**1155-S.E AMS MULL S3036.1 - NOT FOR FLOOR USE**

**ESHB 1155** - S AMD TO S AMD (S-2826.4/23) **305**

By Senator Mullet

**NOT ADOPTED 04/05/2023**

On page 3, line 15, after "that" strike "identifies" and insert "a regulated entity or a small business processes to identify"

On page 15, beginning on line 26, strike all of section 11 and insert the following:

"NEW SECTION. **Sec. 1.** (1) For actions brought by the attorney general to enforce this chapter, 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.

(2) The attorney general shall, prior to initiating any action for a violation of any provisions of this chapter, issue a notice of violation to the regulated entity, small business, or processor if the attorney general determines that a cure is possible. If the regulated entity, small business, or processor fails to cure such violation within 30 days of receipt of the notice of violation, the attorney general may bring an action pursuant to this section. Notwithstanding the foregoing, the attorney general shall not be required to provide a 30-day opportunity to cure if the alleged violation is the same as a previously addressed matter involving the same parties, and the decision has been resolved by an agreement between the parties or was adjudicated and a decision issued is final.

(3) Any consumer injured by a violation of this chapter may bring an action under chapter 19.86 RCW, but must establish all required elements of an action under chapter 19.86 RCW before relief may be granted."

EFFECT: (1) Revises the definition of "consumer health data" to provide that consumer health data is personal information that a regulated entity or a small business processes to identify a consumer's health, rather than personal information that identifies a consumer's health.

(2) Specifies that the legislative declarations that make a violation of the bill a per se violation of the Consumer Protection Act (CPA) apply in enforcement actions brought by the Attorney General.

(3) Requires the Attorney General, prior to initiating an enforcement action, to provide a notice of the violation if the Attorney General determines a cure is possible.

(4) Authorizes the Attorney General to bring an action if the regulated entity, small business, or processor fails to cure the violation within 30 days.

(5) Provides that any consumer injured by a violation of the bill may bring an action under the CPA, but must establish all required elements of a CPA action before relief may be granted.