

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6027**

Chapter 70, Laws of 2018

65th Legislature  
2018 Regular Session

CIVIL RIGHTS--NON ECONOMIC DAMAGES--PRIVILEGED HEALTH INFORMATION

EFFECTIVE DATE: June 7, 2018

Passed by the Senate February 13, 2018  
Yeas 42 Nays 5

CYRUS HABIB

**President of the Senate**

Passed by the House February 27, 2018  
Yeas 97 Nays 1

FRANK CHOPP

**Speaker of the House of Representatives**

Approved March 15, 2018 11:23 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6027** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

March 16, 2018

**Secretary of State  
State of Washington**

---

SENATE BILL 6027

---

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2018 Regular Session

By Senators Kuderer and Palumbo

Prefiled 12/15/17. Read first time 01/08/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to the discovery of privileged health care  
2 information and communications in claims for noneconomic damages  
3 under certain civil rights laws; and adding a new section to chapter  
4 49.60 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60  
7 RCW to read as follows:

8 (1) By requesting noneconomic damages under this chapter, a  
9 claimant does not place his or her health at issue or waive any  
10 health care privilege under RCW 5.60.060 or 18.83.110, or any other  
11 law, unless the claimant:

12 (a) Alleges a specific diagnosable physical or psychiatric injury  
13 as a proximate result of the respondents' conduct;

14 (b) Relies on the records or testimony of a health care provider  
15 or expert witness to seek general damages; or

16 (c) Alleges failure to accommodate a disability or alleges  
17 discrimination on the basis of a disability.

18 (2) Any waiver under subsection (1)(a) through (c) of this  
19 section is limited to health care records and communication between a  
20 claimant and his or her provider or providers:

1 (a) Created or occurring in the period beginning two years  
2 immediately preceding the first alleged unlawful act for which the  
3 claimant seeks damages and ending at the last date for which the  
4 claimant seeks damages, unless the court finds exceptional  
5 circumstances to order a longer period of time; and

6 (b) Relating specifically to the diagnosable injury, to the  
7 health care provider or providers on which the claimant relies in the  
8 action, or to the disability specifically at issue in the allegation.

Passed by the Senate February 13, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 15, 2018.

Filed in Office of Secretary of State March 16, 2018.

--- END ---