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**HOUSE BILL 1564**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Mosbrucker, Orwall, Chambers, Graham, Rude, and Rule

AN ACT Relating to prohibiting the sale of over-the-counter sexual assault kits; adding a new section to chapter 5.70 RCW; and creating a new section.

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

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

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

(1)(a) As used in this section, "over-the-counter sexual assault kit" means a sexual assault kit or rape kit that:

(i) Is marketed or presented as over-the-counter, at-home, or self-collected;

(ii) Is offered for sale or as a sample to members of the public; and

(iii) Purports to allow an individual to independently collect evidence of a sexual assault outside of a collecting facility.

(b) "Over-the-counter sexual assault kit" does not include a sexual assault kit sold or provided to law enforcement or medical personnel or a collecting facility.

(2) A person may not sell, offer for sale, or provide to an individual an over-the-counter sexual assault kit.

(3) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section 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.

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