
SENATE BILL 5254

State of Washington

67th Legislature

2021 Regular Session

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

Read first time 01/18/21. Referred to Committee on Labor, Commerce & Tribal Affairs.

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

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

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

19 (ii) An order has been issued by a local health officer under RCW
20 70.05.070 relating to controlling and preventing the spread of any

1 infectious or contagious disease within the officer's jurisdiction;
2 or

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

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

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

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

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

17 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of
19 the state government and its existing public institutions, and takes
20 effect immediately.

--- END ---