

ESHB 1155 - S AMD TO S AMD (S-2826.4/23) **299**
By Senator Mullet

NOT ADOPTED 04/05/2023

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

3 On page 15, line 26, after "**Sec. 11.**" strike "The" and insert
4 "(1) For actions brought by the attorney general to enforce this
5 chapter, the"

6 On page 15, after line 33, insert the following:

7 "(2) Any consumer injured by a violation of this chapter may
8 bring an action under chapter 19.86 RCW, but must establish all
9 required elements of an action under chapter 19.86 RCW before relief
10 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) 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.

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