
SUBSTITUTE SENATE BILL 5254

State of Washington

67th Legislature

2021 Regular Session

By Senate Labor, Commerce & Tribal Affairs (originally sponsored by Senators Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford, and Wilson, C.)

READ FIRST TIME 02/11/21.

1 AN ACT Relating to the use of protective devices and equipment
2 during a public health emergency; adding a new section to chapter
3 49.17 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17
6 RCW to read as follows:

7 (1) The requirements of this section apply only during a public
8 health emergency. For the purposes of this section, "public health
9 emergency" means a declaration or order relating to controlling and
10 preventing the spread of any infectious or contagious disease that
11 covers the jurisdiction where the individual or business performs
12 work, and is issued as follows:

13 (a) The president of the United States has declared a national or
14 regional emergency;

15 (b) The governor has declared a state of emergency under RCW
16 43.06.010(12); or

17 (c) An order has been issued by a local health officer under RCW
18 70.05.070.

19 (2) Every employer who does not require employees or contractors
20 to wear a specific type of personal protective equipment must
21 accommodate its employee's or contractor's voluntary use of that

1 specific type of protective device or equipment, including gloves,
2 goggles, face shields, and face masks, as the employee or contractor
3 deems necessary.

4 (3) The provisions of subsection (2) of this section applies only
5 when:

6 (a) The voluntary use of these protective devices and equipment
7 does not introduce hazards to the work environment and is consistent
8 with the provisions of this chapter and corresponding rules
9 established by the department as of the effective date of this
10 section;

11 (b) The use of facial coverings does not interfere with an
12 employer's security requirements; and

13 (c) The voluntary use of these protective devices and equipment
14 does not conflict with standards for that specific type of equipment
15 established by the department of health or the department.

16 (4) An employer may verify that voluntary use of personal
17 protective equipment meets all regulatory requirements for workplace
18 health and safety.

19 (5) An employer may not apply to the director of the department,
20 under RCW 49.17.080, for a temporary order granting a variance from
21 this subsection.

22 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of
24 the state government and its existing public institutions, and takes
25 effect immediately.

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