
HOUSE BILL 1564

State of Washington

68th Legislature

2023 Regular Session

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

Read first time 01/24/23. Referred to Committee on Community Safety, Justice, & Reentry.

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

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

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

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

1 (1) (a) As used in this section, "over-the-counter sexual assault
2 kit" means a sexual assault kit or rape kit that:
3 (i) Is marketed or presented as over-the-counter, at-home, or
4 self-collected;
5 (ii) Is offered for sale or as a sample to members of the public;
6 and
7 (iii) Purports to allow an individual to independently collect
8 evidence of a sexual assault outside of a collecting facility.
9 (b) "Over-the-counter sexual assault kit" does not include a
10 sexual assault kit sold or provided to law enforcement or medical
11 personnel or a collecting facility.
12 (2) A person may not sell, offer for sale, or provide to an
13 individual an over-the-counter sexual assault kit.
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.

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