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**SENATE BILL 5254**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford, and Wilson, C.

AN ACT Relating to the use of protective devices and equipment during a public health emergency; adding a new section to chapter 49.17 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 49.17 RCW to read as follows:

(1) If an employer requires their employees or contractors to wear personal protective equipment, such as gloves, goggles, face shields, and face masks, the employer must provide the required equipment at no cost to the employees.

(2) Every employer without a requirement under subsection (1) of this section must accommodate its employee's or contractor's voluntary use of protective devices or equipment, including gloves, goggles, face shields, and face masks, as the employee or contractor deems necessary, when:

(a)(i) A state of emergency has been declared by the governor under RCW 43.06.010(12) relating to controlling and preventing the spread of any infectious or contagious disease;

(ii) An order has been issued by a local health officer under RCW 70.05.070 relating to controlling and preventing the spread of any infectious or contagious disease within the officer's jurisdiction; or

(iii) The president of the United States has declared a national or regional emergency relating to controlling and preventing the spread of any infectious or contagious disease;

(b) The declaration or order covers the jurisdiction where the employee is working;

(c) The use of these protective devices and equipment does not introduce hazards to the work environment and is consistent with the provisions of chapter 49.17 RCW and the corresponding rules established by the department; and

(d) The use of facial coverings does not interfere with an employer's security requirements.

(3) An employer may not apply to the director of the department, under RCW 49.17.080, for a temporary order granting a variance from this section.

NEW SECTION. **Sec.**  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.

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