S-3785.1

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**SUBSTITUTE SENATE BILL 5564**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Labor, Commerce & Tribal Affairs (originally sponsored by Senators Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford, and C. Wilson)

AN ACT Relating to protecting the confidentiality of employees using employee assistance programs; and adding a new section to chapter 49.44 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 49.44 RCW to read as follows:

(1)(a) It is unlawful for an employer to obtain individually identifiable information regarding an employee's participation in an employee assistance program. Individually identifiable information gathered in the process of conducting an employee assistance program must be kept confidential.

(b) Subsection (1)(a) of this section does not apply to:

(i) Authorized disclosures under RCW 41.04.730;

(ii) Disclosures to an employer regarding an employee's attendance in an employee assistance program, which the employee was required to attend as a condition of continued employment; and

(ii) Disclosures that are:

(A) Made to prevent or lessen a perceived threat to the health or safety of an individual or the public; or

(B) Permitted or required under RCW 18.225.105, 70.02.050, or 71.05.120.

(2) An employee's participation or nonparticipation in an employee assistance program must not be a factor in a decision affecting an employee's job security, promotional opportunities, corrective or disciplinary action, or other employment rights.

**--- END ---**