performance of renovation work.

(9) "Certified risk assessor" means an individual who has been trained by an accredited training program for lead-based paint risk assessors, meets all the qualifications established by the department, and is certified by the department to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(10) "Certified abatement supervisor" means an individual who has been trained by an accredited training program for abatement supervisors, meets all the qualifications established by the department, and is certified by the department to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

(11) "Department" means the Washington state department of commerce.

(12) "Director" means the director of the Washington state department of commerce.

(13) "Federal laws and rules" means:

(a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et seq.) and the rules adopted by the United States environmental protection agency under that law for authorization of state programs;

(b) Any regulations or requirements adopted by the United States department of housing and urban development regarding eligibility for grants to states and local governments; and

(c) Any other requirements adopted by a federal agency with jurisdiction over lead-based paint hazards.

(14) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter ((~~or more than~~)), 0.5 percent by weight, or 5,000 parts per million.

(15) "Lead-based paint activity" includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, abatement, or ((~~renovation~~)) clearance of lead-based paint hazards.

(16) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the administrator of the United States environmental protection agency under the toxic substances control act, section 403.

(17) "Person" includes an individual, corporation, firm, partnership, or association, an Indian tribe, state, or political subdivision of a state, and a state department or agency.

(18)(a) "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined in this section. The term includes but is not limited to:

(((~~(a)~~))) (i) The removal, modification, or repair of painted surfaces or painted components;

(((~~(b)~~))) (ii) Modification of painted doors;

(((~~(c)~~))) (iii) Surface restoration;

(((~~(d)~~))) (iv) Window repair including, but not limited to, glazing;

(((~~(e)~~))) (v) Surface preparation, such as sanding, scraping, pressure washing, or activities that generates paint chips or dust;

(((~~(f)~~))) (vi) Removal of building components, such as walls, windows, or other like structures;

(((~~(g)~~))) (vii) Weatherization projects, such as cutting holes in painted surfaces to install blown-in insulation;

(((~~(h)~~))) (viii) Interim controls that disturb painted surfaces; or

(((~~(i)~~))) (ix) A renovation performed for the purposes of converting a building or part of a building in target housing or a child-occupied facility.

(b) The term "renovation" as defined in this subsection (((~~(18)~~))) does not include minor repair and maintenance activities.

(19) "Risk assessment" means:

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

(20) "State program" means a state administered lead-based paint activities or renovation activities certification and training program that meets the federal environmental protection agency requirements.

Sec. 4. RCW 70A.420.040 and 2020 c 20 s 1273 are each amended to read as follows:

(1) The department shall administer and enforce a state program for training and certification, and training program accreditation, which must include those program elements necessary to assume responsibility for federal requirements for a program as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts D (2001), E (1998), L and Q (1996), and Title X of the housing and community development act of 1992 (P.L. 102-550). The department may delegate or enter into an agreement with other state agencies, local governments, or private entities for implementation of components of the state program.

(2) The department shall establish a program for certification of persons involved in lead-based paint activities and renovation activities.

(3) The department shall establish a program for accreditation of training providers in compliance with federal and state laws and rules.

(((~~(2)~~))) (4) Rules adopted under this section shall:

(a) Establish minimum accreditation requirements for lead-based paint activities and renovator activities for training providers;

(b) Establish work practice standards for conduct of lead-based paint activities and renovator activities;

(c) Establish certification requirements for individuals and firms engaged in lead-based paint activities and renovator activities including provisions for recognizing certifications accomplished under existing certification programs;

(d) Require the use of certified personnel in any lead-based paint hazard reduction activity or renovation activity;

(e) Be revised as necessary to comply with federal law and rules and to maintain eligibility for federal funding;

(f) Be revised as necessary to comply with state law and rules;

(g) Facilitate reciprocity and communication with other states having a lead-based paint certification program;

((~~(g)~~)) (h) Provide for decertification, deaccreditation, and financial assurance for a person certified or accredited by the department; and

((~~(h)~~)) (i) Be issued in accordance with the administrative procedure act, chapter 34.05 RCW.

((~~(3)~~)) (5) This program ((~~shall equal, but not exceed, legislative authority under~~)) must be at least as protective as federal requirements as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745 (1996), Subparts L and Q, and Title X of the housing and community development act of 1992 (P.L. 102-550).

((~~(4)~~)) (6) Any rules adopted by the department shall be consistent with, or be more protective than, federal laws, regulations, and requirements relating to lead-based paint activities and renovation activities specified by the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and Title X of the housing and community development act of 1992 (P.L. 102-550), and rules adopted pursuant to chapter 70A.305 RCW, to ensure consistency in regulatory action. The rules ((~~may not be more restrictive than corresponding~~)) must be at least as protective as federal and state regulations ((~~unless such stringency is specifically authorized by this chapter~~)).

((~~(5)~~)) (7) The department may accept federal funds for the administration of the program.

((~~(6)~~)) (8) For the purposes of certification under the federal requirements as set forth in section 2682 of the toxic substances control act (15 U.S.C. Sec. 2682), the department may require renovators and dust sampling technicians to apply for a certification badge issued by the department. The department may impose a fee on the applicant for processing the application. The application shall include a photograph of the applicant and a fee in the amount imposed by the department.

(9) The department shall prescribe and adopt by rule fees sufficient to cover the implementation of this chapter.

Sec. 5. RCW 70A.420.050 and 2020 c 20 s 1274 are each amended to read as follows:

The department shall adopt rules to:

(1) Establish procedures and requirements for the accreditation of lead-based paint activities and renovation activities training programs including, but not limited to, the following:

(a) Training curriculum;

(b) Training hours;

(c) Hands-on training;

(d) Trainee competency and proficiency;

(e) Training program quality control;

(f) Procedures for the reaccreditation of training programs;

(g) Procedures for the oversight of training programs; and

(h) Procedures for the suspension, revocation, or modification of training program accreditations, or acceptance of training offered by an accredited training provider in another state or Indian tribe authorized by the environmental protection agency;

(2) Establish procedures for the purposes of certification, for the acceptance of training offered by an accredited training provider in a state or Indian tribe authorized by the environmental protection agency;

(3) Certify individuals and firms involved in lead-based paint activities and renovation activities to ensure that certified ((~~individuals~~)):

(a) Individuals are trained by an accredited training program and possess appropriate educational or experience qualifications for certification; and

(b) Firms meet the qualification requirements to offer work in the state and have at least one certified individual employed with the firm;

(4) Establish requirements for the administration of third-party certification exams for lead-based paint activities;

(5) Establish procedures for recertification;

((~~(5) Require the conduct of lead-based paint activities in accordance with work practice standards;~~

~~(6) Establish procedures for the suspension, revocation, or modification of certifications;~~

~~(7) Establish requirements for the administration of third-party certification exams;~~

~~(8) Use laboratories accredited under the environmental protection agency's national lead laboratory accreditation program;~~

~~(9) Establish work practice standards for the conduct of lead-based paint activities, as defined in RCW 70A.420.020;~~

~~(10)~~)) (6) Establish work practices required for lead-based paint activities and renovation activities;

(7) Use laboratories accredited under the environmental protection agency's national lead laboratory accreditation program;

(8) Establish procedures for the suspension, revocation, or modification of certifications and accreditations;

(9) Establish an enforcement response policy that shall include:

(a) Warning letters, notices of noncompliance, notices of violation, or the equivalent;

(b) Administrative or civil actions, including penalty authority, including accreditation or certification suspension, revocation, or modification; and

(c) Authority to ((~~apply~~)) refer for possible imposition of criminal sanctions or exercise of other criminal or civil authority using existing state laws as applicable((~~. The department shall prepare~~));

(10) Prepare and submit a biennial report to the legislature regarding the program's status, its costs, and the number of persons certified by the program;

(11) In accordance with chapter 34.05 RCW, carry out the provisions of this chapter and establish an appeals process for violations of this chapter.

Sec. 6. RCW 70A.420.070 and 2020 c 20 s 1276 are each amended to read as follows:

(1)(a) The director or the director's designee is authorized to inspect at reasonable times ((~~and, when feasible, with at least twenty-four hours prior notification~~)):

(i) Premises or facilities where those engaged in training for lead-based paint activities and renovation activities conduct business; and

(ii) The business records of, and take samples at, the businesses accredited ((~~or~~)), certified, or subject to regulation under this chapter to conduct lead-based paint training ((~~or activities~~)), lead-based paint activities, or renovation activities.

(b) Any accredited training program or any firm or individual certified under this chapter that denies access to the department for the purposes of (a) of this subsection is subject to deaccreditation or decertification under RCW 70A.420.040 and other enforcement actions.

(2) The director or the director's designee is authorized to inspect premises or facilities, with the consent of the owner or owner's agent, where violations may occur concerning lead-based paint activities or renovation activities, as defined under RCW 70A.420.020, at reasonable times ((~~and~~)), when feasible((~~, with at least forty-eight hours prior notification of the inspection~~)).

(((~~(3) Prior to receipt of federal lead-based paint abatement funding, all premise or facility owners shall be notified by any entity that receives and disburses the federal funds that an inspection may be conducted. If a premise or facility owner does not wish to have an inspection conducted, that owner is not eligible to receive lead-based paint abatement funding.~~)))

Sec. 7. RCW 70A.420.080 and 2010 c 158 s 6 are each amended to read as follows:

(1) The department is designated as the official agency of this state for purposes of cooperating with, and implementing the state lead-based paint activities program and renovation, repair, and painting program under the jurisdiction of the United States environmental protection agency.

(2) No individual or firm can perform, offer, or claim to perform lead-based paint activities or renovation activities without certification from the department to conduct these activities.

(3) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted under this chapter. No person whose certificate is revoked under this chapter shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) A risk assessor, inspector, contractor, project designer, worker, dust sampling technician, or renovator violates work practice standards established by the United States environmental protection agency or the United States department of housing and urban development governing work practices and procedures; ((~~or~~))

(b) The certificate was obtained by error, misrepresentation, or fraud; or

(c) Failure to maintain the required qualifications of the certificate for the duration of the certification.

(4) Any person ((~~convicted of~~)) found to commit fraud, such as falsifying documents, or intentionally violating any of the provisions of this chapter ((~~is guilty of~~)), may be convicted of a misdemeanor. A conviction is an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this chapter, regardless of whether imposition of sentence is deferred or the penalty is suspended, and shall be treated as a violation conviction for purposes of certification forfeiture under this chapter. Violations of this chapter include:

(a) Failure to comply with any requirement of this chapter;

(b) Failure or refusal to establish, maintain, provide, copy, or permit access to records or reports as required;

(c) Obtaining certification through fraud or misrepresentation;

(d) Failure to obtain certification from the department and performing work requiring certification at a jobsite; or

(e) Fraudulently obtaining certification and engaging in any lead-based paint activities or renovation activities requiring certification.

(5) The department may not issue a penalty if the environmental protection agency has already taken enforcement action for the same violation.

Sec. 8. RCW 70A.420.060 and 2020 c 20 s 1275 are each amended to read as follows:

The lead paint account is created in the state treasury. All receipts from ((~~RCW 70A.420.030 shall~~)) fees collected under this chapter must be deposited into the account. All receipts from penalties and fines collected pursuant to enforcement actions or settlements under this chapter, including any fees or costs, must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

Sec. 9. RCW 70A.420.090 and 2010 c 158 s 7 are each amended to read as follows:

(1) The ((~~department's duties under chapter 322, Laws of 2003 are subject to authorization of the state program from the federal government within two years of July 27, 2003. Chapter 322, Laws of 2003 expires if the federal environmental protection agency does not authorize a state program within two years of July 27, 2003~~)) United States environmental protection agency authorized the department of commerce to administer programs under 40 C.F.R. 745, subpart Q as codified under chapter 322, Laws of 2003 (lead-based paint) and chapter 158, Laws of 2010 (state lead-based paint program - renovation activities).

(2) The department's duties under chapter 322, Laws of 2003, and chapter 158, Laws of 2010, as amended, are subject to the availability of sufficient funding ((~~from the federal government~~)) for this purpose. The director or his or her designee shall seek funding of the department's efforts under this chapter from the federal government. By October 15th of each year, the director shall determine if sufficient ((~~federal~~)) funding has been provided ((~~or guaranteed by the federal government~~)). If the director determines sufficient funding has not been provided and the department cannot sustain the program with program funds, the department ((~~shall~~)) may:

(a) Cease efforts under this chapter due to ((~~the lack of federal funding~~)) insufficient funds; and

(b) Inform the code reviser that it has ceased its efforts due to ((~~the lack of federal funding~~)) insufficient funds.

NEW SECTION. **Sec. 10.** RCW 70A.420.030 (Certification and training—Local governments—Rules) and 2020 c 20 s 1272, 2010 c 158 s 3, & 2003 c 322 s 3 are each repealed.

Passed by the Senate March 7, 2025.
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CHAPTER 181

[Substitute Senate Bill 5545]

FAMILY HOME PROVIDERS—EXEMPTION FOR OVERSIGHT BY FEDERAL MILITARY SERVICE

AN ACT Relating to modifying provisions regarding family home providers overseen and certified by a federal military service; amending RCW 26.44.210; and reenacting and amending RCW 43.216.010.

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

Sec. 1. RCW 43.216.010 and 2021 c 304 s 2 and 2021 c 199 s 501 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" and "child care center" mean an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" and "family home provider" mean a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692 and subsection (2)(m) of this section;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of $5,000,000 in contributions;

(e) "Outdoor nature-based child care" means an agency or an agency-offered program that:

(i) Enrolls preschool or school-age children;

(ii) Provides early learning services to the enrolled children in an outdoor natural space approved by the department for not less than four hours per day or fifty percent of the daily program hours, whichever is less; and

(iii) Teaches a nature-based curriculum to enrolled children;

(f) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than 24 hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children;

(g) Seasonal camps. For purposes of this chapter, "seasonal camp" means a program that:

(i) Operates for three months or less within a period of twelve consecutive months;

(ii) Is engaged primarily in recreational or educational activities conducted on a closely supervised basis; and

(iii) Is owned by any person, organization, association, or corporation, or is operated by a federal, state, county, or municipal government;

(h) Facilities providing child care for periods of less than 24 hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government;

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(m) A family home provider located in the surrounding metropolitan area of a federal military reservation and is overseen and currently certified by a federal military service; or

(n) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(5) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(6) "Department" means the department of children, youth, and families.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

(11) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(12) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(1) or assessment of civil monetary penalties pursuant to RCW 43.216.325(3).

(13) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least 10 hours per day, a minimum of 2,000 hours per year, at least four days per week, and operates year-round.

(14) "Family resource and referral linkage system" means a system that connects families to resources, services, and programs for which families are eligible and uses a database that is developed and maintained in partnership with communities, health care providers, and early learning providers.

(15) "Family resource center" means a unified single point of entry where families, individuals, children, and youth in communities can obtain information, an assessment of needs, referral to, or direct delivery of family services in a manner that is welcoming and strength-based.

(a) A family resource center is designed to meet the needs, cultures, and interests of the communities that the family resource center serves.

(b) Family services may be delivered directly to a family at the family resource center by family resource center staff or by providers who contract with or have provider agreements with the family resource center. Any family resource center that provides family services shall comply with applicable state and federal laws and regulations regarding the delivery of such family services, unless required waivers or exemptions have been granted by the appropriate governing body.

(c) Each family resource center shall have one or more family advocates who screen and assess a family's needs and strengths. If requested by the family, the family advocate shall assist the family with setting its own goals and, together with the family, develop a written plan to pursue the family's goals in working towards a greater level of self-reliance or in attaining self-sufficiency.

(16) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of 1,000 hours per year.

(17) "Inspection report" means a written or digital record or report created by the department that identifies or describes licensing violations or conditions within an agency. An inspection report does not include a child care facility licensing compliance agreement as defined in RCW 43.216.395.

(18) "Low-income child care provider" means a person who administers a child care program that consists of at least 80 percent of children receiving working connections child care subsidy.

(19) "Low-income neighborhood" means a district or community where more than 20 percent of households are below the federal poverty level.

(20) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

(21) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

(22) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

(23) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least 320 hours per year, for a minimum of 30 weeks per year.

(24) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

(25) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(26) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(27) "School age child" means a child who is five years of age through 12 years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(28) "Secretary" means the secretary of the department.

(29) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Sec. 2. RCW 26.44.210 and 2023 c 441 s 3 are each amended to read as follows:

(1)(a) The department shall investigate all referrals of alleged child abuse or neglect occurring at the Washington center for deaf and hard of hearing youth, substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis, entities that provide behavioral health services as defined in RCW 71.24.025 on a residential basis, host homes as described in RCW 74.15.020(2)(o), ((~~and~~)) residential private schools as defined in this section, and family home providers located in the surrounding metropolitan area of a federal military reservation as described in RCW 43.216.010(2)(m).

(b) After investigating an allegation of child abuse or neglect under this section, the department shall determine whether there is a finding of abuse or neglect, and determine whether a referral to law enforcement is appropriate under this chapter.

(c) The department must adopt rules to implement this section.

(d) Any facilities referenced under (a) of this subsection where the department is investigating child abuse or neglect shall share records and any other information that is relevant to the department's investigation. Any records or information shared with the department retains any otherwise existing confidentiality protections under state or federal law.

(2) The department must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect to the administration of the facility in which the incident occurred and to the state agency which provides licensure, oversight, or accreditation to the program at the facility in which the incident occurred.

(3) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that provides sleeping and living facilities or residential accommodations for enrolled students.

Passed by the Senate March 3, 2025.
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CHAPTER 182

[Engrossed Substitute Senate Bill 5557]

PREGNANT PERSONS—EMERGENCY MEDICAL CONDITION TREATMENT—HOSPITALS

AN ACT Relating to codifying emergency rules to protect the right of a pregnant person to access treatment for emergency medical conditions in hospital emergency departments; amending RCW 70.170.060; reenacting and amending RCW 70.41.020; adding a new section to chapter 70.41 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** The legislature finds that access to reproductive health care is a long-established right in Washington state. The people of Washington have repeatedly affirmed this right, and it is the legislature's responsibility to ensure that our residents have access to care that puts patients first regardless of federal actions. Pregnant patients have been able to rely on federal protections when they seek emergency medical care, but due to renewed uncertainty at the federal level, the legislature must provide these rights in state law so that pregnant patients in Washington state have the strongest protections when seeking care. The legislature finds the existing state law, including chapter 70.400 RCW, along with current federal laws ensure that both physicians and hospitals have a shared responsibility to deliver the highest quality of care to pregnant patients to guarantee their legal access to all medically appropriate options.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.41 RCW to read as follows:

When providing emergency services, hospitals shall provide treatment to a pregnant person who comes to the hospital with an emergency medical condition that is consistent with the applicable standard of care for such condition or, if authorized by law, transfer the patient to another hospital capable of providing the treatment, with the informed consent of the patient. If termination of the pregnancy is the treatment that is consistent with the applicable standard of care, the hospital must provide such treatment following and as promptly as dictated by the standard of care or, if authorized by law, transfer the patient to another hospital capable of providing the treatment, with the informed consent of the patient. Neither the continuation of the pregnancy nor the health of any embryo or fetus shall be a basis for withholding care from the pregnant person, and neither the continuation of the pregnancy nor the health of any embryo or fetus shall be prioritized over the health or safety of the pregnant person absent the informed consent of the pregnant person.

Sec. 3. RCW 70.170.060 and 2022 c 197 s 2 are each amended to read as follows:

(1) No hospital or its medical staff shall adopt or maintain admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is, or is likely to be, less than the anticipated charges for or costs of such services; or

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

(2) No hospital shall adopt or maintain practices or policies which would deny access to emergency care based on ability to pay. No hospital which maintains an emergency department shall transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital. Hospitals must make transfers to other hospitals in such circumstances and as promptly as dictated by the standard of care and follow reasonable procedures in making transfers to other hospitals including confirmation of acceptance of the transfer by the receiving hospital.

(3) The department shall develop definitions by rule, as appropriate, for subsection (1) of this section and, with reference to federal requirements, subsection (2) of this section. The department shall monitor hospital compliance with subsections (1) and (2) of this section. The department shall report individual instances of possible noncompliance to the state attorney general or the appropriate federal agency.

(4) The department shall establish and maintain by rule, consistent with the definition of charity care in RCW 70.170.020, the following:

(a) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care; and

(b) A definition of residual bad debt including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

(5) For the purpose of providing charity care, each hospital shall develop, implement, and maintain a policy which shall enable indigent persons access to charity care. The policy shall include procedures for identifying patients who may be eligible for health care coverage through medical assistance programs under chapter 74.09 RCW or the Washington health benefit exchange and actively assisting patients to apply for any available coverage. If a hospital determines that a patient or their guarantor is qualified for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital shall assist the patient or guarantor with applying for such coverage. If a hospital determines that a patient or their guarantor qualifies for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital is not obligated to provide charity care under this section to any patient or their guarantor if the patient or their guarantor fails to make reasonable efforts to cooperate with the hospital's efforts to assist them in applying for such coverage. Hospitals may not impose application procedures

for charity care or for assistance with retroactive coverage applications which place an unreasonable burden upon the patient or guarantor, taking into account any physical, mental, intellectual, or sensory deficiencies, or language barriers which may hinder the responsible party's capability of complying with application procedures. It is an unreasonable burden to require a patient to apply for any state or federal program where the patient is obviously or categorically ineligible or has been deemed ineligible in the prior 12 months.

(a) At a minimum, a hospital owned or operated by a health system that owns or operates three or more acute hospitals licensed under chapter 70.41 RCW, an acute care hospital with over 300 licensed beds located in the most populous county in Washington, or an acute care hospital with over 200 licensed beds located in a county with at least 450,000 residents and located on Washington's southern border shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 300 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 301 and 350 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection;

(iii) All patients and their guarantors whose income is between 351 and 400 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(b) At a minimum, a hospital not subject to (a) of this subsection shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 200 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 201 and 250 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection; and

(iii) All patients and their guarantors whose income is between 251 and 300 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(c)(i) If a hospital considers the existence, availability, and value of assets in order to reduce the discount extended, it must establish and make publicly available a policy on asset considerations and corresponding discount reductions.

(ii) If a hospital considers assets, the following types of assets shall be excluded from consideration:

(A) The first $5,000 of monetary assets for an individual or $8,000 of monetary assets for a family of two, and $1,500 of monetary assets for each additional family member. The value of any asset that has a penalty for early withdrawal shall be the value of the asset after the penalty has been paid;

(B) Any equity in a primary residence;

(C) Retirement plans other than 401(k) plans;

(D) One motor vehicle and a second motor vehicle if it is necessary for employment or medical purposes;

(E) Any prepaid burial contract or burial plot; and

(F) Any life insurance policy with a face value of $10,000 or less.

(iii) In considering assets, a hospital may not impose procedures which place an unreasonable burden on the responsible party. Information requests from the hospital to the responsible party for the verification of assets shall be limited to that which is reasonably necessary and readily available to substantiate the responsible party's qualification for charity sponsorship and may not be used to discourage application for such sponsorship. Only those facts relevant to eligibility may be verified and duplicate forms of verification may not be demanded.

(A) In considering monetary assets, one current account statement shall be considered sufficient for a hospital to verify a patient's assets.

(B) In the event that no documentation for an asset is available, a hospital shall rely upon a written and signed statement from the responsible party.

(iv) Asset information obtained by the hospital in evaluating a patient for charity care eligibility shall not be used for collection activities.

(v) Nothing in this section prevents a hospital from considering assets as required by the centers for medicare and medicaid services related to medicare cost reporting.

(6) Each hospital shall post and prominently display notice of charity care availability. Notice must be posted in all languages spoken by more than ten percent of the population of the hospital service area. Notice must be displayed in at least the following locations:

(a) Areas where patients are admitted or registered;

(b) Emergency departments, if any; and

(c) Financial service or billing areas where accessible to patients.

(7) Current versions of the hospital's charity care policy, a plain language summary of the hospital's charity care policy, and the hospital's charity care application form must be available on the hospital's website. The summary and application form must be available in all languages spoken by more than ten percent of the population of the hospital service area.

(8)(a) All hospital billing statements and other written communications concerning billing or collection of a hospital bill by a hospital must include the following or a substantially similar statement prominently displayed on the first page of the statement in both English and the second most spoken language in the hospital's service area:

> You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at ((~~[website] and [phone number]~~)) ...(website)... and ...(phone number)....

(b) Nothing in (a) of this subsection requires any hospital to alter any preprinted hospital billing statements existing as of October 1, 2018.

(9) Hospital obligations under federal and state laws to provide meaningful access for limited English proficiency and non-English-speaking patients apply to information regarding billing and charity care. Hospitals shall develop standardized training programs on the hospital's charity care policy and use of interpreter services, and provide regular training for appropriate staff, including the relevant and appropriate staff who perform functions relating to registration, admissions, or billing.

(10) Each hospital shall make every reasonable effort to determine:

(a) The existence or nonexistence of private or public sponsorship which might cover in full or part the charges for care rendered by the hospital to a patient;

(b) The annual family income of the patient as classified under federal poverty income guidelines as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care; and

(c) The eligibility of the patient for charity care as defined in this chapter and in accordance with hospital policy. An initial determination of sponsorship status shall precede collection efforts directed at the patient.

(11) At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances.

(12) The department shall monitor the distribution of charity care among hospitals, with reference to factors such as relative need for charity care in hospital service areas and trends in private and public health coverage. The department shall prepare reports that identify any problems in distribution which are in contradiction of the intent of this chapter. The report shall include an assessment of the effects of the provisions of this chapter on access to hospital and health care services, as well as an evaluation of the contribution of all purchasers of care to hospital charity care.

(13) The department shall issue a report on the subjects addressed in this section at least annually, with the first report due on July 1, 1990.

Sec. 4. RCW 70.41.020 and 2021 c 157 s 3 and 2021 c 61 s 1 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2)(a) "Audio-only telemedicine" means the delivery of health care services through the use of audio-only technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

(b) "Audio-only telemedicine" does not include:

(i) The use of facsimile or email; or

(ii) The delivery of health care services that are customarily delivered by audio-only technology and customarily not billed as separate services by the provider, such as the sharing of laboratory results.

(3) "Department" means the Washington state department of health.

(4) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

(5) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

(6) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

(7) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

(8) "Emergency medical condition" means:

(a) A condition of such severity that the absence of immediate medical attention could result in: (i) Placing the health of an individual or, with respect to a pregnant person, the health of the pregnant person or their embryo or fetus in serious jeopardy; (ii) serious impairment to bodily functions; or (iii) serious dysfunction of a bodily organ or part;

(b) With respect to a pregnant person who is having contractions: (i) That there is inadequate time to affect a safe transfer to another hospital before delivery; or (ii) that transfer may pose a threat to the health or safety of the pregnant person or their embryo or fetus; or

(c) Any of the following conditions: Ectopic pregnancy; emergent complications resulting from pregnancy or of pregnancy loss; previable preterm premature rupture of membranes; emergent placental abnormalities; or emergent hypertensive disorders, such as preeclampsia.

(9) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include ((~~psychiatric~~)) behavioral health hospitals, which come

within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

(((~~(9)~~))) (10) "Immediate jeopardy" means a situation in which the hospital's noncompliance with one or more statutory or regulatory requirements has placed the health and safety of patients in its care at risk for serious injury, serious harm, serious impairment, or death.

(((~~(10)~~))) (11) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

(((~~(11)~~))) (12) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

(((~~(12)~~))) (13) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(((~~(13)~~))) (14) "Secretary" means the secretary of health.

(((~~(14)~~))) (15) "Sexual assault" has the same meaning as in RCW 70.125.030.

(((~~(15)~~))) (16) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" includes audio-only telemedicine, but does not include facsimile or email.

(((~~(16)~~))) (17) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

NEW SECTION. **Sec. 5.** 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. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate March 5, 2025.
Passed by the House April 11, 2025.
Approved by the Governor April 29, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 183

[House Bill 1046]

MOTOR VEHICLE DAMAGE LIABILITY—RESCUE OF VULNERABLE PERSON OR DOMESTIC ANIMAL

AN ACT Relating to protecting the vulnerable by providing immunity from civil liability for damage to a motor vehicle arising from the rescue of vulnerable persons or domestic animals; and adding new sections to chapter 4.24 RCW.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

The definitions in this section apply throughout section 2 of this act unless the context clearly requires otherwise.

(1) "Domestic animal" means a dog, cat, or other animal that is domesticated and may be kept as a household pet. The term does not include livestock or other farm animals.

(2) "Motor vehicle" has the same meaning as provided in RCW 46.04.320.

(3) "Vulnerable person" means a person under the age of 18 years or a person whose ability to perform the normal activities of daily living or to provide for their own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW to read as follows:

A person who enters a motor vehicle, by force or otherwise, for the purpose of removing a vulnerable person or domestic animal is immune from civil liability for damage to the motor vehicle if the person:

(1) Determines the motor vehicle is locked or there is otherwise no reasonable method for the vulnerable person or domestic animal to exit the motor vehicle without assistance;

(2) Has a good faith and reasonable belief, based upon the known circumstances, that entry into the motor vehicle is necessary because the vulnerable person or domestic animal is in imminent danger of suffering harm;

(3) Ensures that law enforcement is notified or 911 called before entering the motor vehicle;

(4) Uses no more force to enter the motor vehicle and remove the vulnerable person or domestic animal than is necessary; and

(5) Remains with the vulnerable person or domestic animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement, animal control, or other first responders arrive.

Passed by the House April 17, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 184

[Engrossed House Bill 1185]

CORRECTIONAL INDUSTRIES ADVISORY COMMITTEE—MEMBERSHIP

AN ACT Relating to membership on the correctional industries advisory committee; and amending RCW 72.09.080.

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

Sec. 1. RCW 72.09.080 and 2011 1st sp.s. c 21 s 40 are each amended to read as follows:

(1) The correctional industries advisory committee shall consist of 11 voting members in total, with nine of the voting members((,)) appointed by the

secretary and two of the voting members appointed by the governor. Each member shall serve a three-year staggered term. The speaker of the house of representatives and the president of the senate shall each appoint one member from each of the two largest caucuses in their respective houses. The legislators so appointed shall be nonvoting members and shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first. The nine members appointed by the secretary shall include three representatives from labor, three representatives from business representing cross sections of industries and all sizes of employers, and three members from the general public. The two voting members appointed by the governor must be individuals from underrepresented populations who have direct lived experience as those terms are defined in RCW 43.18A.010, but may not be currently incarcerated in total confinement as that term is defined in RCW 9.94A.030.

(2) The committee shall elect a chair and such other officers as it deems appropriate from among the voting members.

(3) The voting members of the committee shall serve with compensation pursuant to RCW 43.03.240 and shall be reimbursed by the department for travel expenses and per diem under RCW 43.03.050 and 43.03.060, as now or hereafter amended. Legislative members shall be reimbursed under RCW 44.04.120, as now or hereafter amended.

(4) The secretary shall provide such staff services, facilities, and equipment as the board shall require to carry out its duties.

Passed by the House March 4, 2025.
Passed by the Senate April 16, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 185

[Substitute Senate Bill 5165]

CROP DAMAGE COMPENSATION—WILD DEER AND ELK—FRONTIER ONE COUNTIES

AN ACT Relating to compensation in frontier one counties for deer and elk damage; and amending RCW 77.36.100.

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

Sec. 1. RCW 77.36.100 and 2024 c 264 s 3 are each amended to read as follows:

(1)(a) Except as limited by RCW 77.36.070, 77.36.080, 77.36.170, and 77.36.180, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk or to the owners of livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the livestock has been diminished. Payments for claims for damage to livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not, except as provided in RCW 77.36.170 and 77.36.180, exceed the total amount specifically appropriated therefor.

(b) Owners of commercial crops or livestock are only eligible for a claim under this subsection if:

(i) The commercial crop owner satisfies the definition of "eligible farmer" in RCW 82.08.855;

(ii) The conditions of RCW 77.36.110 have been satisfied; and

(iii) The damage caused to the commercial crop or livestock satisfies the criteria for damage established by the commission under (c) of this subsection.

(c) The commission shall adopt and maintain by rule criteria that clarifies the damage to commercial crops and livestock qualifying for compensation under this subsection. An owner of a commercial crop or livestock must satisfy the criteria prior to receiving compensation under this subsection. The criteria for damage adopted under this subsection must include, but not be limited to, a required minimum economic loss to the owner of the commercial crop or livestock, which may not be set at a value of less than $500.

(2)(a) Subject to the availability of nonstate funds, nonstate resources other than cash, or amounts appropriated for this specific purpose, the department may offer to provide compensation to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or livestock that is the result of a mammalian or avian species of wildlife on a case-specific basis if the conditions of RCW 77.36.110 have been satisfied and if the damage satisfies the criteria for damage established by the commission under (b) of this subsection.

(b) The commission shall adopt and maintain by rule criteria for damage to property other than a commercial crop or livestock that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.

(3)(a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions if the actions are designed to address damage that satisfies the criteria for damage established by the commission under this section.

(b) The commission shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for submitting an application under this section.

(4)(a) An owner who files a claim under this section may appeal the decision of the department pursuant to rules adopted by the commission if the claim:

(i) Is denied; or

(ii) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.

(b) An appeal of a decision of the department addressing deer or elk damage to commercial crops is limited to $30,000.

(5)(a) Consistent with this section, the commission shall adopt rules setting limits and conditions for the department's expenditures on claims and assessments for commercial crops, livestock, other property, and mitigating actions.

(b) Claims awarded or agreed upon that are unpaid due to being in excess of available funds in the current fiscal year are eligible for payment in the next state fiscal year.

(c) If additional funds are not appropriated by the legislature in the subsequent fiscal year specifically for unpaid claims, then no further payment may be made on the claim.

(d) Claims awarded or agreed upon during a fiscal year must be prioritized for payment based upon the highest percentage of loss, calculated by comparing agreed-upon or awarded commercial crop damages to the gross sales or harvested value of commercial crops for the previous tax year.

(e) The payment of a claim under this section is conditional on the availability of specific funding for this purpose and is not a guarantee of reimbursement.

(6) At least 20 percent of the available funds for damage caused to commercial crops by wild deer and elk must be awarded to claims arising from frontier one counties, as that term is defined in RCW 43.160.020.

(a) If the value of claims submitted from frontier one counties is insufficient to meet the requirements of this section, the remaining available funds may be awarded to any eligible claimant.

(b) For the purposes of this subsection, a claimant is considered to be located in a frontier one county if any portion of the farm property where the damage occurred is located in a frontier one county.

Passed by the Senate February 19, 2025.
Passed by the House April 11, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 186

[Substitute Senate Bill 5245]

STATE LEGISLATOR OATH OF OFFICE—ADMINISTRATION BY COUNTY COMMISSIONERS

AN ACT Relating to authorizing county commissioners to administer oaths of office to state legislators; and amending RCW 36.32.120.

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

Sec. 1. RCW 36.32.120 and 2020 c 20 s 1019 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of courthouses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime and no act that is a state crime may be made a civil violation. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties ((~~and~~)), and to administer oaths of office to state legislators;

(10) Have power to commit for contempt any witness refusing to testify before them with the same power as district judges;

(((~~10~~))) (11) Have power to declare by ordinance what shall be deemed a nuisance within the county, including but not limited to "litter" and "potentially dangerous litter" as defined in RCW 70A.200.030; to prevent, remove, and abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes.

Passed by the Senate March 12, 2025.
Passed by the House April 14, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 187

[Engrossed Second Substitute Senate Bill 5337]

ASSISTED LIVING FACILITIES—MEMORY CARE SERVICES

AN ACT Relating to improving dementia care in Washington by creating a certification for memory care services; amending RCW 18.20.020, 18.20.190, 18.20.300, 18.20.320, and 18.20.525; adding new sections to chapter 18.20 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) "Memory care" is not well-defined and has no standard definition in Washington. Memory care, however, is commonly understood to be a form of specialized care for people living with progressive memory loss or dementia. The term is most often applied to assisted living communities or other residential settings that offer specialized services and a specially designed environment that accommodates the needs of this population;

(b) A growing number of assisted living facilities use memory care in their names or their service descriptions and advertise themselves as providing memory care, Alzheimer's care, or dementia care. An informal study performed by the dementia action collaborative in 2021 found that there are approximately 237 assisted living facilities in Washington that advertise themselves as offering memory care or specialized dementia care, and that exact terminology and related available services varied. The use of the term "memory care" may mean that the whole building is devoted to the care of people living with dementia or that they offer a special unit or wing devoted solely to memory care; and

(c) The lack of a standard definition for memory care has resulted in differing physical environments and services from one facility to another. This situation makes it difficult for consumers and family members who are seeking or receiving care to understand the services and staffing currently offered and that can be expected as needs change over time.

(2) The legislature intends to create a memory care facility certification for licensed assisted living facilities, managed by the department of social and health services, to create a more standardized definition of memory care in Washington and help consumers make informed choices about receiving memory care services in assisted living facilities.

NEW SECTION. **Sec. 2.** A new section is added to chapter 18.20 RCW to read as follows:

(1) After July 1, 2026, a person may not operate or maintain a memory care facility or memory care unit within this state without becoming certified under this section.

(2) To become certified by the department as a memory care facility or memory care unit, a licensed assisted living facility must:

(a) Have a valid, current license to operate the assisted living facility, as required under RCW 18.20.030;

(b) Not have a pattern of any of the following uncorrected or recurring significant enforcement actions prior to the date of application:

(i) Citations issued in areas related to resident harm or serious risk of harm, or actions or inactions resulting in serious disregard for resident health, safety, or deterioration of quality of care; or

(ii) Civil fines based on the department's determination of moderate or serious severity;

(c) Not have a stop placement, or any conditions on a license related to resident care or any license revocation or summary suspension actions prior to the date of application;

(d) Have permanent infrastructure that considers the specialized needs of residents with dementia including elements intended to prevent elopement;

(e) Have a staffing plan that provides staff levels in the memory care unit that is adequate to respond to the assessed sleeping and waking patterns and needs of residents, including awake staff 24 hours per day at a level that is adequate to respond to the needs of residents. This shall include:

(i) If residents are in separate buildings or cottages, at least one awake staff must be physically present in each building or cottage;

(ii) Maintaining staffing levels adequate to routinely provide assistance with eating, drinking, and cueing of eating and drinking, and occasionally provide all necessary physical assistance with eating for residents who require feeding assistance, including cutting up food into appropriate-sized pieces and helping the resident get food and liquid into their mouth. Nothing in this subsection (2)(e)(ii) shall be construed as requiring a memory care facility or memory care unit to provide total feeding assistance for an extended or indefinite period. Memory care facilities or memory care units are not required to provide or maintain feeding tubes or intravenous nutrition;

(f) Provide a physical building structure that has access sufficient to meet programming and daily activities as specified in subsection (3) of this section; and

(g) Have developed policies and procedures to:

(i) Plan for and respond appropriately to memory care facility or memory care unit residents who may wander;

(ii) Outline actions to be taken when a memory care resident is missing; and

(iii) Outline how consultative resources for residents will be obtained when needed for addressing resident behavioral challenges, outline the professional or professionals who will provide the consultation, and specify when and how the consultation will be utilized. Relevant professionals include, but are not limited to, clinical psychologists, psychiatrists, psychiatric nurse practitioners, and other specialists who are familiar with the care of persons with dementia.

(3) To maintain certification by the department as a memory care facility or memory care unit, a licensed assisted living facility shall:

(a) Comply with the plans and requirements outlined in subsection (2) of this section;

(b) Complete a full assessment of each resident receiving specialized care in the memory care facility or memory care unit, on a semiannual basis at a minimum, that considers the needs of residents with dementia;

(c) Ensure that each long-term care worker who works directly with memory care residents has at least six hours of continuing education per year related to dementia, including Alzheimer's disease. The six hours of continuing education per year may be part of other required training established in this chapter and chapter 18.88B RCW;

(d) Ensure that staff who work directly with memory care facility or memory care unit residents are familiar with the comprehensive disaster preparedness plan of the assisted living facility, as required under RCW 18.20.525. For an assisted living facility with a memory care certification, the comprehensive disaster preparedness plan must include the provisions specific to the needs of residents receiving certified memory care services with dementia;

(e) Provide programming that provides daily activities consistent with the functional abilities, interests, habits, and preferences of the individual residents. On a daily basis, except during the activation of the disaster preparedness plan, a memory care facility or memory care unit must:

(i) Provide residents access to:

(A) Opportunities for independent, self-directed activities;

(B) Individual activities in which a staff person or volunteer engages the resident in a planned or spontaneous activity of interest. Activities may include personal care activities that provide opportunities for purposeful and positive interactions; and

(C) Group activities;

(ii) Offer opportunities for activities that accommodate variations in a resident's mood, energy, and preferences. The memory care facility or memory care unit must make appropriate activities available based upon the resident's individual schedule and interests, such as providing access to staff support, food, and appropriate activities to residents who are awake at night;

(iii) Make available common areas that could be shared with other residents within the assisted living facility, at least one of which is outdoors, that vary by size and arrangement including, but not limited to: Various size furniture groupings that encourage social interaction; areas with environmental cues that may stimulate activity, such as a resident kitchen or workshop; areas with activity supplies and props to stimulate conversation; a garden area; and paths and walkways that encourage exploration and walking. These areas must accommodate and offer opportunities for individual or group activity;

(f) Have an outdoor area for residents that:

(i) Is accessible to residents without staff assistance;

(ii) Is surrounded by walls or fences tall enough to prevent typical elopement behaviors;

(iii) Has areas protected from direct sunlight and rain throughout the day;

(iv) Has walking surfaces that are firm, stable, slip-resistant, free from abrupt changes, and suitable for individuals using wheelchairs and walkers;

(v) Has suitable outdoor furniture;

(vi) Has plants that are not poisonous or toxic to humans;

(vii) Has areas for appropriate outdoor activities of interest to residents, such as walking paths, raised garden or flower beds, and bird feeders; and

(viii) During extreme weather events, is monitored or access can be restricted to ensure the health and well-being of the residents is not adversely impacted by their time outside; and

(g) Ensure that areas used by residents have a residential atmosphere and residents have opportunities for privacy, socialization, and safe walking and wandering behaviors, including:

(i) Encouraging residents' individualized spaces to be furnished or decorated with personal items based on resident needs and preferences; and

(ii) Ensuring residents have access to their own rooms at all times without staff assistance.

(4) To allow access to memory care throughout the state, the department may allow conditional exemptions to subsection (3)(f) of this section for locations operating in buildings constructed or originally licensed prior to July 1, 2025, where an outdoor space is located on a floor other than where the residents reside and an alternative viewing area was created in the memory care unit, as long as the viewing area:

(a) Is not obstructed by indoor furniture, storage areas, cleaning equipment, trash receptacles, snack food or drink tables, or other such encumbrances that would minimize access to the viewing area;

(b) Does not serve as a hallway or an additionally required community space such as a dining area or activity room;

(c) Does not house mobile health care services, such as home health, podiatrist, and dental services, or other purposes;

(d) Is a community space not within the residents' room; and

(e) Has windows that have an unobstructed and viewable height accessible by wheelchair.

(5) The department shall maintain a register of assisted living facilities that are certified as memory care facilities or memory care units and shall make this register available to the public and consumers.

(6) An assisted living facility must apply to the department to become certified, pay any fees including the initial certification and the annual certification fees, and provide any information as the department requires by rule to demonstrate the facility meets the requirements of subsection (2) of this section and any implementing rules. The department shall set initial and annual certification fees to be compensatory to the cost of the program.

(7) During the course of its regular licensing inspection activities, the department shall review whether a certified memory care facility or memory care unit continues to comply with requirements in this section.

(8) Any assisted living facility with a certified memory care facility or memory care unit that goes through a change of ownership shall submit an application for certification as a memory care facility at the same time that it applies for an assisted living facility license through a change of ownership proceeding.

(9) The department shall provide a current certification document to the memory care facility or memory care unit and require that the document is posted in a public area for residents, their families, and visitors to view upon entering the main entrance of the memory care facility or memory care unit.

(10) The department shall adopt rules to implement this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.20 RCW to read as follows:

The department shall adopt rules on how currently operating memory care facilities or memory care units applying for certification shall operate during the certification application process. These rules may include where the department may, at its sole discretion, grant conditional exemptions on a case-by-case basis for facilities operating before July 1, 2026, to prevent disruption of services or displacement of residents.

NEW SECTION. **Sec. 4.** A new section is added to chapter 18.20 RCW to read as follows:

The legislature finds that the practices covered by section 2(1) of this act, the operation of a memory care facility without a certification, are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Sec. 5. RCW 18.20.020 and 2020 c 312 s 726 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult day services" means care and services provided to a nonresident individual by the assisted living facility on the assisted living facility premises, for a period of time not to exceed ten continuous hours, and does not involve an overnight stay.

(2) "Assisted living facility" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, an assisted living facility that is licensed for three to six residents prior to or on July 1, 2000, may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility. "Assisted living facility" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior

housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(4) "Dementia" means the irreversible loss of cognitive or intellectual function such as thinking, remembering, and reasoning so severe that it interferes with an individual's daily functioning and everyday life. "Dementia" is not a specific diagnosis, but rather a group of symptoms that accompany certain diseases or conditions including, but not limited to, Alzheimer's disease, vascular dementia, frontotemporal dementia, Lewy body dementia, alcohol-related dementia, and major neurocognitive disorder. "Dementia" does not include temporary or reversible destabilization due to delirium or behavioral or mental health disorders.

(5) "Department" means the state department of social and health services.

(((~~(5)~~))) (6) "Domiciliary care" means: Assistance with activities of daily living provided by the assisted living facility either directly or indirectly; or health support services, if provided directly or indirectly by the assisted living facility; or intermittent nursing services, if provided directly or indirectly by the assisted living facility.

(((~~(6)~~))) (7) "General responsibility for the safety and well-being of the resident" means the provision of the following: Prescribed general low sodium diets; prescribed general diabetic diets; prescribed mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with RCW 18.20.380; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

(((~~(7)~~))) (8) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident.

(((~~(8)~~))) (9) "Memory care facility" or "memory care unit" means any assisted living facility which markets, or otherwise represents, itself as providing memory care or specialized dementia care services, whether as a facility dedicated solely to serving residents with dementia or within a dedicated unit or wing within a larger facility. An assisted living facility does not need to specifically use the terms "memory care facility," "specialized dementia care," or similar terms in its name to be considered a memory care facility under this chapter. If any part of an assisted living facility has restricted egress that prevents residents with cognitive impairment from leaving the facility without accompaniment by staff or another individual, it is sufficient to be considered as

a memory care facility or memory care unit requiring certification under section 2 of this act.

(10) "Memory care services" and "specialized dementia care services" means services offered and provided in addition to the domiciliary care services provided by the assisted living facility that are responsive to the typical needs of an individual with dementia.

(11) "Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in an unlicensed room located within an assisted living facility. Nothing in this chapter prohibits nonresidents from receiving one or more of the services listed in RCW 18.20.030(5) or requires licensure as an assisted living facility when one or more of the services listed in RCW 18.20.030(5) are provided to nonresidents. A nonresident individual may not receive domiciliary care, as defined in this chapter, directly or indirectly by the assisted living facility and may not receive the items and services listed in subsection (((~~(6)~~))) (7) of this section, except during the time the person is receiving adult day services as defined in this section.

(((~~(9)~~))) (12) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(((~~(10)~~))) (13) "Resident" means an individual who is not related by blood or marriage to the operator of the assisted living facility, and by reason of age or disability, chooses to reside in the assisted living facility and receives basic services and one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided directly or indirectly by the assisted living facility and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under RCW 18.20.380.

(((~~(11)~~))) (14) "Resident applicant" means an individual who is seeking admission to a licensed assisted living facility and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

(((~~(12)~~))) (15) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the assisted living facility and to receive information from the assisted living facility, if there is no legal representative. The resident's competence shall be determined using the criteria in chapter 11.130 RCW. The resident's representative may not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(((~~(13)~~))) (16) "Secretary" means the secretary of social and health services.

Sec. 6. RCW 18.20.190 and 2018 c 173 s 4 are each amended to read as follows:

(1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an assisted living facility provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an assisted living facility without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; ((~~or~~))

(d) Willfully prevented or interfered with any inspection or investigation by the department;

(e) Continued to use terminology such as "memory care facility" or "dementia care facility" without having been issued a certificate under section 2 of this act; or

(f) Continued to operate a facility or unit within a facility that has restricted egress without having been issued a certificate under section 2 of this act.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions, using a tiered sanction grid that considers the extent of harm from the deficiency and the regularity of the occurrence of the deficiency when imposing civil fines:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of at least one hundred dollars per day per violation. Until July 1, 2019, the civil penalties may not exceed one thousand dollars per day per violation. Beginning July 1, 2019, through June 30, 2020, the civil penalties may not exceed two thousand dollars per day per violation. Beginning July 1, 2020, the civil penalties may not exceed three thousand dollars per day per violation;

(d) Impose civil penalties of up to ten thousand dollars for a current or former licensed provider who is operating an unlicensed facility, uncertified memory care facility, or uncertified memory care unit;

(e) Suspend, revoke, or refuse to renew a license or memory care certification;

(f) Suspend admissions to the assisted living facility, memory care facility, or memory care unit by imposing stop placement; or

(g) Suspend admission of a specific category or categories of residents as related to the violation by imposing a limited stop placement.

(3) When the department orders stop placement or a limited stop placement, the facility shall not admit any new resident until the stop placement or limited stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement or limited stop placement. The department shall terminate the stop placement or limited stop placement when: (a) The violations necessitating the stop placement or limited stop placement have been corrected; and (b) the provider exhibits the capacity to maintain correction of the violations previously found deficient. However, if upon the revisit the department finds new violations

that the department reasonably believes will result in a new stop placement or new limited stop placement, the previous stop placement or limited stop placement shall remain in effect until the new stop placement or new limited stop placement is imposed.

(4) After a department finding of a violation for which a stop placement or limited stop placement has been imposed, the department shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents, and to enforce compliance with this chapter.

(5) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, limited stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

(6) All receipts from civil penalties imposed under this chapter must be deposited in the assisted living facility temporary management account created in RCW 18.20.430.

(7) For the purposes of this section, "limited stop placement" means the ability to suspend admission of a specific category or categories of residents.

Sec. 7. RCW 18.20.300 and 2012 c 10 s 19 are each amended to read as follows:

(1) An assisted living facility, licensed under this chapter, may provide domiciliary care services, as defined in this chapter, and shall disclose the scope of care and services that it chooses to provide.

(2) The assisted living facility licensee shall disclose to the residents, the residents' legal representative if any, and if not, the residents' representative if any, and to interested consumers upon request, the scope of care and services offered, using the form developed and provided by the department, in addition to any supplemental information that may be provided by the licensee. The form that the department develops shall be standardized, reasonable in length, and easy to read. The assisted living facility's disclosure statement shall indicate the scope of domiciliary care assistance provided and shall indicate that it permits the resident or the resident's legal representative to independently arrange for outside services under RCW 18.20.380.

(a) For assisted living facilities certified as memory care facilities or memory care units under section 2 of this act, the facility must provide an additional disclosure that includes a description of staffing coverage for the memory care facility or the memory care unit, including the number of awake

staff that will be available overnight and the regular direct care staffing level per bed in the memory care facility or memory care unit. Residents of the certified memory care facility or memory care unit and their resident representatives as defined in RCW 70.129.010, when relevant, shall be informed of any significant changes in or staffing within 30 days of the change.

(b) The department shall define significant change in staffing for a certified memory care facility or memory care unit and provide an example of an accepted disclosure form to the facilities and units for their use in rule.

(3)(a) If the assisted living facility licensee decreases the scope of services that it provides due to circumstances beyond the licensee's control, the licensee shall provide a minimum of thirty days' written notice to the residents, the residents' legal representative if any, and if not, the residents' representative if any, before the effective date of the decrease in the scope of care or services provided.

(b) If the licensee voluntarily decreases the scope of services, and any such decrease in the scope of services provided will result in the discharge of one or more residents, then ninety days' written notice shall be provided prior to the effective date of the decrease. Notice shall be provided to the affected residents, the residents' legal representative if any, and if not, the residents' representative if any.

(c) If the assisted living facility licensee increases the scope of services that it chooses to provide, the licensee shall promptly provide written notice to the residents, the residents' legal representative if any, and if not, the residents' representative if any, and shall indicate the date on which the increase in the scope of care or services is effective.

(4) When the care needs of a resident exceed the disclosed scope of care or services that an assisted living facility licensee provides, the licensee may exceed the care or services disclosed consistent with RCW 70.129.030(3) and 70.129.110(3)(a). Providing care or services to a resident that exceed the care and services disclosed may or may not mean that the provider is capable of or required to provide the same care or services to other residents.

(5) Even though the assisted living facility licensee may disclose that it can provide certain care or services to resident applicants or to their legal representative if any, and if not, to the resident applicants' representative if any, the licensee may deny admission to a resident applicant when the licensee determines that the needs of the resident applicant cannot be met, as long as the provider operates in compliance with state and federal law, including RCW 70.129.030(3).

(6) The disclosure form is intended to assist consumers in selecting assisted living facility services and, therefore, shall not be construed as an implied or express contract between the assisted living facility licensee and the resident.

Sec. 8. RCW 18.20.320 and 2012 c 10 s 21 are each amended to read as follows:

(1) The assisted living facility licensee may choose to provide any of the following health support services, however, the facility may or may not need to provide additional health support services to comply with the reasonable accommodation requirements in federal or state law:

(a) Blood glucose testing;

(b) Puree diets;

(c) Calorie controlled diabetic diets;

(d) Dementia care, unless the assisted living facility is certified as a memory care facility or memory care unit under section 2 of this act;

(e) Mental health care; and

(f) Developmental disabilities care.

(2) The licensee shall clarify on the disclosure form any limitations, additional services, or conditions that may apply.

(3) In providing health support services, the assisted living facility shall observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

Sec. 9. RCW 18.20.525 and 2021 c 159 s 5 are each amended to read as follows:

(1) Each assisted living facility shall develop and maintain a comprehensive disaster preparedness plan to be followed in the event of a disaster or emergency, including fires, earthquakes, floods, extreme heat, extreme cold, infectious disease outbreaks, loss of power or water, and other events that may require sheltering in place, evacuations, or other emergency measures to protect the health and safety of residents. The facility shall review the comprehensive disaster preparedness plan annually, update the plan as needed, and train all employees when they begin work in the facility on the comprehensive disaster preparedness plan and related staff procedures.

(2) The department shall adopt rules governing the comprehensive disaster preparedness plan. At a minimum, the rules must address: Timely communication with the residents' emergency contacts; timely communication with state and local agencies, long-term care ombuds, and developmental disabilities ombuds; contacting and requesting emergency assistance; on-duty employees' responsibilities; meeting residents' essential needs; procedures to identify and locate residents; and procedures to provide emergency information to provide for the health and safety of residents. In addition, the rules shall establish standards for maintaining personal protective equipment and infection control capabilities, as well as department inspection procedures with respect to the plans.

(3) For assisted living facilities certified as memory care facilities or memory care units under section 2 of this act, comprehensive disaster preparedness plans must specifically consider the needs of residents with dementia.

NEW SECTION. **Sec. 10.** Nothing in this act is intended to prohibit assisted living facilities from providing care to residents with dementia in an assisted living setting without restricted egress, so long as the assisted living facility is not representing themselves out as a memory care facility, or otherwise representing to the public, clients, prospective clients, or the client or prospective client's representative that memory care is a specialty of the facility without certification outlined in section 2 of this act.

NEW SECTION. **Sec. 11.** Nothing in this act shall be construed as replacing any requirements as outlined in chapter 70.129 RCW.

Passed by the Senate March 11, 2025.
Passed by the House April 14, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 188

[Senate Bill 5473]

LAW ENFORCEMENT PERSONNEL GRIEVANCE ARBITRATION—PROCEDURES

AN ACT Relating to law enforcement personnel grievance arbitration procedures; and amending RCW 41.58.070.

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

Sec. 1. RCW 41.58.070 and 2021 c 13 s 1 are each amended to read as follows:

(1) For the purposes of this section, the definitions in this subsection have the meanings given them.

(a) "Employer" means a political subdivision or law enforcement agency employing law enforcement personnel.

(b)(i) "Law enforcement personnel" means:

(A) Any individual employed, hired, or otherwise commissioned to enforce criminal laws by any municipal, county, or state agency or department, or combination thereof, that has, as its primary function, the enforcement of criminal laws in general, rather than the implementation or enforcement of laws related to specialized subject matter areas. For the purposes of this subsection (1)(b), officers employed, hired, or otherwise commissioned by the department of fish and wildlife are considered law enforcement personnel.

(B) Corrections officers and community corrections officers employed by the department of corrections.

(ii) "Law enforcement personnel" does not include any individual hired as an attorney to prosecute or litigate state or local criminal laws or ordinances, nor any civilian individuals hired to do administrative work.

(iii) For the purposes of this subsection (1)(b), "primary function" means that function to which the greater allocation of resources is made.

(c) "Disciplinary grievance" means a dispute or disagreement regarding any disciplinary action, discharge, or termination decision arising under a collective bargaining agreement covering law enforcement personnel.

(d) "Grievance arbitration" means binding arbitration of a disciplinary grievance under the grievance procedures established in a collective bargaining agreement covering law enforcement personnel <u>that is requested in accordance with the procedures established in the collective bargaining agreement</u>.

(2)(a) The arbitrator selection procedure established under this section applies to all grievance arbitrations for disciplinary actions, discharges, or terminations of law enforcement personnel which are heard on or after January 1, 2022.

(b)(i) The grievance procedures for all collective bargaining agreements covering law enforcement personnel negotiated or renewed on or after January 1, 2022, must include the arbitrator selection procedure established in this

section if the collective bargaining agreement provides for arbitration as a means of resolving grievances for disciplinary actions, discharges, or terminations.

(ii) The provisions of grievance procedures governing the appeal of disciplinary grievances in collective bargaining agreements covering law enforcement personnel negotiated or renewed prior to January 1, 2022, that provide for arbitration but do not contain the arbitrator selection procedures established in this section expire upon the expiration date of the collective bargaining agreement and may not be extended or rolled over beyond the expiration date of the collective bargaining agreement.

(c) This section does not require any party to a collective bargaining agreement in existence on July 25, 2021, to reopen negotiations of the agreement or to apply any of the rights and responsibilities under chapter 13, Laws of 2021 unless and until the existing agreement is reopened or renegotiated by the parties or expires.

(3) All fees charged by arbitrators under this section must be in accordance with a schedule of fees established by the commission on an annual basis. The parties are responsible for paying the arbitrator's fees as set forth in the parties' negotiated fee-sharing provisions of their collective bargaining agreement or, in the absence of contractual fee-sharing provisions, shall be borne equally by the parties.

(4) The commission must appoint a roster of a minimum of nine persons and a maximum of 18 persons suited and qualified by training and experience to act as arbitrators for law enforcement personnel grievance arbitrations under this section.

(a) The commission may only consider appointing persons who possess:

(i) A minimum of six years' experience as a full-time labor relations advocate and who has been the principal representative of either labor or management in at least 10 arbitration proceedings;

(ii) A minimum of six years' experience as a full-time labor mediator with substantial mediation experience;

(iii) A minimum of six years' experience as an arbitrator and who has decided at least 10 cases involving collective bargaining disputes; or

(iv) A minimum of six years' experience as a practitioner or full-time instructor of labor law or industrial relations, including substantial content in the area of collective bargaining, labor agreements, and contract administration.

(b) In making these appointments, and as applicable, the commission must consider these factors:

(i) A candidate's familiarity, experience, and technical and theoretical understanding of and experience with labor law, the grievance process, and the field of labor arbitration;

(ii) A candidate's ability and willingness to travel through the state, conduct hearings in a fair and impartial manner, analyze and evaluate testimony and exhibits, write clear and concise awards in a timely manner, and be available for hearings within a reasonable time after the request of the parties;

(iii) A candidate's experience and training in cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences; and

(iv) A candidate's familiarity and experience with the law enforcement profession, including ride-alongs with on-duty officers, participation in a

citizen's academy conducted by a law enforcement agency, or other activities that provide exposure to the environments, choices, and judgments required by officers in the field.

(5) The appointments are effective immediately upon selection by the commission. Except for appointments subject to subsection (6) of this section, appointments are for three years to expire on the first Monday in January.

(6) The commission must make at least three of the initial appointments to the roster of arbitrators for terms to expire on the first Monday in January 2024, at least three of the appointments for terms to expire on the first Monday in January 2025, and at least three of the appointments for terms to expire on the first Monday in January 2026. The initial terms of arbitrators appointed under this subsection may be for longer than three years.

(7) Subsequent appointments to the roster of arbitrators must be for three-year terms to expire on the first Monday in January((~~, with the terms of no more than three arbitrators to expire in the same year~~)).

(8) Nothing in this section prevents roster arbitrators from issuing decisions, or retaining jurisdiction to address issues relating to remedy, after the expiration of their term, if the arbitration hearing occurred during the term of their appointment.

(9) An arbitrator may be reappointed to the roster upon expiration of the arbitrator's term. If the arbitrator is not reappointed, the arbitrator may continue to serve until a successor is appointed, but in no case later than July 1st of the year in which the arbitrator's term expires.

(10) The commission may remove an arbitrator from the roster through a majority vote. A vacancy on the roster caused by a removal, a resignation, or another reason must be filled by the commission as necessary to fill the remainder of the arbitrator's term. A vacancy on the roster occurring with less than six months remaining in the arbitrator's term must be filled for the existing term and the following three-year term.

(11) A person appointed to the arbitrator roster under this section must complete training as developed, implemented, and required by the executive director. The commission may adopt rules establishing training requirements consistent with this section. The commission may also establish fees in order to cover the costs of developing and providing the training. At a minimum, an initial training must include:

(a) At least six hours on the topics of cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences; and

(b) At least six hours on topics related to the daily experience of law enforcement personnel, which may include ride-alongs with on-duty officers, participation in a citizen's academy conducted by a law enforcement agency, shoot/don't shoot training provided by a law enforcement agency, or other activities that provide exposure to the environments, choices, and judgments required of officers in the field. For the purposes of this subsection (11)(b), "shoot/don't shoot training" means an interactive firearms training that simulates real-world scenarios to train law enforcement personnel on the use of force.

(12) An arbitrator appointed to the roster of arbitrators must complete the required initial training within six months of the arbitrator's appointment.

(13)(a) The executive director must assign an arbitrator or panel of arbitrators from the roster to each law enforcement personnel grievance arbitration under this section on rotation through the roster alphabetically ordered by last name.

(i) If the arbitrator is unable to hear the case within three months from the request for an arbitrator, the executive director must appoint the next arbitrator from the roster alphabetically.

(ii) If an arbitrator has a conflict of interest that may reasonably be expected to materially impact the arbitrator's impartiality, the arbitrator must disclose such conflict to the executive director. The executive director may determine whether the conflict merits assigning the next arbitrator on the roster. Either party may petition the executive director to have an assigned arbitrator removed due to a conflict of interest that may reasonably be expected to materially impact the arbitrator's impartiality. If their petition is granted by the executive director, the executive director must assign the next arbitrator or panel of arbitrators on the roster.

(b) The arbitrator or panel of arbitrators shall decide the disciplinary grievance, and the decision is binding subject to the provisions of chapter 7.04A RCW.

(c) The parties may not participate in, negotiate for, or agree to the selection of an arbitrator or arbitration panel under this section. Employers and law enforcement personnel, through their certified exclusive bargaining representatives, do not have the right to negotiate for or agree to a collective bargaining agreement or a grievance arbitration selection procedure that is inconsistent with this section, if the collective bargaining agreement provides for arbitration as a means of resolving grievances for disciplinary actions, discharges, or terminations.

(14) The commission must post law enforcement grievance arbitration decisions made under this section on its website within 30 days of the date the grievance arbitration decision is made, with names of grievants and witnesses redacted.

(15) The arbitrator selection procedure for law enforcement grievance arbitrations established under this section supersedes any inconsistent provisions in any other chapter governing employee relations and collective bargaining for law enforcement personnel.

Passed by the Senate March 3, 2025.
Passed by the House April 14, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 189

[Substitute Senate Bill 5492]

TOURISM SELF-SUPPORTED ASSESSMENT ADVISORY GROUP

AN ACT Relating to sustainable state tourism promotion; amending RCW 43.384.030 and 43.384.050; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** The legislature finds that the tourism industry is the fourth largest economic sector in the state, generating approximately $23.9 billion in annual revenue and employing more than 230,000 direct and induced jobs. Industry data estimates that every dollar a tourist spends generates $1.36 in additional economic impact. In 2018, the legislature created a state-funded tourism marketing program. During the 2023-2025 fiscal biennium, the Washington tourism marketing authority was funded with $4,500,000 per fiscal year. This is significantly less than competitive states. The Washington tourism marketing authority contracts with state of Washington tourism to implement the state tourism program, the results of which have been documented to draw $29 in visitor expenditures for every $1 invested and $3 in state and local tax revenue for every $1 invested.

Therefore, the legislature intends to solicit recommendations to evaluate an industry self-supported assessment to ensure a dedicated and sustainable funding mechanism for statewide tourism promotion and management.

Sec. 2. RCW 43.384.030 and 2018 c 275 s 4 are each amended to read as follows:

(1) The authority must be governed by a board of directors. The board of directors must consist of:

(a) Two members and two alternates from the house of representatives, with one member and one alternate appointed from each of the two major caucuses of the house of representatives by the speaker of the house of representatives;

(b) Two members and two alternates from the senate, with one member and one alternate appointed from each of the two major caucuses of the senate by the president of the senate; and

(c) Nine representatives with expertise in the tourism industry and related businesses including, but not limited to, hotel, restaurant, outdoor recreation, attractions, retail, and rental car businesses appointed by the governor.

(((~~(2) The initial membership of the authority must be appointed as follows:~~

~~(a) By May 1, 2018, the speaker of the house of representatives and the president of the senate must each submit to the governor a list of ten nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee;~~

~~(b) The nominations from the speaker of the house of representatives must include at least one representative from the restaurant industry; one representative from the rental car industry; and one representative from the retail industry;~~

~~(c) The nominations from the president of the senate must include at least one representative from the hotel industry; one representative from the attractions industry; and one representative from the outdoor recreation industry; and~~

~~(d) The remaining member appointed by the governor must have a demonstrated expertise in the tourism industry.~~

~~(3) By July 1, 2018, the governor must appoint four members from each list submitted by the speaker of the house of representatives and the president of the senate under subsection (2)(a) through (c) of this section and one member under subsection (2)(d) of this section.~~)) Appointments by the governor must reflect diversity in geography, size of business, gender, and ethnicity. No county may

have more than two appointments and no city may have more than one appointment.

((~~(4)~~)) (2) There must be a nonvoting advisory committee to the board. The advisory committee must consist of:

(a) One ex officio representative from the department, state parks and recreation commission, department of transportation, and other state agencies as the authority deems appropriate; and

(b) One member from a federally recognized Indian tribe appointed by the director of the department.

((~~(5) The initial appointments under subsections (1) and (2) of this section must be appointed by the governor to terms as follows: Four members for two-year terms; four members for three-year terms; and five members for four-year terms, which must include the chair. After the initial appointments, all~~)) (3) All appointments must be for four years.

((~~(6)~~)) (4) The board must select from its membership the chair of the board and such other officers as it deems appropriate. The chair of the board must be a member from the tourism industry or related businesses.

((~~(7)~~)) (5) A majority of the board constitutes a quorum.

((~~(8)~~)) (6) The board must create its own bylaws in accordance with the laws of the state of Washington.

((~~(9)~~)) (7) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

((~~(10)~~)) (8) If a vacancy occurs on the board, a replacement must be appointed for the unexpired term.

((~~(11)~~)) (9) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties.

((~~(12)~~)) (10) The board must meet at least quarterly.

((~~(13)~~)) (11) No board member of the authority may serve on the board of an organization that could be considered for a contract authorized under RCW 43.384.050.

NEW SECTION. **Sec. 3.** (1) The chair of the board of directors of the tourism marketing authority must appoint a tourism self-supported assessment advisory group no later than two weeks following the effective date of this section. The advisory group must evaluate the viability of an industry self-supported assessment to fund statewide tourism promotion and recommend procedures to establish the self-supported assessment.

(2) The tourism self-supported assessment advisory group must consist of at least eight members that represent sectors of the tourism industry that may be considered for the self-supported assessment, including:

(a) Two members representing the lodging sector;

(b) One member representing the beverage sector;

(c) One member representing the arts and culture sector;

(d) One member representing the tour operators sector;

(e) One member representing the attractions sector;

(f) One member representing the transportation sector; and

(g) One member representing a statewide Washington tourism promotion nonprofit.

(3) The tourism self-supported assessment advisory group must make recommendations for the following:

(a) The classification of businesses proposed to be included in the self-supported assessment;

(b) The self-supported assessment methodology including the petition process for businesses to approve the self-supported assessment;

(c) The rate of self-supported assessment for each business classification;

(d) The characteristics of a business within a classification that will benefit from the self-supported assessment;

(e) The time period or duration of the self-supported assessment; and

(f) The establishment of an oversight board for ratepayers representing businesses by self-supported assessments.

(4) The board of directors of the tourism marketing authority must comply with the requirements of RCW 43.18A.020 in making appointments provided in this section. The department of commerce must provide the report required in RCW 43.18A.020.

(5) The tourism self-supported assessment advisory group must submit its recommendations in writing to the legislature by November 1, 2025.

(6) This section expires June 1, 2026.

Sec. 4. RCW 43.384.050 and 2019 c 291 s 5 are each amended to read as follows:

(1) From amounts appropriated to the department for the authority and from other moneys available to it, the authority may incur expenditures for any purpose specifically authorized by this chapter including:

(a) Entering into a contract for a multiple year statewide tourism marketing plan with a statewide nonprofit organization ((~~existing on June 7, 2018,~~)) whose sole purpose is marketing Washington to tourists. The marketing plan must include, but is not limited to, focuses on rural tourism-dependent counties, natural wonders and outdoor recreation opportunities of the state, including sustainable whale watching, attraction of international tourists, identification of local offerings for tourists, and assistance for tourism areas adversely impacted by natural disasters((~~. In the event that no such organization exists on June 7, 2018, or the initial contractor ceases to exist, the authority may determine criteria for a contractor to carry out a statewide marketing program~~));

(b) Contracting for the evaluation of the impact of the statewide tourism marketing program; and

(c) Paying for administrative expenses of the authority, which may not exceed two percent of the state portion of funds collected in any fiscal year.

(2) All nonstate moneys received by the authority under RCW 43.384.060 or otherwise provided to the authority for purposes of matching funding must be deposited in the authority's private local account created under RCW 43.384.020(4) and are held in trust for uses authorized solely by this chapter.

(3) "Sustainable whale watching" means an experience that includes whale watching from land or aboard a vessel that reduces the impact on whales, provides a recreational and educational experience, and motivates participants to care about marine mammals, the sea, and marine conservation.

(4) The authority may incur expenditures for the purposes of section 3 of this act until June 30, 2026.

Passed by the Senate February 28, 2025.
Passed by the House April 10, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 190

[Senate Bill 5616]

WASHINGTON SAVES ADMINISTRATIVE TREASURY TRUST ACCOUNT—RENAMING

AN ACT Relating to the Washington saves administrative trust account; amending RCW 19.05.010 and 19.05.110; reenacting and amending RCW 43.79A.040 and 43.79A.040; providing an effective date; and providing an expiration date.

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

Sec. 1. RCW 19.05.010 and 2024 c 327 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrative account" means the Washington saves administrative ((~~treasury~~)) trust account created in RCW 19.05.110.

(2) "Administrative agency" means the state agency or office that will provide administrative support to the governing board, beginning no later than July 1, 2027.

(3) "Complainant" means a covered employee, or that employee's designee who has written or legal authority to act on behalf of the employee, who files a complaint alleging an employer administrative violation of RCW 19.05.030 who learned of the alleged violation by way of their employment with a covered employer.

(4) "Consumer price index" means the consumer price index for all urban consumers, all items, for the Seattle area as calculated by the United States bureau of labor statistics or its successor agency.

(5) "Covered employee" means an individual who is 18 years of age or older, who is employed by a covered employer.

(6) "Covered employer" means any employer that:

(a) Has been in business in this state for at least two years as of the immediately preceding calendar year;

(b) Maintains a physical presence;

(c) Does not offer a qualified retirement plan to their covered employees who have had continuous employment of one year or more; and

(d) Employs, and at any point during the immediately preceding calendar year employed, employees working a combined minimum of 10,400 hours.

(7) "Department" means the department of labor and industries.

(8) "Employer" means a person or entity engaged in a business, profession, trade, or other enterprise in the state, whether for profit or not for profit. "Employer" does not include federal or state entities, agencies, or instrumentalities, or any political subdivision thereof.

(9) "Employer administrative duties" include all requirements of covered employers under RCW 19.05.030 that do not involve amounts due to the employee.

(10) "Employment" has the same meaning as in RCW 50.04.100.

(11) "Governing board" means the board created in RCW 19.05.040.

(12) "Individual account" means an IRA established by or for an individual participant and owned by the individual participant pursuant to this chapter.

(13) "Individual participant" means any individual who is contributing to, or has a balance credited in, an IRA through the program.

(14) "Internal revenue code" means the federal internal revenue code of 1986, as amended, or any successor law.

(15) "IRA" means a traditional or Roth individual retirement account or individual retirement annuity described in section 408(a), 408(b), or 408A of the internal revenue code.

(16) "Payroll deduction IRA agreement" means an arrangement by which a participating employer makes payroll deductions authorized by this chapter and remits amounts deducted as contributions to IRAs on behalf of individual participants.

(17) "Program" means the Washington saves program established under this chapter.

(18) "Qualified retirement plan" means a retirement plan in compliance with applicable federal law for employees including those described in section 401(a), 401(k), 403(a), 403(b), 408(k), or 408(p) of the internal revenue code. A qualified retirement plan may require continuous employment of up to one year to be eligible for employee participation.

(19) "Wages" means any commission, compensation, salary, or other remuneration, as defined by section 219(f)(1) of the internal revenue code, received by a covered employee from a covered employer.

Sec. 2. RCW 19.05.110 and 2024 c 327 s 11 are each amended to read as follows:

(1) The Washington saves administrative ((~~treasury~~)) trust account is created in the custody of the state treasurer.

(2) Expenditures from the account may be used only for the purposes of administrative and operating expenses of the program established under this chapter.

(3) Only the director of the administrative agency or the director's designee may authorize expenditures from the account. The account is exempt from appropriation and allotment provisions under chapter 43.88 RCW.

(4) The account may receive grants, gifts, or other moneys appropriated for administrative purposes from the state and the federal government.

(5) Any interest incurred by the account will be retained within the account.

Sec. 3. RCW 43.79A.040 and 2024 c 327 s 16 and 2024 c 168 s 10 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the Billy Frank Jr. national statuary hall collection fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the Fern Lodge maintenance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation account, the medication for people living with HIV rebate revenue account, the homeowner recovery account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pollution liability insurance program trust account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the

Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, the Washington saves administrative ((~~treasury~~)) trust account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 4. RCW 43.79A.040 and 2024 c 327 s 17 and 2024 c 168 s 11 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments

to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the Billy Frank Jr. national statuary hall collection fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the Fern Lodge maintenance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation account, the medication for people living with HIV rebate revenue account, the homeowner recovery account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the

public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, the Washington saves administrative ((~~treasury~~)) trust account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 5.** Section 3 of this act expires July 1, 2030.

NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1, 2030.

Passed by the Senate March 11, 2025.
Passed by the House April 14, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 191

[Senate Bill 5669]

IRRIGATION DISTRICT ELECTIONS—VARIOUS PROVISIONS

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

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

Sec. 1. RCW 87.03.031 and 2013 c 23 s 481 are each amended to read as follows:

Any qualified district elector ((~~who certifies as provided in RCW 87.03.032 through 87.03.034 that he or she cannot conveniently be present to cast his or her ballot at his or her proper election precinct on the day of any irrigation district~~

~~election~~)) shall be entitled to vote by absentee ballot ((~~in such election~~)) in the manner herein provided.

Sec. 2. RCW 87.03.032 and 2013 c 23 s 482 are each amended to read as follows:

(1) The notice of election shall conform to the requirements for election notices provided by ((~~Title 87 RCW~~)) this chapter for the election being held, and shall specify ((~~in addition~~)) that any qualified district elector ((~~who certifies that he or she cannot conveniently be present at his or her proper election precinct on the day of election~~)) may vote by absentee ballot, and that a ballot and form of certificate of qualifications will be furnished to him or her on written request being made of the district's secretary. The requisite ballot and a form of certificate of qualifications shall be furnished by the district's secretary to any person who prior to the date of election makes written request therefor, stating that he or she is a qualified district elector. Such ballot and form may be furnished also to qualified district electors in any way deemed to be convenient without regard to requests having been made therefor.

(2) The board of directors may by adoption of a resolution choose to conduct an election using only mail-in ballots in lieu of polling places and absentee ballots. The district shall provide ballots to qualified electors derived from its assessment roll, toll and charge roll, or other district records and may also use the county assessor's or other public records to assist in determining qualified electors. Ballots will be in the same format as provided in RCW 87.03.033. Persons or entities who have not received a ballot and believe they are qualified electors may provide documents demonstrating they are qualified electors at the district main office by the close of business on the day before the election and receive a ballot if qualified to vote in the election.

Sec. 3. RCW 87.03.033 and 2013 c 23 s 483 are each amended to read as follows:

(1) To be counted in a given election, an absentee ballot or ballots in a mail-in election must conform to these requirements:

(a) It must be sealed in ((~~an unmarked~~)) a security envelope, which may provide instructions for completing the ballot and which position is being contested, but have no other marks that would identify the elector, and then be placed in an additional outer envelope and delivered to the district's principal office prior to the close of the polls on the day of that election; or be ((~~sealed in an unmarked envelope and~~)) mailed to the district's secretary, postmarked not later than midnight of that election day and received by the secretary within ((~~five~~)) seven days of that date.

(b) To ensure secrecy of the vote, the security envelope must be sealed within an additional outer envelope, requiring the ballot to be provided with two envelopes for ballot return.

(c) The sealed envelope containing the ballot shall be accompanied by a certificate of qualifications stating, with respect to the voter, his or her name, age, citizenship, residence, that he or she holds title or evidence of title to lands within the district which, under ((~~RCW 87.03.045~~)) this chapter entitles him or her to vote in the election((~~, and that he or she cannot conveniently be present to cast his or her ballot at his or her proper election precinct on election day~~)).

(((~~(c)~~))) (d) The statements in the certificate of qualifications shall be certified as correct by the voter by the affixing of his or her signature thereto ((~~in the presence of a witness who is acquainted with the voter, and the voter shall enclose and seal his or her ballot in the unmarked envelope in the presence of this witness but without disclosing his or her vote. The witness, by affixing his or her signature to the certificate of qualifications, shall certify that he or she is acquainted with the voter, that in his or her presence the voter's signature was affixed and the ballot enclosed as required in this paragraph~~)), certifying under penalty of perjury that he or she meets the qualifications to vote.

(2) The form of statement of qualifications and its certification shall be substantially as prescribed by the district's board of directors. The district may print the statement of qualifications on the outer envelope in lieu of including a separate statement of qualifications form. This form may also provide that the voter shall describe all or some part of his or her lands within the district which, under ((~~RCW 87.03.045~~)) this chapter entitles him or her to vote in the election, but a voter otherwise qualified shall not be disqualified because of the absence or inaccuracy of the description so given. The regular form of irrigation district ballot shall be used by absentee voters.

Sec. 4. RCW 87.03.045 and 2013 c 23 s 484 are each amended to read as follows:

In districts with ((~~two hundred thousand~~)) 200,000 acres or more, a person ((~~eighteen~~)) 18 years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to land that is assessed or is assessable by the district pursuant to federal and state law, in the district or proposed district shall be entitled to vote therein. He or she shall be entitled to one vote for the first ((~~ten~~)) 10 acres of said land or fraction thereof and one additional vote for all of said land over ten acres. A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. Where land is community property both the ((~~husband and wife~~)) spouses may vote if otherwise qualified. An agent of a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington owning land in the district, duly authorized in writing, may vote on behalf of the ((~~corporation~~)) land owning entity by filing with the election officers his or her instrument of authority. The agent of such entity is considered an elector of the district, and shall vote in the precinct where the entity's principal office is located or in the precinct nearest the location of the principal office. An elector resident in the district shall vote in the precinct in which he or she resides, all others shall vote in the precinct nearest their residence.

Sec. 5. RCW 87.03.051 and 1997 c 354 s 1 are each amended to read as follows:

In districts with less than ((~~two hundred thousand~~)) 200,000 acres, a person ((~~eighteen~~)) 18 years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to ((~~assessable~~)) land in the

district or proposed district that is assessed or is assessable by the district pursuant to federal and state law, shall be entitled to vote therein, and to be recognized as an elector. A corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington owning land in the district shall be recognized as an elector. As used in this section, "entity" means a corporation, general partnership, limited partnership, limited liability company, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington. "Ownership" shall mean the aggregate of all assessable acres owned by an elector, individually or jointly, within one district. Voting rights shall be allocated as follows: Two votes for each five acres of assessable land or fraction thereof. No one ownership may accumulate more than ((~~forty-nine~~)) 49 percent of the votes in one district. If assessments are on the basis of shares instead of acres, an elector shall be entitled to two votes for each five shares or fraction thereof. The ballots cast for each ownership of land or shares shall be exercised by common agreement between electors or when land is held as community property, the accumulated votes may be divided equally between ((~~husband and wife~~)) the spouses. Except for community property ownership, in the absence of the submission of the common agreement to the secretary of the district at least ((~~twenty-four~~)) 24 hours before the opening of the polls, the election board shall recognize the first elector to appear on election day as the elector having the authority to cast the ballots for that parcel of land for which there is more than one ownership interest. A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. An agent of an entity owning land in the district, duly authorized in writing, may vote on behalf of the entity by filing with the election officers his or her instrument of authority. The agent of such entity is considered an elector of the district, and shall vote in the precinct where the entity's principal office is located or in the precinct nearest the location of the principal office. An elector resident in the district shall vote in the precinct in which he or she resides, all others shall vote in the precinct nearest their residence. No director shall be qualified to take or retain office unless the director holds title or evidence of title to land within the district.

Sec. 6. RCW 87.03.071 and 1985 c 66 s 3 are each amended to read as follows:

In any irrigation district where more than ((~~fifty~~)) 50 percent of the total acreage of the district is owned in individual ownerships of less than five acres, each elector who is otherwise qualified to vote pursuant to RCW ((~~87.03.045~~)) 87.03.051 shall be entitled to two votes regardless of the size of ownership. Each ownership shall be represented by two votes. If there are multiple owners or joint owners of a single ownership, the owners shall decide among themselves what their two votes shall be. If the ownership is held as community property, ((~~the husband shall be entitled to one vote and the wife~~)) each spouse shall be entitled to one vote or they may vote by common agreement.

Sec. 7. RCW 87.03.075 and 2013 c 23 s 485 are each amended to read as follows:

Voting in an irrigation district shall be by ballot. Ballots shall be of uniform size and quality, provided by the district, and for the election of directors shall contain only the names of the candidates who have filed with the secretary of the district a declaration ((~~in writing~~)) of their candidacy((~~, or~~)) by submitting a petition of nomination as hereinafter provided, not later than five o'clock p.m. on the first Monday in ((~~November~~)) October. Ballots shall contain space ((~~for sticker voting or~~)) for the writing in of the name of an undeclared candidate. Ballots shall be issued by the election board according to the number of votes an elector is entitled to cast. A person filing a declaration of candidacy((~~, or~~)) by submitting a petition of nomination as hereinafter provided, shall designate therein the position for which he or she is a candidate. No ballots on any form other than the official form shall be received or counted.

In any election for directors where the number of votes which may be received will have no bearing on the length of the term to be served, the candidates for the position of director((~~, in lieu of filing a declaration of candidacy hereunder, shall file with the secretary of the district~~)) shall file with the secretary of the district a declaration of their candidacy by submitting a petition of nomination, on a form prescribed by the district, signed by at least ten qualified electors of the district, or of the division if the district has been divided into director divisions, not later than five o'clock p.m. on the first Monday in ((~~November~~)) October. If, after the expiration of the date for filing ((~~petitions of nomination~~)) a declaration of candidacy, it appears that only one qualified candidate has ((~~been nominated thereby~~)) declared their candidacy for each position to be filled it shall not be necessary to hold an election, and the board of directors shall at their next meeting declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him or her and bearing the seal of the district. The procedure set forth in this paragraph shall not apply to any other irrigation district elections.

Sec. 8. RCW 87.03.085 and 1987 c 123 s 1 are each amended to read as follows:

(1) Fifteen days before any election held under this chapter, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election. The secretary shall also post a general notice of the same in the office of the board, which shall be established and kept at some fixed place to be determined by the board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for the precinct. If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held. However, in any irrigation district that is less than ((~~two hundred thousand~~)) 200,000 acres in size and is divided into director divisions, the board of directors in its discretion may designate one polling place within the district to serve more than

one election precinct. The board of directors of any irrigation district may designate the principal business office of the district as a polling place to serve one or more election precincts and may do so regardless of whether the business office is located within or outside of the boundaries of the district. If the board of directors does designate a single polling place for more than one election precinct, then the election officials appointed by the board of directors may serve more than one election precinct and the election officials may be electors of any of the election precincts for which they are the election board.

(2)(a) The following additional notice requirements apply to districts that qualify and have designated their own treasurer as provided in RCW 87.03.440:

(i) The district must annually notify qualified electors, either by mail, electronic communication, or by posting on the district's website, of the following:

(A) The names of the board of directors and dates their terms expire;

(B) The method and deadline for declaring candidacy under RCW 87.03.075; and

(C) A description of the district voting procedure and how the qualified elector may request an absentee ballot, if the district is not using the mail-in ballot procedure.

(ii) The district will use its assessment roll, toll and charge roll, or other district records to provide notice to known qualified electors and may also use the county assessor's or other public records to assist in determining qualified electors.

(iii) A district that makes water deliveries to an entity which is responsible for paying assessments or tolls and charges and that entity subsequently distributes that water to lands within the entity's jurisdiction is only required to provide the annual notice to the entity paying the assessment or toll and charge.

(iv) Any person who becomes a qualified elector after the annual notice required by this section and before a subsequent election is eligible to vote in the election. Receiving or not receiving the annual notice provided in this section does not affect whether the person or entity is a qualified elector.

(b) Each district must establish and maintain election information on a website, either individually or through the Washington state water resources association, in order to communicate with qualified electors. The website must include, but is not limited to, the names of the board of directors, district election rules provided in this chapter, information on elections including election results, and contact information for the district.

Sec. 9. RCW 87.03.105 and 1889-90 p 676 s 9 are each amended to read as follows:

No list, tally paper or certificate returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the ((~~first Monday~~)) second Wednesday after each election, to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public, and by opening the returns and estimating the vote of the district for each person voted

for, and declaring the result thereof. If an undeclared write-in candidate for a position of director receives the most votes, the board of directors must determine whether that candidate is a qualified elector for that specific position. A qualified elector for the position of director must be 18 years of age, a citizen of the United States, a resident of the division of the district for which the director is being elected, or the designated agent of an entity that owns land within that division. If that candidate is not a qualified elector, the qualified elector receiving the next highest number of votes will be deemed elected to the position.

NEW SECTION. **Sec. 10.** A new section is added to chapter 87.03 RCW to read as follows:

The following election security requirements apply to districts that qualify and have designated their own treasurer as provided in RCW 87.03.440:

(1) At all times when ballots are being controlled including, but not limited to, receipt, opening of ballots, certification, tabulation, reconciliation, or any other type of processing, two individuals not on the ballot must be present.

(2)(a) Each ballot box must be secured and locked, with a deposit slot, and clearly marked as an "official ballot box." Ballot box keys must be provided to district election officials only, or designated district staff if available;

(b) Each ballot box must be closed with tamper-evident seals with a paper seal log:

(i) Each time the box is opened, a new seal log must be signed, with the seal number noted and dated;

(ii) When the box is opened, the previous seal log must be compared to the cut seal and initialed; and

(iii) All seal logs must be retained for six months after the day of the election;

(c) Each ballot box must be physically secured so that it cannot be stolen or moved, and may only be moved by district election officials, or designated district staff if available;

(d) Any election officials or district staff carrying out official ballot or election duties may not be a candidate on the election ballot.

(3)(a) Ballot envelopes may not be opened immediately after voter deposit. Ballot tabulation may only begin after the polls are closed and ballots must be opened in batches, rather than individually;

(b) The number of tabulated ballots must be reconciled with the number of ballots received;

(c) Tabulated ballots must be stored separately from uncounted or challenged ballots as referenced in subsection (4) of this section;

(d) Canvassing of ballots must be open to observation by the public;

(e) Any election officials or district staff participating in the processing of ballots may not be a candidate on the ballot;

(f) Once canvassing of ballots is completed, date and time of the verification of canvassing must be posted in either: (i) The district office, for at least two weeks; (ii) on the district website, for at least two weeks; or (iii) at least once a week for two weeks in one or more newspapers of general circulation within the irrigation district.

(4)(a) Each district must establish a written challenge process in order to allow individuals to challenge the vote of an individual voter;

(b) Written challenge procedures must be established for challenges made by both the public and district election officials or staff, including the time period during which challenges must be made;

(c) Within seven days of the resolution of the challenge, the outcome of the challenge must be posted in either: (i) The district office, for at least two weeks; (ii) on the district website, for at least two weeks; or (iii) at least once a week for two weeks in one or more newspapers of general circulation within the irrigation district.

(5) Each district must establish a written cure procedure for curing errors that occurred during ballot canvassing or are discovered through valid voter challenges, including a clear timeline for when the cure will occur.

(6) Lists and reports of ballots, election outcomes, voter challenges and challenge outcomes, and curing of errors must be maintained by each district for six months after the date of the election and made available to the public.

NEW SECTION. **Sec. 11.** A new section is added to chapter 87.03 RCW to read as follows:

(1) Any person who willfully violates any of the provisions of section 10 (1) through (3) of this act is guilty of a gross misdemeanor punishable under RCW 9A.20.021.

(2) Any person who, without lawful authority, removes a ballot from a polling place or ballot drop location is guilty of a gross misdemeanor punishable under RCW 9A.20.021.

(3) A person is guilty of a gross misdemeanor punishable under RCW 9A.20.021 who knowingly:

(a) Deceives any voter in recording his or her vote by providing incorrect or misleading recording information or by providing faulty election equipment or records; or

(b) Records the vote of any voter in a manner other than as designated by the voter.

Passed by the Senate March 3, 2025.
Passed by the House April 15, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 192

[Substitute House Bill 1171]

CHILD ABUSE OR NEGLECT MANDATED REPORTING—ATTORNEY HIGHER EDUCATION EMPLOYEES

AN ACT Relating to exempting attorney higher education employees from mandated reporting of child abuse and neglect as it relates to information gained in the course of providing legal representation to a client; amending RCW 26.44.030; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that reporting of abuse and neglect of children by employees, including student employees, of academic, administrative, and athletic departments of public and private institutions of higher education is vitally important to prevent such abuse and neglect, and that

such employees in higher education may be in positions to observe and report abuse that may not be readily observed by others.

The legislature also finds that the values underlying the duty of lawyers to preserve the confidentiality of client information may be inadvertently undermined and violated if attorney employees who supervise law students in clinical practices where such students are inadvertently required to disclose information related to the representation of a client. If such information is not clearly exempted from mandated reporting, clients will be denied adequate representation by students and the attorney faculty or academic employees supervising them in clinical programs.

Therefore, the legislature finds it is necessary to clarify that the mandated reporting requirement for child abuse and neglect should not override the obligation of attorneys to maintain confidentiality of information relating to the representation of a client.

Sec. 2. RCW 26.44.030 and 2024 c 298 s 6 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of children, youth, and families, licensed or certified child care providers or their employees, employee of the department of social and health services, juvenile probation officer, diversion unit staff, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds' office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group

engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education. Under this subsection, the reporting requirement applies to:

(i) An attorney who is employed by an institution of higher education, as defined in RCW 28B.10.016, or private institution of higher education, unless it relates to information related to the representation of a client; and

(ii) An employee working under the supervision or direction of an attorney described in (f)(i) of this subsection, unless it relates to information related to the representation of a client.

(g) Nothing in this subsection shall be interpreted to suspend or supersede otherwise applicable disclosure standards as provided for in the Washington rules of professional conduct regarding confidentiality of information including but not limited to disclosure to prevent reasonably certain death or substantial bodily harm.

(h) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has

suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report that a child is a candidate for foster care as defined in RCW 26.44.020, the department may provide prevention and family services and programs to the child's parents, guardian, or caregiver. The department may not be held civilly liable for the decision regarding whether to provide prevention and family services and programs, or for the provision of those services and programs, for a child determined to be a candidate for foster care.

(11) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(12)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Indicates a child's health, safety, and welfare will be seriously endangered if not taken into custody for reasons including, but not limited to, sexual abuse and sexual exploitation of the child as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW.

(c) In addition, the department may use a family assessment response to assess for and provide prevention and family services and programs, as defined in RCW 26.44.020, for the following children and their families, consistent with requirements under the federal family first prevention services act and this section:

(i) A child who is a candidate for foster care, as defined in RCW 26.44.020; and

(ii) A child who is in foster care and who is pregnant, parenting, or both.

(d) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(13)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the

department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(14) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report except as follows:

(i) Upon parental agreement, the family assessment response period may be extended up to one hundred twenty days. The department's extension of the family assessment response period must be operated within the department's appropriations;

(ii) For cases in which the department elects to use a family assessment response as authorized under subsection (12)(c) of this section, and upon agreement of the child's parent, legal guardian, legal custodian, or relative placement, the family assessment response period may be extended up to one year. The department's extension of the family assessment response must be operated within the department's appropriations.

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian agree to participate in services before services are initiated. The department shall inform the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not agree to participate in services.

(15)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(16) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(17) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(18)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(19) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(20) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(21) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(22) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

(23) The department shall make available on its public website a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

(a) Who is required to report child abuse and neglect;
(b) The standard of knowledge to justify a report;
(c) The definition of reportable crimes;
(d) Where to report suspected child abuse and neglect; and
(e) What should be included in a report and the appropriate timing.

Passed by the House April 17, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

CHAPTER 193

[Engrossed House Bill 1628]
FIRE SERVICE POLICY BOARD

AN ACT Relating to the creation of the fire service policy board; adding a new section to chapter 43.44 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** The legislature finds that Washington state's fire service has evolved significantly over the past quarter century. Since the mid-1990s, fire departments across the state have taken on more responsibilities than ever previously envisioned. In addition to fire suppression, Washington's fire service has evolved to provide basic and advanced life support, educate the public on fire prevention, perform technical rescue, respond to hazardous materials incidents, provide all-hazards response to wildland fires, natural disasters, and pandemics and infectious disease outbreaks, and more. During this same time, Washington's population has grown by more than two million residents.

The legislature further finds that the fire service delivery work group established in 2023 and comprised of stakeholders from the entirety of the fire service in Washington state highlighted that the state fire marshal's office has been significantly deprioritized and underfunded for the last 10 years or longer. Over the last 10 years, just 3.4 percent of the state fire marshal's office policy level budget requests were funded, while the fire service training account's year-end balance declined $6.2 million over the last 12 years due to insufficient funding. These funding shortfalls have resulted in several statutory mandates being unperformed, including fire investigations, which compromise preventative efforts to reduce fire occurrences and fire impacts, ultimately compromising community and environmental safety. Further, inadequate funding for firefighter training creates unequal access to training opportunities, especially in rural and economically vulnerable areas that cannot afford to travel to the training academy. Inaccessible firefighter training risks the safety of historically marginalized communities, their firefighters, and natural environments.

The legislature acknowledges the breadth and depth of the services the public expects, and that the fire service delivers, to protect life, property, and the environment. Therefore, the legislature intends to establish the fire service policy board to ensure that the state director of fire protection has the necessary authority and support to guarantee the continued provision of comprehensive fire

service training, fire prevention, investigations, and all-hazards response for all of Washington state.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.44 RCW to read as follows:

(1) There is created the Washington state fire service policy board to generally advise the state director of fire protection on all matters related to the purview of the state fire marshal's office. This includes, but is not limited to, developing recommendations regarding agency budget requests and developing strategies to enhance the safe and effective delivery of fire service training and resources.

(2) The fire service policy board consists of:

(a) The president of the Washington state council of firefighters, or the president's designee;

(b) The president of the Washington state firefighters' association, or the president's designee;

(c) The executive director of the Washington state fire commissioners association, or the director's designee;

(d) The executive director of the Washington fire chiefs association, or the director's designee;

(e) The president of the Washington state fire marshals association, or the president's designee; and

(f) The director of fire protection, or the director's designee, as a nonvoting ex officio member.

(3) The members of the fire service policy board shall designate an administrative chair to facilitate meetings. The board shall convene quarterly, at a minimum, as well as subject to the call of the administrative chair for any purpose that directly relates to the duties set forth in subsection (1) of this section or as is otherwise requested by the state director of fire protection or the administrative chair.

(4) In performing the duties under this section, the fire service policy board is encouraged to seek input from representatives of industries licensed or regulated by the state fire marshal's office, agencies, and other organizations, as appropriate. The fire service policy board may create ad-hoc, voluntary advisory committees as needed. Members of an advisory committee and individuals serving in an advisory capacity may not be reimbursed for expenses or receive compensation or other funding, for activities performed under this subsection.

(5) Each member of the fire service policy board serves without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(6) The members of the fire service policy board, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties.

Passed by the House April 18, 2025.

Passed by the Senate April 15, 2025.

Approved by the Governor May 2, 2025.

Filed in Office of Secretary of State May 5, 2025.

CHAPTER 194

[Engrossed House Bill 1874]

COSMETOLOGISTS, BARBERS, ESTHETICIANS, AND HAIR DESIGNERS—TRAINING ON TEXTURED HAIR

AN ACT Relating to requiring training for cosmetologists, barbers, estheticians, and hair designers on the care, styling, and treatment of textured hair; amending RCW 18.16.020 and 18.16.030; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec. 1.** The legislature finds that nearly 65 percent of the world's population has textured hair, resulting in a market of approximately one billion people, yet many clients with textured hair report not having equitable access to professionally trained and licensed stylists with the skill set and experience to provide services for textured hair.

The legislature also finds that in the appearance enhancement industry, current standards for training and qualifications tend to only apply to individuals with fine, straight hair. As such, students attending schools of cosmetology or natural hair styling may complete training programs without a full understanding of how to maintain, treat, and style a diverse range of hair textures including curly, coiled, coarse, and thick hair. This institutionalized gap in knowledge can result in harm to health and damage to the hair of clients from varying cultural and ethnic backgrounds.

Therefore, it is the intent of the legislature to establish a process to empower cosmetologists with the skills and confidence to consult and work with clients with textured hair while maintaining the industry health and safety standards.

Sec. 2. RCW 18.16.020 and 2015 c 62 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Apprentice" means a person who is engaged in a state-approved apprenticeship program and who must receive a wage or compensation while engaged in the program.

(2) "Apprentice monthly report" means the apprentice record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the approved apprenticeship program and provided to the apprentice, audited annually by the department, and kept on file by the approved apprenticeship program for three years.

(3) "Apprentice trainer" means a person who gives training to an apprentice in an approved apprenticeship program and who is approved under RCW 18.16.280.

(4) "Apprenticeship program" means a state-approved apprenticeship program pursuant to chapter 49.04 RCW and approved under RCW 18.16.280 for the training of cosmetology, hair design, barbering, esthetics, master esthetics, and manicuring.

(5) "Apprenticeship training committee" means a committee approved by the Washington apprenticeship and training council established in chapter 49.04 RCW.

(6) "Approved apprenticeship shop" means a salon/shop that has been approved under RCW 18.16.280 and chapter 49.04 RCW to participate in an apprenticeship program.

(7) "Approved security" means surety bond.

(8) "Barber" means a person licensed under this chapter to engage in the practice of barbering.

(9) "Board" means the cosmetology, hair design, barbering, esthetics, and manicuring advisory board.

(10) "Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology.

(11) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.

(12) "Curriculum" means the courses of study taught at a school, online training by a school, in an approved apprenticeship program established by the Washington state apprenticeship and training council and conducted in an approved salon/shop, or online training by an approved apprenticeship program, set by rule under this chapter, and approved by the department. After consulting with the board, the director may set by rule a percentage of hours in a curriculum, up to a maximum of ((~~ten~~)) 10 percent, that could include hours a student receives while training in a salon/shop under a contract approved by the department. Each curriculum must include at least the following required hours:

(a) School curriculum:

(i) Cosmetologist, ((~~one thousand six hundred~~)) 1,600 hours;

(ii) Hair design, ((~~one thousand four hundred~~)) 1,400 hours;

(iii) Barber, ((~~one thousand~~)) 1,000 hours;

(iv) Manicurist, ((~~six hundred~~)) 600 hours;

(v) Esthetician, ((~~seven hundred fifty~~)) 750 hours;

(vi) Master esthetician either:

(A) ((~~One thousand two hundred~~)) 1,200 hours; or

(B) Esthetician licensure plus ((~~four hundred fifty~~)) 450 hours of training;

((~~(vi) [(vii)]~~)) (vii) Instructor-trainee, ((~~five hundred~~)) 500 hours, except that an instructor-trainee may submit documentation that provides evidence of experience as a licensed cosmetologist, hair designer, barber, manicurist, esthetician, or master esthetician for competency evaluation toward credit of not more than ((~~three hundred~~)) 300 hours of instructor-training.

(b) Apprentice training curriculum:

(i) Cosmetologist, ((~~two thousand~~)) 2,000 hours;

(ii) Hair design, ((~~one thousand seven hundred fifty~~)) 1,750 hours;

(iii) Barber, ((~~one thousand two hundred~~)) 1,200 hours;

(iv) Manicurist, ((~~eight hundred~~)) 800 hours;

(v) Esthetician, ((~~eight hundred~~)) 800 hours;

(vi) Master esthetician, ((~~one thousand four hundred~~)) 1,400 hours.

(13) "Department" means the department of licensing.

(14) "Director" means the director of the department of licensing or the director's designee.

(15) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

(16) "Hair design" means the practice of arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, mustache and beard design, and superficial skin stimulation of the scalp.

(17) "Hair designer" means a person licensed under this chapter to engage in the practice of hair design.

(18) "Individual license" means a cosmetology, hair design, barber, manicurist, esthetician, master esthetician, or instructor license issued under this chapter.

(19) "Instructor" means a person who gives instruction in a school, or who provides classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter, has completed at least ((~~five hundred~~)) 500 hours of instruction in teaching techniques and lesson planning in a school, or who has documented experience as an instructor for more than ((~~five hundred~~)) 500 hours in another state in the curriculum of study, and has passed a licensing examination approved or administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. An applicant who holds an instructional credential from an accredited community or technical college and who has passed a licensing examination approved or administered by the director shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. To be approved as an "instructor" in an approved apprenticeship program, the instructor must be a competent instructor as defined in rules adopted under chapter 49.04 RCW.

(20) "Instructor-trainee" means a person who is currently licensed in this state as a cosmetologist, hair designer, barber, manicurist, esthetician, or master esthetician, and is enrolled in an instructor-trainee curriculum in a school licensed under this chapter.

(21) "Location license" means a license issued under this chapter for a salon/shop, school, personal services, or mobile unit.

(22) "Manicurist" means a person licensed under this chapter to engage in the practice of manicuring.

(23) "Master esthetician" means a person licensed under this chapter to engage in the practice of master esthetics.

(24) "Mobile unit" is a location license under this chapter where the practice of cosmetology, barbering, esthetics, master esthetics, or manicuring is conducted in a mobile structure. Mobile units must conform to the health and safety standards set by rule under this chapter.

(25) "Online training" means theory training provided online, by a school licensed under this chapter or an approved apprenticeship program established by the Washington state apprenticeship and training council, in the areas of cosmetology, hair design, master esthetics, manicuring, barbering, esthetics, and instructor-training.

(26) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.

(27) "Personal services" means a location licensed under this chapter where the practice of cosmetology, hair design, barbering, manicuring, esthetics, or master esthetics is performed for clients in the client's home, office, or other location that is convenient for the client.

(28) "Practice of barbering" means the cutting, trimming, arranging, dressing, curling, shampooing, shaving, and mustache and beard design of the hair of the face, neck, and scalp.

(29) "Practice of cosmetology" means arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, waxing, tweezing, shaving, and mustache and beard design of the hair of the face, neck, and scalp; temporary removal of superfluous hair by use of depilatories, waxing, or tweezing; manicuring and pedicuring, limited to cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and nails of the hands and feet, excluding the application and removal of sculptured or otherwise artificial nails; esthetics limited to toning the skin of the scalp, stimulating the skin of the body by the use of preparations, tonics, lotions, or creams; and tinting eyelashes and eyebrows.

(30) "Practice of esthetics" means the care of the skin for compensation by application, use of preparations, antiseptics, tonics, essential oils, exfoliants, superficial and light peels, or by any device, except laser, or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, superficial skin stimulation, pore extraction, or product application and removal; temporary removal of superfluous hair by means of lotions, creams, appliance, waxing, threading, tweezing, or depilatories, including chemical means; and application of product to the eyelashes and eyebrows, including extensions, design and treatment, tinting and lightening of the hair, excluding the scalp. Under no circumstances does the practice of esthetics include the administration of injections.

(31) "Practice of manicuring" means the cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and the nails of the hands or feet, and the application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.

(32) "Practice of master esthetics" means the care of the skin for compensation including all of the methods allowed in the definition of the practice of esthetics. It also includes the performance of medium depth peels and the use of medical devices for care of the skin and permanent hair reduction. The medical devices include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound. The use of a medical device must comply with state law and rules, including any laws or rules that require delegation or supervision by a licensed health professional acting within the scope of practice of that health profession.

(33) "Salon/shop" means any building, structure, or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, hair design, esthetics, master esthetics, or manicuring is conducted; provided that any person, except employees of a salon/shop, who operates from a salon/shop is

required to meet all salon/shop licensing requirements and may participate in the apprenticeship program when certified as established by the Washington state apprenticeship and training council established in chapter 49.04 RCW.

(34) "School" means any establishment that offers curriculum of instruction in the practice of cosmetology, hair design, barbering, esthetics, master esthetics, manicuring, or instructor-trainee to students and is licensed under this chapter.

(35) "Student" means a person ((~~sixteen~~)) 16 years of age or older who is enrolled in a school licensed under this chapter and receives instruction in any of the curricula of cosmetology, barbering, hair design, esthetics, master esthetics, manicuring, or instructor-training with or without tuition, fee, or cost, and who does not receive any wage or commission.

(36) "Student monthly report" means the student record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the school and provided to the student, audited annually by the department, and kept on file by the school for three years.

(37) "Textured hair" means hair that, rather than lying straight, naturally has a distinct shape or pattern such as coils, curls, kinks, spirals, or waves.

Sec. 3. RCW 18.16.030 and 2019 c 442 s 7 are each amended to read as follows:

In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director shall have the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To prepare and administer or approve the preparation and administration of licensing examinations;

(4) To establish minimum safety and sanitation standards for schools, instructors, cosmetologists, barbers, hair designers, manicurists, estheticians, master estheticians, salons/shops, personal services, and mobile units;

(5) To establish curricula for the training of students and apprentices under this chapter, including training for cosmetologists, barbers, estheticians, and hair designers on the care, styling, and treatment of textured hair which must include:

(a) Techniques for cutting, styling, and chemically treating textured hair;

(b) Instruction on products and tools specifically designed for textured hair;

(c) Best practices for hair health and scalp care for clients with textured hair; and

(d) Cultural competency and historical education on the significance of textured hair in diverse communities;

(6) To maintain the official department record of applicants and licensees;

(7) To establish by rule the procedures for an appeal of an examination failure;

(8) To set license expiration dates and renewal periods for all licenses consistent with this chapter; and

(9) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter.

NEW SECTION. **Sec. 4.** This act takes effect March 1, 2026.

Passed by the House April 18, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor May 2, 2025.
Filed in Office of Secretary of State May 5, 2025.

CHAPTER 195

[Senate Bill 5036]

GREENHOUSE GAS EMISSIONS DATA—ANNUAL REPORTING

AN ACT Relating to strengthening Washington's leadership and accountability on climate policy by transitioning to annual reporting of statewide emissions data; amending RCW 70A.45.005 and 70A.65.130; and reenacting and amending RCW 70A.45.020.

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

Sec. 1. RCW 70A.45.005 and 2021 c 316 s 44 are each amended to read as follows:

(1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, sustainable forestry and the production of forest products, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by creating accountability for achieving the emission reductions established in RCW 70A.45.020, participating in the design of a regional multisector market-based system to help achieve those emission reductions, assessing other market strategies to reduce emissions of greenhouse gases, maintaining and enhancing the state's ability to continue to sequester carbon through natural and working lands and forest products, and ensuring the state has a well-trained workforce for our clean energy future. The consistent tracking and annual reporting of statewide emissions in a greenhouse gas inventory as required under RCW 70A.45.020 is an important responsibility that allows the legislature to determine whether state emissions are on a trajectory to achieve statutory emissions reduction limits, or whether new or amended policy interventions are necessary to achieve those limits.

(3) It is the intent of the legislature that the state will: (a) Limit and reduce emissions of greenhouse gas consistent with the emission reductions established in RCW 70A.45.020; (b) minimize the potential to export pollution, jobs, and economic opportunities; (c) support industry sectors that can act as sequesterers of carbon; and (d) reduce emissions at the lowest cost to Washington's economy, consumers, and businesses.

(4) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well positioned to take

advantage of the low carbon economy and to make necessary investments in low carbon technology.

(5) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions and sequestration portfolio, including the:

(a) State's hydroelectric system;

(b) Opportunities presented by Washington's abundant forest resources and the associated forest products industry, along with aquatic and agriculture land and the associated industries; and

(c) State's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(6) If any revenues, excluding those from state trust lands, that accrue to the state are created by a market system, they must be used for the purposes established in chapter 70A.65 RCW and to further the state's efforts to achieve the goals established in RCW 70A.45.020, address the impacts of global warming on affected habitats, species, and communities, promote and invest in industry sectors that act as sequesterers of carbon, and increase investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and chronic unemployment and underemployment.

Sec. 2. RCW 70A.45.020 and 2020 c 79 s 2, 2020 c 32 s 4, and 2020 c 20 s 1398 are each reenacted and amended to read as follows:

(1)(a) The state shall limit anthropogenic emissions of greenhouse gases to achieve the following emission reductions for Washington state:

(i) By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels, or ((~~ninety million five hundred thousand~~)) 90,500,000 metric tons;

(ii) By 2030, reduce overall emissions of greenhouse gases in the state to ((~~fifty million~~)) 50,000,000 metric tons, or ((~~forty-five~~)) 45 percent below 1990 levels;

(iii) By 2040, reduce overall emissions of greenhouse gases in the state to ((~~twenty-seven million~~)) 27,000,000 metric tons, or ((~~seventy~~)) 70 percent below 1990 levels;

(iv) By 2050, reduce overall emissions of greenhouse gases in the state to ((~~five million~~)) 5,000,000 metric tons, or ((~~ninety-five~~)) 95 percent below 1990 levels.

(b) By December 1, 2008, the department shall submit a greenhouse gas reduction plan for review and approval to the legislature, describing those actions necessary to achieve the emission reductions in (a) of this subsection by using existing statutory authority and any additional authority granted by the legislature. Actions taken using existing statutory authority may proceed prior to approval of the greenhouse gas reduction plan.

(c) In addition to the emissions limits specified in (a) of this subsection, the state shall also achieve net zero greenhouse gas emissions by 2050. Except where explicitly stated otherwise, nothing in chapter 14, Laws of 2008 limits any state agency authorities as they existed prior to June 12, 2008.

(d) Consistent with this directive, the department shall take the following actions:

(i) Develop and implement a system for monitoring and reporting emissions of greenhouse gases as required under RCW 70A.15.2200; and

(ii) Track progress toward meeting the emission reductions established in this subsection, including the results from policies currently in effect that have been previously adopted by the state and policies adopted in the future, and report on that progress. Progress reporting should include statewide emissions as well as emissions from key sectors of the economy including, but not limited to, electricity, transportation, buildings, manufacturing, and agriculture.

(e) Nothing in this section creates any new or additional regulatory authority for any state agency as they existed prior to January 1, 2019.

(2) ((~~By December 31st of each even-numbered year beginning in 2010, the~~)) (a) The department and the department of commerce shall post and maintain on the department's website and report to the governor and the appropriate committees of the senate and house of representatives the total emissions of greenhouse gases for the ((~~preceding~~)) most recent two years for which such data are available, and totals in each major source sector, including emissions associated with leaked gas identified by the utilities and transportation commission under RCW 81.88.160. The report must include greenhouse gas emissions from wildfires, developed in consultation with the department of natural resources. The department shall ensure the reporting rules adopted under RCW 70A.15.2200 allow it to develop a comprehensive inventory of emissions of greenhouse gases from all significant sectors of the Washington economy. The report required under this section must be completed by December 31st of each even-numbered year through 2030, and must be completed by December 31st of each year beginning December 31, 2031.

(b) In addition to the report required in (a) of this subsection, by December 31, 2027, and December 31, 2029, the department and the department of commerce shall post and maintain on the department's website and provide notification to the governor and the appropriate committees of the senate and the house of representatives summarizing the total emissions of greenhouse gases for the most recent year for which such data is available, and totals in each major source sector reported as required under (a) of this subsection.

(3) Except for purposes of reporting, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood by-products, and wood residuals shall not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.

Sec. 3. RCW 70A.65.130 and 2021 c 316 s 15 are each amended to read as follows:

(1) For the benefit of ratepayers, allowances must be allocated at no cost to covered entities that are natural gas utilities.

(a) By October 1, 2022, the department shall adopt rules, in consultation with the utilities and transportation commission, establishing the methods and procedures for allocating allowances to natural gas utilities. Rules adopted under this subsection must allow for a natural gas utility to be provided allowances at no cost to cover their emissions and decline proportionally with the cap, consistent with RCW 70A.65.070. Allowances allocated at no cost to natural gas utilities must be consigned to auction for the benefit of ratepayers consistent with subsection (2) of this section, deposited for compliance, or a combination

of both. The rules adopted by the department pursuant to this section must include provisions directing revenues generated under this subsection to the applicable utilities.

(b) By October 1, 2022, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the first two compliance periods for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities.

(c) By October 1, 2028, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities for the compliance periods contained within calendar years 2031 through 2040.

(2)(a) Beginning in 2023, 65 percent of the no cost allowances must be consigned to auction for the benefit of customers, including at a minimum eliminating any additional cost burden to low-income customers from the implementation of this chapter. Rules adopted under this subsection must increase the percentage of allowances consigned to auction by five percent each year until a total of 100 percent is reached.

(b) Revenues from allowances sold at auction must be returned by providing nonvolumetric credits on ratepayer utility bills, prioritizing low-income customers, or used to minimize cost impacts on low-income, residential, and small business customers through actions that include, but are not limited to, weatherization, decarbonization, conservation and efficiency services, and bill assistance. The customer benefits provided from allowances consigned to auction under this section must be in addition to existing requirements in statute, rule, or other legal requirements.

(c) Except for low-income customers, the customer bill credits under this subsection are reserved exclusively for customers at locations connected to a natural gas utility's system on July 25, 2021. Bill credits may not be provided to customers of the gas utility at a location connected to the system after July 25, 2021.

(3) In order to qualify for no cost allowances, covered entities that are natural gas utilities must provide copies of their greenhouse gas emissions reports filed with the United States environmental protection agency under 40 C.F.R. Part 98 subpart NN - suppliers of natural gas and natural gas liquids for calendar years 2015 through 2021 to the department on or before March 31, 2022. The copies of the reports must be provided in electronic form to the department, in a manner prescribed by the department. The reports must be complete and contain all information required by 40 C.F.R. Sec. 98.406 including, but not limited to, information on large end users served by the natural gas utility. For any year where a natural gas utility was not required to file this report with the United States environmental protection agency, a report may be submitted in a manner prescribed by the department containing all of the information required in the subpart NN report.

(4) To ((~~continue receiving~~)) receive no cost allowances, a natural gas utility must provide to the department ((~~the United States environmental protection agency subpart NN greenhouse gas emissions report for each reporting year in the manner and by the dates provided~~)) an annual greenhouse gas emissions

report as required by RCW 70A.15.2200(5) ((~~as part of the greenhouse gas reporting requirements of this chapter~~)).

Passed by the Senate April 17, 2025.
Passed by the House April 10, 2025.
Approved by the Governor May 2, 2025.
Filed in Office of Secretary of State May 5, 2025.

CHAPTER 196

[Substitute Senate Bill 5139]

STATEWIDE REENTRY COUNCIL—MEMBERS

AN ACT Relating to reentry council; and amending RCW 43.380.030, 43.380.060, and 43.380.070.

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

Sec. 1. RCW 43.380.030 and 2016 c 188 s 4 are each amended to read as follows:

(1) The council comprises ((~~fifteen~~)) 22 members appointed by the governor.

(2) The governor must create a membership that includes:

(a)(i) Representatives of: The department of corrections; the health care authority; the department of social and health services; the employment security department; the juvenile rehabilitation administration; a statewide organization representing community and technical colleges; a statewide organization representing law enforcement interests; a statewide organization representing the interests of crime victims; a statewide organization representing prosecutors; a statewide organization representing public defenders; a statewide or local organization representing businesses and employers; housing providers; and faith-based organizations or communities;

(ii) At least two persons with experience reentering the community after incarceration; ((~~and~~))

(iii) Two other community leaders;

(iv) Two community members who are currently incarcerated, one of whom must be incarcerated in a men's correctional facility and one who must be incarcerated in a women's correctional facility; and

(v) Two persons who are either a survivor or victim of a crime as defined in RCW 7.69.020, one of whom does not identify as female, and one who does not identify as male.

(b) At least one position of the council must be reserved for an invited person with a background in tribal affairs, and such position has all of the same voting and other powers of other members.

(3) When making appointments, the governor shall consider:

(a) The racial and ethnic background of applicants in order for the membership to reflect the diversity of racial and ethnic backgrounds of all those who are incarcerated in the state;

(b) The gender of applicants in order for the membership to reflect the gender diversity of all those who are incarcerated in the state;

(c) The geographic location of all applicants in order for the membership to represent the different geographic regions of the state; and

(d) The experiences and background of all applicants relating to the incarcerated population.

Sec. 2. RCW 43.380.060 and 2016 c 188 s 7 are each amended to read as follows:

The members of the council ((~~shall serve without~~)) may receive compensation as provided in RCW 43.03.220 and 43.03.270, ((~~but~~)) and are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Sec. 3. RCW 43.380.070 and 2016 c 188 s 8 are each amended to read as follows:

(1) Meetings of the council must be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the cochairs or when a majority of the council membership so requests. Members may participate in a meeting of the council by means of a conference telephone or similar communication equipment as described in RCW 23B.08.200, provided that any member who is currently incarcerated may only attend and participate in council meetings virtually, unless the meeting is held at the correctional facility where the member is incarcerated.

(2) ((~~Seven~~)) Twelve members of the council constitute a quorum.

(3) Once operational, the council must convene on a regular schedule at least four times during each year.

Passed by the Senate April 17, 2025.
Passed by the House April 10, 2025.
Approved by the Governor May 2, 2025.
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CHAPTER 197

[Senate Bill 5375]

CLERGY—DUTY TO REPORT CHILD ABUSE AND NEGLECT

AN ACT Relating to the duty of clergy to report child abuse and neglect; and amending RCW 26.44.020 and 26.44.030.

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

Sec. 1. RCW 26.44.020 and 2024 c 298 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, female genital mutilation as defined in RCW 18.130.460, trafficking as described in RCW 9A.40.100, sex trafficking or severe forms of trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of ((~~eighteen~~)) 18 years of age.

(3) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

(4) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(5) "Child protective services section" means the child protective services section of the department.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in this chapter and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

(7) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(8) ((~~"Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.~~

~~(9)~~))) "Court" means the superior court of the state of Washington, juvenile department.

(((~~(10)~~))) (9) "Department" means the department of children, youth, and families.

(((~~(11)~~))) (10) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

(((~~(12)~~))) (11) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(((~~(13)~~))) (12) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(((~~(14)~~))) (13) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(((~~(15)~~))) (14) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(((~~(16)~~))) (15) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(((~~(17)~~))) (16) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(((~~(18)~~))) (17) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Member of the clergy" means any regularly licensed, accredited, or ordained minister, priest, rabbi, imam, elder, or similarly situated religious or spiritual leader of any church, religious denomination, religious body, spiritual community, or sect, or person performing official duties that are recognized as the duties of a member of the clergy under the discipline, tenets, doctrine, or custom of the person's church, religious denomination, religious body, spiritual

community, or sect, whether acting in an individual capacity or as an employee, agent, or official of any public or private organization or institution.

(19) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, experiencing homelessness, or exposure to domestic violence as defined in RCW 7.105.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(20) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(22) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(23) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(24) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(25) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(26) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(27) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(28) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting

the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(29) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 2. RCW 26.44.030 and 2024 c 298 s 6 are each amended to read as follows:

(1)(a) When any member of the clergy, practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of children, youth, and families, licensed or certified child care providers or their employees, employee of the department of social and health services, juvenile probation officer, diversion unit staff, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds' office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. ((~~No~~)) Except for members of the clergy, no one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than ((~~forty-eight~~)) 48 hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law

enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within ((~~twenty-four~~)) 24 hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within ((~~seventy-two~~)) 72 hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within ((~~twenty-four~~)) 24 hours. In all other cases, the law enforcement agency shall notify the department within ((~~seventy-two~~)) 72 hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as

authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report that a child is a candidate for foster care as defined in RCW 26.44.020, the department may provide prevention and family services and programs to the child's parents, guardian, or caregiver. The department may not be held civilly liable for the decision regarding whether to provide prevention and family services and programs, or for the provision of those services and programs, for a child determined to be a candidate for foster care.

(11) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(12)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Indicates a child's health, safety, and welfare will be seriously endangered if not taken into custody for reasons including, but not limited to, sexual abuse and sexual exploitation of the child as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW.

(c) In addition, the department may use a family assessment response to assess for and provide prevention and family services and programs, as defined in RCW 26.44.020, for the following children and their families, consistent with requirements under the federal family first prevention services act and this section:

(i) A child who is a candidate for foster care, as defined in RCW 26.44.020; and

(ii) A child who is in foster care and who is pregnant, parenting, or both.

(d) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(13)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ((~~ninety~~)) 90 days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(14) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within ((~~forty-five~~)) 45 days of receiving the report except as follows:

(i) Upon parental agreement, the family assessment response period may be extended up to ((~~one hundred twenty~~)) 120 days. The department's extension of

the family assessment response period must be operated within the department's appropriations;

(ii) For cases in which the department elects to use a family assessment response as authorized under subsection (12)(c) of this section, and upon agreement of the child's parent, legal guardian, legal custodian, or relative placement, the family assessment response period may be extended up to one year. The department's extension of the family assessment response must be operated within the department's appropriations.

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian agree to participate in services before services are initiated. The department shall inform the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not agree to participate in services.

(15)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(16) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last ((~~twelve~~)) 12 months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(17) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(18)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(19) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(20) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(21) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(22) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

(23) The department shall make available on its public website a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than ((~~eight and one-half by eleven~~)) 8.5 by 11 inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

(a) Who is required to report child abuse and neglect;

(b) The standard of knowledge to justify a report;

(c) The definition of reportable crimes;

(d) Where to report suspected child abuse and neglect; and

(e) What should be included in a report and the appropriate timing.

Passed by the Senate February 28, 2025.

Passed by the House April 11, 2025.

Approved by the Governor May 2, 2025.

Filed in Office of Secretary of State May 5, 2025.

CHAPTER 198

[House Bill 1372]

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE—STUDIES

AN ACT Relating to modifying joint legislative audit and review committee studies by extending the sunset act, allowing the extension of timelines for conducting studies, and removing barriers to continuing the sustainable harvest study; and amending RCW 43.131.900, 43.131.051, 76.04.516, and 44.28.083.

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

Sec. 1. RCW 43.131.900 and 2013 c 44 s 2 are each amended to read as follows:

RCW 43.131.010 through 43.131.150 expire June 30, ((~~2025~~)) 2045, unless extended by law for an additional fixed period of time.

Sec. 2. RCW 43.131.051 and 2000 c 189 s 4 are each amended to read as follows:

The joint legislative audit and review committee shall conduct a program and fiscal review of any entity scheduled for termination under this chapter. This program and fiscal review shall be completed and a preliminary report prepared during the calendar year prior to the date established for termination. These reports shall be prepared in the manner set forth in RCW 44.28.071 and 44.28.075. The legislative auditor, as defined in RCW 44.28.005, must develop and implement criteria to ensure that the staff resources and associated costs devoted to program reviews are proportionate to the size and complexity of the program budget. Upon completion of its preliminary report, the joint legislative audit and review committee shall transmit copies of the report to the office of financial management and any affected entity. The final report shall include the response, if any, of the affected entity and the office of financial management in the same manner as set forth in RCW 44.28.088, except the affected entity and the office of financial management shall have sixty days to respond to the report. The joint legislative audit and review committee shall transmit the final report to the legislature, to the state entity affected, to the governor, and to the state library.

Sec. 3. RCW 76.04.516 and 2022 c 297 s 967 are each amended to read as follows:

(1) By December 1st of each even-numbered year, and in compliance with RCW 43.01.036, the department must report to the governor and legislature on the following:

(a) The type and amount of the expenditures made, by fiscal year, and for what purpose, from the wildfire response, forest restoration, and community resilience account created in RCW 76.04.511 and from expenditures made from the general fund for implementation of chapter 297, Laws of 2022;

(b) The amount of unexpended and unobligated funds in the wildfire response, forest restoration, and community resilience account and recommendations for the disbursement to local districts;

(c) Progress on implementation of the wildland fire protection 10-year strategic plan including, but not limited to, how investments are reducing human-caused wildfire starts, lowering the size and scale and geography of catastrophic wildfires, reducing the communities, landscapes, and population at risk, and creating resilient landscapes and communities;

(d) Progress on implementation of the 20-year forest health strategic plan as established through the forest health assessment and treatment framework pursuant to RCW 76.06.200 including, but not limited to: Assessment of fire prone lands and communities that are in need of forest health treatments; forest health treatments prioritized and conducted by landowner type, geography, and risk level; estimated value of any merchantable materials from forest health treatments; and number of acres treated by treatment type, including the use of prescribed fire;

(e) Progress on developing markets for forest residuals and biomass generated from forest health treatments.

(2) The department must include recommendations on any adjustments that may be necessary or advisable to the mechanism of funding dispensation as created under chapter 298, Laws of 2021.

(3) The report required in this section should support existing department assessments pursuant to RCW 79.10.530 and 76.06.200.

(4)(a)(i) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire an independent third-party contractor to assist it in updating its forest inventory by increasing the intensity of forest sample plots on all forestlands over the next two biennium. The department's sustainable harvest calculation technical advisory committee must be involved in the design, development, and implementation of this forest inventory update.

(ii) For purposes of this subsection, "forest inventory" means the collection of sample data to estimate a range of forest attributes including, but not limited to, standing volume, stored carbon, habitat attributes, age classes, tree species, and other inventory attributes, including information needed to estimate rates of tree growth and associated carbon sequestration on department lands.

(iii) The department's sustainable harvest calculation technical advisory committee must bring forward recommendations for regular maintenance and updates to the forest inventory on a ten-year basis.

(b) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire a third-party contractor to review, analyze, and advise the department's forest growth and yield modeling, specific to all types of forested acres managed by the department. The department's sustainable harvest calculation technical advisory committee must be involved in the design, review, and analysis of the department's forest growth and yield modeling.

(c) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320 ((~~and in the absence of any litigation, pending or in progress, against the department's sustainable harvest calculation~~)), the joint legislative audit and review committee established in chapter 44.28 RCW must oversee and conduct an independent review of the methodologies and data being utilized by the department in the development of the sustainable harvest calculation, including the associated forest inventory, forest growth, harvest and yield data, and modeling techniques that impact harvest levels. In carrying out the review, the joint legislative audit and review committee shall:

(i) Retain one or more contractors with expertise in forest inventories, forest growth and yield modeling, and operational research modeling in forest harvest scheduling to conduct the technical review;

(ii) Be a member of department's sustainable harvest calculation technical advisory committee, along with one of its contractors selected in (c)(i) of this subsection; and

(iii) Prior to the department's determination of the sustainable harvest calculation under RCW 79.10.320, ensure that a completed independent review and report with findings and recommendations is submitted to the board of natural resources and the legislature.

(d) Upon receiving the report from the joint legislative audit and review committee required under (c)(iii) of this subsection, the board of natural resources shall determine whether modifications are necessary to the sustainable harvest calculation prior to approving harvest level under RCW 79.10.320.

Sec. 4. RCW 44.28.083 and 2010 c 26 s 3 are each amended to read as follows:

(1) At the conclusion of the regular legislative session of each odd-numbered year, the joint legislative audit and review committee shall develop and approve a performance audit work plan for the ensuing biennium. The biennial work plan may be modified, as necessary, at the conclusion of other legislative sessions to reflect actions taken by the legislature and the joint committee. The work plan shall include a description of each performance audit, and the cost of completing the audits on the work plan shall be limited to the funds appropriated to the joint committee. Approved performance audit work plans shall be transmitted to the entire legislature by July 1st following the conclusion of each regular session of an odd-numbered year and as soon as practical following other legislative sessions.

(2) Among the factors to be considered in preparing the work plans are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree;

(c) Whether a follow-up audit would help ensure that previously identified recommendations for improvements were being implemented; ((~~and~~))

(d) Whether legislative changes to the program require delaying the review until sufficient data is available;

(e) Whether an assignment for the joint committee to conduct a performance audit has been mandated in legislation; and

(f) Whether a planned review that is part of a mandated, recurring study would provide the legislature with new or additional information.

(3) The legislative auditor may consult with the chairs and staff of appropriate legislative committees, the state auditor, and the director of financial management in developing the performance audit work plan.

Passed by the House April 17, 2025.
Passed by the Senate April 5, 2025.
Approved by the Governor May 2, 2025.
Filed in Office of Secretary of State May 5, 2025.

CHAPTER 199

[Senate Bill 5455]

ANDY HILL CANCER RESEARCH ENDOWMENT—VARIOUS PROVISIONS

AN ACT Relating to the administration of the Andy Hill cancer research endowment; amending RCW 43.348.020, 43.348.040, 43.348.060, and 43.348.080; and reenacting and amending RCW 43.348.010.

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

Sec. 1. RCW 43.348.010 and 2018 c 4 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing board of the endowment.

(2) "Cancer" means a group of diseases involving unregulated cell growth.

(3) "Cancer patient advocacy organizations" means groups with offices in the state that promote cancer prevention and advocate on behalf of cancer patients.

(4) "Cancer research" means advanced and applied research and development relating to the causes, prevention, and diagnosis of cancer and care of cancer patients including the development of tests, genetic analysis, medications, processes, services, and technologies to optimize cancer therapies and their manufacture and commercialization and includes the costs of recruiting scientists and establishing and equipping research facilities.

(5) "Clinical trial" means cancer clinical trial.

(6) "Commercial entity" means a for-profit entity located in the state that develops, manufactures, or sells goods or services relating to cancer prevention or care.

((~~(6)~~)) (7) "Committee" means an independent expert scientific review and advisory committee established under RCW 43.348.050.

((~~(7)~~)) (8) "Contribution agreement" means any agreement authorized under this chapter in which a private entity or a public entity other than the state agrees to provide to the endowment contributions for the purpose of cancer research, prevention, or care.

((~~(8)~~)) (9) "Costs" means the costs and expenses associated with the conduct of research, prevention, and care including, but not limited to, the cost of recruiting and compensating personnel, securing and financing facilities and equipment, and conducting clinical trials.

((~~(9)~~)) (10) "Department" means the department of commerce.

((~~(10)~~)) (11) "Endowment" means the Andy Hill cancer research endowment.

((~~(11)~~)) (12) "Fund" means the Andy Hill cancer research fund created in RCW 43.348.060(1)(b).

((~~(12)~~)) (13) "Health care delivery system" means hospitals and clinics providing care to patients in the state.

(((~~(13)~~))) (14) "Life sciences research" means advanced and applied research and development intended to improve human health, including scientific study of the developing brain and human learning and development, and other areas of scientific research and development vital to the state's economy.

(((~~(14)~~))) (15) "Prevention" means measures to prevent the development and progression of cancer, including education, vaccinations, and screening processes and technologies, and to reduce the risk of cancer.

(((~~(15)~~))) (16) "Program" means the Andy Hill cancer research endowment program created in RCW 43.348.040.

(((~~(16)~~))) (17) "Program administrator" means ((~~a~~)) one or more private nonprofit corporations registered under Title 24 RCW qualified as a tax-exempt entity under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code((~~, with expertise in conducting or managing research granting activities, funds, or organizations~~)).

Sec. 2. RCW 43.348.020 and 2018 c 4 s 2 are each amended to read as follows:

(1) The Andy Hill cancer research endowment is created. The powers of the endowment are vested in and must be exercised by a board. The board consists of thirteen members appointed by the governor:

(a) Two members must be appointed from nominations submitted by the presidents of the University of Washington and Washington State University;

(b) Two members must be appointed from nominations submitted by the Fred Hutchinson cancer ((~~research~~)) center((~~, Seattle cancer care alliance,~~)) and the Seattle children's research institute;

(c) Two members must be appointed from nominations submitted by patient advocacy organizations;

(d) Two members must be appointed from nominations submitted by representatives of businesses or industries engaged in the commercialization of life sciences research or cancer research;

(e) One member must be appointed from a list of at least three nominated by the speaker of the house of representatives;

(f) One member must be appointed from a list of at least three nominated by the president of the senate;

(g) One member must be appointed from nominations submitted by entities or systems that provide health care delivery services;

(h) One member must be appointed from nominations provided by private sector donors to the fund. However, the governor may reject all nominations and request a new list from which the governor must select the member; and

(i) The remaining member must be a member of the public.

(2) In soliciting nominations and appointing members, the governor must seek to identify individuals from throughout the state having relevant knowledge, experience, and expertise with regard to (a) cancer research, prevention, and care; (b) health care consumer issues; (c) government finance and budget; and (d) the commercialization of life sciences or cancer research. In soliciting nominations and appointing members, the governor must seek individuals who will contribute to the geographic diversity of the board, with the goal that at least five board members be from counties with a population less than one million persons. Appointments must be made on or before July 1, 2016.

(3) The term of a member is four years from the date of their appointment except the initial term of the members in subsection (1)(d) through (i) of this section must be two years to create a staggered appointment process. A member may be appointed to not more than two full consecutive terms. A member appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080. The members may not be compensated but may be reimbursed, solely from the fund, for expenses incurred in the discharge of their duties under this chapter.

(4) Seven members of the board constitute a quorum.

(5) The members must elect a chair, treasurer, and secretary annually, and other officers as the members determine necessary, and may adopt bylaws or rules for their own government.

(6) Meetings of the board must be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the members so requests. Meetings of the board may be held at any location within or out of the state, and members may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

(7) The board must be staffed by one or more program administrators selected by and under contract with the board. The board may cause one or more tax-exempt nonprofit corporations to be created, organized, and operated exclusively to perform some or all of the program administrator duties. The board may select and contract directly with any program administrator. The program administrator must be paid an administrative fee as determined by the board and paid mutually agreed-upon operating costs which may vary depending on the endowment's activities.

Sec. 3. RCW 43.348.040 and 2023 c 426 s 5 are each amended to read as follows:

(1) The Andy Hill cancer research endowment program is created. The purpose of the program is to make grants to public and private entities, including commercial entities, to fund or reimburse the entities pursuant to agreement for the promotion of cancer research to be conducted in the state. The endowment is to oversee and guide the program, including the solicitation, selection, and award of grants.

(2) The board must develop a plan for the allocation of projected amounts in the fund, which it must update annually, following at least one annual public hearing. The plan must provide for appropriate funding continuity and take into account the projected speed at which revenues will be available and amounts that can be spent during the plan period.

(3) The endowment must solicit requests for grant funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research or program; (b) its potential to improve health outcomes of persons with cancer, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular cancer or cancer-related condition or disease; (c) its potential for leveraging additional funding; (d) its potential to provide additional health care benefits or benefit other human diseases or conditions; (e) its potential to stimulate life science, health care, and biomedical employment in the state; (f) the geographic diversity of the grantees within

Washington; (g) evidence of potential royalty, sales, or licensing revenue, or other commercialization-related revenue and contractual means to recapture such income for purposes of this chapter; (h) evidence of public and private collaboration; (i) the ability to offer trial participants information in a language other than English; (j) the ability to provide culturally specific recruitment materials alongside general enrollment materials; (k) the ability to provide electronic consent when not prohibited by other granting entities or federal regulations; and (l) other evidence of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(4) The endowment may not award a grant for a proposal that was not recommended by an independent expert scientific review and advisory committee under RCW 43.348.050.

(5) The endowment must issue an annual report to the public that sets forth its activities with respect to the fund, including grants awarded, grant-funded work in progress, research accomplishments, prevention, and care activities, and future program directions with respect to cancer research, prevention, and care. Each annual report regarding activities of the program and fund must include, but not be limited to, the following: The number and dollar amounts of grants; the grantees for the prior year; the endowment's administrative expenses; an assessment of the availability of funding for cancer research, prevention, and care from sources other than the endowment; a summary of research, prevention, and care-related findings, including promising new areas for investment; and a report on the benefits to Washington of its programs to date.

(6) The endowment's first annual report must include a proposed operating plan for the design, implementation, and administration of an endowment program supporting the purposes of the endowment and program.

(7) The endowment must adopt policies to ensure that all potential conflicts have been disclosed and that all conflicts have been eliminated or mitigated.

(8) The endowment must establish standards to ensure that recipients of grants for cancer research, prevention, or care purchase goods and services from Washington suppliers to the extent reasonably possible.

(9) Soliciting requests for grant funding, evaluating, and awarding grants for the purposes of implementing RCW 43.348.090 are not subject to the requirements of subsections (3) and (4) of this section and RCW 43.348.050.

Sec. 4. RCW 43.348.060 and 2018 c 4 s 6 are each amended to read as follows:

(1) The program administrator must provide services to the board and has the following duties and responsibilities:

(a) Jointly with the board, solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities, including commercial entities, in order to use those moneys to fund grants awarded by the endowment;

(b) Establish an Andy Hill cancer research fund. The fund must be a separate private account outside the state treasury into which grants and contributions received from public and private sources as well as ((~~state matching~~)) funds from the match transfer account must be deposited, and from which funds for grants awarded by the endowment must be disbursed. ((~~Once moneys in the Andy Hill cancer research endowment fund match transfer~~

~~account are subject to an agreement under RCW 43.348.080(6) and are deposited in the fund under this section, the~~)) The moneys in the fund are not considered state money, common cash, or revenue to the state;

(c) Manage the fund, its obligations, and investments as to achieve the maximum possible rate of return on investment in the fund;

(d) Establish policies and procedures to facilitate the orderly process of grant application, review, selection, and notification; and

(e) Distribute funds to selected entities through grant agreements. Grant agreements must set forth the terms and conditions of the grant and must include, but not be limited to: (i) Deliverables to be provided by the recipient pursuant to the grant; (ii) the circumstances under which the grant amount would be required to be repaid or the circumstances under which royalty, sales, or licensing revenue, or other commercialization-related revenue would be required to be shared; and (iii) indemnification, dispute resolution, and any other terms and conditions as are customary for grant agreements or are deemed reasonable by the board. The program administrator may negotiate with any grantee the costs associated with performing scientific activities funded by grants.

(2) Periodically, but not less often than every three years, the endowment and the department must conduct a request for proposals and retain the services of an independent auditor with experience in performance auditing of research granting entities similar to the endowment. The independent auditor must review the endowment's strategic plan, program, and program administrator and publish a report assessing their performance and providing recommendations for improvement. The endowment must hold at least one public hearing at which the results of each audit are presented and discussed.

Sec. 5. RCW 43.348.080 and 2022 c 297 s 961 are each amended to read as follows:

(1) The Andy Hill cancer research endowment fund match transfer account is created in the custody of the state treasury to be used solely and exclusively for the program created in RCW 43.348.040. Moneys in the account may be spent only after appropriation. The purpose of the account is to provide state matching funds and other state appropriations for the fund and administrative costs. Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (((~~(4)~~))) (5) of this section.

(2) The legislature must appropriate a state match, up to a maximum of ten million dollars annually, beginning July 1, 2016, and each July 1st following the end of the fiscal year from tax collections and penalties generated from enforcement of state taxes on cigarettes and other tobacco products by the state liquor and cannabis board or other federal, state or local law or tax enforcement agency, as determined by the department of revenue. Tax collections include any cigarette tax, other tobacco product tax, and retail sales and use tax. Any amounts deposited into this account from the tax imposed under RCW 82.25.010 in excess of the cap provided in this subsection must be deposited into the foundational public health services account created in RCW 82.25.015.

(3) Revenues to the account must consist of deposits into the account, taxes imposed on vapor products under RCW 82.25.010, legislative appropriations, and any gifts, grants, or donations received by the department for this purpose.

(4) Each fiscal biennium, the legislature must appropriate to the department of commerce such amounts as estimated to be the balance of the match transfer account to provide state matching funds.

(5) Expenditures((~~, in the form of matching funds,~~)) from the account may be made only upon receipt of proof from the program administrator of committed nonstate or private contributions ((~~to the fund for the program~~)) for cancer research, prevention, or care supported by the match transfer account or advancement of the program. Expenditures from the match transfer account, in the form of matching funds, may not exceed the total amount of committed nonstate or private contributions.

(6) The department and board must enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the ((~~matching funds~~)) expenditures from the match transfer account that are subject to subsection (5) of this section.

(7) Moneys expended into the account in fiscal year 2023 pursuant to section 706, chapter 297, Laws of 2022 are not subject to the requirements of subsections (5) and (6) of this section.

(8) Moneys expended into the match transfer account for the purposes of implementing RCW 43.348.090 are not subject to the requirements of subsections (5) and (6) of this section.

Passed by the Senate March 10, 2025.
Passed by the House April 15, 2025.
Approved by the Governor May 2, 2025.
Filed in Office of Secretary of State May 5, 2025.

CHAPTER 200

[Engrossed House Bill 1106]

PROPERTY TAX—DISABLED VETERANS—DISABILITY RATING REQUIREMENT

AN ACT Relating to recognizing the tremendous sacrifices made by our military veterans by phasing down the disability rating requirements to ensure more disabled veterans are eligible for property tax relief; amending RCW 84.36.381; and creating new sections.

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

Sec. 1. RCW 84.36.381 and 2023 c 147 s 1 are each amended to read as follows:

A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1)(a) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive an exemption on more than one residence in any year. Moreover, confinement of the person to a hospital, nursing home, assisted living facility, adult family home, or home of a relative for the purpose of long-term care does not disqualify the claim of exemption if:

(i) The residence is temporarily unoccupied;

(ii) The residence is occupied by a spouse or a domestic partner and/or a person financially dependent on the claimant for support; or

(iii) The residence is rented for the purpose of paying nursing home, hospital, assisted living facility, or adult family home costs.

(b) For the purpose of this subsection (1), "relative" means any individual related to the claimant by blood, marriage, or adoption;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant, and any lease for life is deemed a life estate;

(3)(a) The person claiming the exemption must be:

(i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability; or

(ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at:

(A) A combined service-connected evaluation rating of ((~~80~~)) 40 percent or higher; or

(B) A total disability rating for a service-connected disability without regard to evaluation percent.

(b) However, any surviving spouse or surviving domestic partner of a person who was receiving an exemption at the time of the person's death will qualify if the surviving spouse or surviving domestic partner is 57 years of age or older and otherwise meets the requirements of this section;

(4)(a) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383.

(b) If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by 12.

(c) If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse or the person's domestic partner, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by 12.

(d)(i) If the income of the person claiming the exemption increases as a result of a cost-of-living adjustment to social security benefits or supplemental security income in an amount that would disqualify the applicant from eligibility, the applicant is not disqualified but instead maintains eligibility.

(ii) The continued eligibility under this subsection applies to applications for property taxes levied for collection in calendar year 2024.

(e) If it is necessary to estimate income to comply with this subsection (4), the assessor may require confirming documentation of such income prior to May 31st of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income equal to or less than income threshold 3 is exempt from all excess property taxes, the additional state property tax imposed under RCW 84.52.065(2), and the portion of the regular property taxes authorized pursuant to RCW 84.55.050 and approved by the voters, if the legislative authority of the county or city imposing the additional regular property taxes identified this exemption in the ordinance placing the RCW 84.55.050 measure on the ballot; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income equal to or less than income threshold 2 but greater than income threshold 1 is exempt from all regular property taxes on the greater of $50,000 or 35 percent of the valuation of his or her residence, but not to exceed $70,000 of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income equal to or less than income threshold 1 is exempt from all regular property taxes on the greater of $60,000 or 60 percent of the valuation of his or her residence;

(6)(a) For a person who otherwise qualifies under this section and has a combined disposable income equal to or less than income threshold 3, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

(b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

(c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

NEW SECTION. **Sec. 2.** RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. **Sec. 3.** This act applies to taxes levied for collection in 2027 and thereafter.

Passed by the House April 19, 2025.
Passed by the Senate April 16, 2025.
Approved by the Governor May 7, 2025.
Filed in Office of Secretary of State May 12, 2025.

AUTHENTICATION

I, Kathleen Buchli, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 2025 session (69th Legislature), chapters 1 through 200, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 23rd day of June, 2025.

Kathleen Buchli
Code Reviser