

HB 1564 - S AMD 263
By Senator Dhingra

ADOPTED 04/07/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
4 support survivors of sexual offenses through building victim-
5 centered, trauma-informed systems that promote successful
6 investigations and prosecutions of sexual offenses. Thorough and
7 professional investigations, including preservation of forensic
8 evidence, are imperative and a fundamental component in achieving
9 these outcomes. At-home sexual assault test kits create false
10 expectations and harm the potential for successful investigations and
11 prosecutions. The sale of over-the-counter sexual assault kits may
12 prevent survivors from receiving accurate information about their
13 options and reporting processes; from obtaining access to appropriate
14 and timely medical treatment and follow up; and from connecting to
15 their community and other vital resources.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 5.70 RCW
17 to read as follows:

18 (1) For purposes of this section:

19 (a) "Health care facility" means a hospital, clinic, nursing
20 home, laboratory, office, or similar place situated in Washington
21 state where a health care provider provides health care to patients.

22 (b) "Health care provider" means a person licensed, certified, or
23 otherwise authorized or permitted by law, in Washington state, to
24 provide health care in the ordinary course of business or practice of
25 a profession, and includes a health care facility.

26 (c) "Person" means an individual, corporation, business trust,
27 estate, trust, partnership, limited liability company, association,
28 joint venture, or any other legal or commercial entity. The term does
29 not include a government or governmental subdivision, agency, or
30 instrumentality.

1 (d) "Sexual assault kit" means a product with which evidence of
2 sexual assault is collected.

3 (2) A person may not sell, offer for sale, or otherwise make
4 available a sexual assault kit:

5 (a) That is marketed or otherwise presented as over-the-counter,
6 at-home, or self-collected or in any manner that indicates that the
7 sexual assault kit may be used for the collection of evidence of
8 sexual assault other than by law enforcement or a health care
9 provider; or

10 (b) If the person intends, knows, or reasonably should know that
11 the sexual assault kit will be used for the collection of evidence of
12 sexual assault other than by law enforcement or a health care
13 provider.

14 (3) The legislature finds that the practices covered by this
15 section are matters vitally affecting the public interest for the
16 purpose of applying the consumer protection act, chapter 19.86 RCW. A
17 violation of this section is not reasonable in relation to the
18 development and preservation of business and is an unfair or
19 deceptive act in trade or commerce and an unfair method of
20 competition for the purpose of applying the consumer protection act,
21 chapter 19.86 RCW."

HB 1564 - S AMD 263

By Senator Dhingra

ADOPTED 04/07/2023

22 On page 1, line 2 of the title, after "kits;" strike the
23 remainder of the title and insert "adding a new section to chapter
24 5.70 RCW; and creating a new section."

EFFECT: Prohibits a person from selling, offering for sale, or otherwise making available a sexual assault kit that is marketed or otherwise presented as over-the-counter, at-home, or self-collected or otherwise indicates that the sexual assault kit may be used to collect evidence of sexual assault other than by law enforcement or a health care provider, or if the person intends, knows, or reasonably should know that the sexual assault kit will be used to collect evidence of sexual assault other than by law enforcement or a health care provider. Defines "sexual assault kit." Defines "health care

facility." Removes the definition of "over-the-counter sexual assault kit." Removes the definition of "natural person."

--- END ---