
HOUSE BILL 1601

State of Washington

68th Legislature

2023 Regular Session

By Representatives Graham, Corry, Sandlin, McEntire, Schmidt, Mosbrucker, Volz, Christian, Eslick, and McClintock

Read first time 01/26/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to parental rights; amending RCW 18.130.180;
2 adding new sections to chapter 28A.150 RCW; adding a new chapter to
3 Title 26 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the crucial
6 role parents play in Washington state and in society as a whole. The
7 legislature finds that parents are the primary stakeholders in their
8 child's upbringing. As such, the legislature intends to make clear
9 the rights parents have in this state to raise and educate their
10 children in accordance with their own values and beliefs. The
11 legislature further finds that creating transparency regarding these
12 rights provides a necessary reminder for parents and the state of
13 their different roles in the lives of children and that the more
14 information parents have, the better decisions they can make
15 concerning the care and upbringing of their children.

16 NEW SECTION. **Sec. 2.** The state, any of its political
17 subdivisions, or any other governmental entity may not infringe on
18 the fundamental rights of a parent to direct the upbringing,
19 education, health care, and mental health of his or her minor child
20 without demonstrating that such action is reasonable and necessary to

1 achieve a compelling state interest and that such action is narrowly
2 tailored and is not otherwise served by a less restrictive means.

3 NEW SECTION. **Sec. 3.** (1) All parental rights are reserved to
4 the parents of a minor child in this state without obstruction or
5 interference from the state, any of its political subdivisions, or
6 any other governmental entity, including all of the following rights
7 of a parent of a minor child in Washington state:

8 (a) The right to direct the education and care of his or her
9 minor child.

10 (b) The right to direct the upbringing and the moral or religious
11 training of his or her minor child.

12 (c) The right, pursuant to RCW 28A.225.010, to enroll his or her
13 minor child in a public school or, as an alternative to public
14 education, an approved private school, including a religious school,
15 home-based instruction, or other available options as authorized by
16 law.

17 (d) The right, pursuant to RCW 28A.605.030, to access and review
18 all education records relating to his or her minor child.

19 (e) The right to make health care decisions for his or her minor
20 child, unless otherwise prohibited by law.

21 (f) The right to access and review all medical records of his or
22 her minor child, unless prohibited by law or if the parent is the
23 subject of an investigation of a crime committed against the minor
24 child and a law enforcement agency or official requests that the
25 information not be released.

26 (g) The right to consent in writing before a biometric scan of
27 his or her minor child is made, shared, or stored.

28 (h) The right to consent in writing before any record of his or
29 her minor child's blood or DNA is created, stored, or shared, except
30 as required by general law or authorized pursuant to a court order.

31 (i) The right to consent in writing before the state or any of
32 its political subdivisions makes a video or voice recording of his or
33 her minor child, unless the recording is made during or as part of a
34 court proceeding or is made as part of a forensic interview in a
35 criminal investigation or the department of children, youth, and
36 families investigation or is to be used solely for the following
37 purposes:

1 (i) A safety demonstration, including the maintenance of order
2 and discipline in the common areas of a public school or on student
3 transportation vehicles;

4 (ii) A purpose related to a legitimate academic or
5 extracurricular activity;

6 (iii) A purpose related to regular classroom instructions;

7 (iv) Security or surveillance of buildings or grounds; or

8 (v) A photo identification card.

9 (j) The right to be notified promptly if an employee of the
10 state, any of its political subdivisions, or any other governmental
11 entity suspects that a criminal offense has been committed against
12 his or her minor child, unless the incident has first been reported
13 to law enforcement or the department of children, youth, and families
14 and notifying the parent would impede the investigation.

15 (2) This section does not:

16 (a) Authorize a parent of a minor child in this state to engage
17 in conduct that is unlawful or to abuse or neglect his or her minor
18 child in violation of general law;

19 (b) Condone, authorize, approve, or apply to a parental action or
20 decision that would end life;

21 (c) Prohibit a court of competent jurisdiction, a law enforcement
22 officer, or an employee of a government agency that is responsible
23 for child welfare from acting in his or her official capacity within
24 the reasonable and prudent scope of his or her authority; or

25 (d) Prohibit a court of competent jurisdiction from issuing an
26 order that is otherwise permitted by law.

27 (3) An employee of the state, any of its political subdivisions,
28 or any other governmental entity who encourages or coerces, or
29 attempts to encourage or coerce, a minor child to withhold
30 information from his or her parent may be subject to disciplinary
31 action.

32 (4) A parent of a minor child has inalienable rights that are
33 more comprehensive than those listed in this section, unless such
34 rights have been legally waived or terminated. This chapter does not
35 prescribe all rights to a parent of a minor child in this state.
36 Unless required by law, the rights of a parent of a minor child in
37 this state may not be limited or denied. This act may not be
38 construed to apply to a parental action or decision that would end
39 life.

1 NEW SECTION. **Sec. 4.** (1) Each district school board of
2 directors shall, in consultation with parents, teachers, and
3 administrators, develop and adopt a policy to promote parental
4 involvement in the public school system. Such policy must include:

5 (a) Delineated opportunities for parental participation, in
6 accordance with RCW 28A.600.045 or other comparable practices in
7 schools, to support students and improve parent and teacher
8 cooperation in such areas as curriculum, homework, school attendance,
9 and student conduct. Information provided in accordance with this
10 subsection (a) must also include information about student supports
11 for graduation and student learning plans required by RCW
12 28A.655.270;

13 (b) A policy for a parent to learn about his or her minor child's
14 course of study, including the source of any supplemental education
15 materials. The policy required by this subsection must also include
16 information about the school district's policy for the selection and
17 deletion of instructional materials and opportunities for parental
18 participation in those processes as provided in RCW 28A.320.230;

19 (c) Policies, pursuant to RCW 28A.605.020, for parental access to
20 their child's classroom, school sponsored activities, or both, for
21 observing classroom procedures, teaching materials, and class
22 conduct;

23 (d) Policies, pursuant to RCW 28A.320.230, for a parent to object
24 to instructional materials and other materials used in the classroom.
25 Such objections may be based on beliefs regarding morality, sex, and
26 religion or the belief that such materials are harmful. For purposes
27 of this section, "instructional materials" means materials used in
28 the classroom, including workbooks and worksheets, handouts,
29 software, applications, and any digital media made available to
30 students;

31 (e) Procedures, pursuant to RCW 28A.300.475 or 28A.230.070, for a
32 parent to withdraw his or her minor child from any portion of the
33 school district's comprehensive sexual health education or
34 instruction in acquired immune deficiency syndrome education if the
35 parent provides a written objection to his or her minor child's
36 participation. Such procedures must provide for a parent to be
37 notified in advance of such course content;

38 (f) Procedures, pursuant to RCW 28A.600.010, ensuring parental
39 access to written rules regarding student conduct, discipline, and
40 rights, and procedures, pursuant to RCW 28A.320.211, providing for

1 the annual dissemination and periodic review of discipline policies
2 and procedures;

3 (g) Procedures for a parent to learn about the nature and purpose
4 of clubs and activities offered at his or her minor child's public
5 school, including those that are extracurricular or part of the
6 school curriculum;

7 (h) Procedures for a parent to learn about parental rights and
8 responsibilities under general law, including the following:

9 (i) A plan to disseminate information, pursuant to RCW
10 28A.225.300, about school district enrollment options, including
11 school district of choice options established pursuant to RCW
12 28A.225.310;

13 (ii) In accordance with RCW 28A.210.090, the right of a parent to
14 exempt his or her minor child from immunizations;

15 (iii) In accordance with RCW 28A.230.195 or 28A.300.320, the
16 right of a parent to review statewide, standardized assessment
17 results;

18 (iv) In accordance with RCW 28A.150.315, the opportunity for
19 parents to excuse their children from the Washington kindergarten
20 inventory of developing skills assessment;

21 (v) In accordance with chapters 28A.150 and 28A.155 RCW, the
22 right of a parent to enroll his or her qualifying minor child in
23 highly capable or special education programs;

24 (vi) Policies for parental review and inspection of school
25 district instructional materials;

26 (vii) In accordance with RCW 28A.320.208, the right of a parent
27 to receive information relating to assessments and high school
28 graduation requirements, and, if applicable, student learning plans
29 required by RCW 28A.655.270;

30 (viii) In accordance with RCW 28A.605.030, the right of a parent
31 to review all education records of their child;

32 (ix) In accordance with RCW 28A.600.477, the right of a parent to
33 be informed of the school district's policy and procedure prohibiting
34 harassment, intimidation, and bullying, and in accordance with RCW
35 28A.600.480 and school district policy, the right of parents,
36 students, and others to report incidents of harassment, intimidation,
37 and bullying;

38 (x) The right of a parent to request a safety plan for his or her
39 child to protect the child from harassment, intimidation, bullying,

1 or other conditions that threaten the physical safety or well-being
2 of the child; and

3 (xi) The right of a parent to contact law enforcement concerning
4 alleged criminal offenses occurring on school premises.

5 (2) A district school board of directors may provide the
6 information required in this section electronically or post such
7 information on its website.

8 (3) A parent may request, in writing, from the school district
9 superintendent the information required under this section. Within 10
10 days, the school district superintendent must provide the requested
11 information to the parent. If the school district superintendent
12 denies a parent's request for information or does not respond to the
13 parent's request within 10 days, the parent may appeal the denial to
14 the district school board of directors. The board of directors must
15 place a parent's appeal on the agenda for its next public meeting. If
16 it is too late for a parent's appeal to appear on the next agenda,
17 the appeal must be included on the agenda for the subsequent meeting.

18 NEW SECTION. **Sec. 5.** (1) Except as otherwise provided by law or
19 by a court order, a health care provider may not provide or solicit,
20 or arrange to provide health care services or prescribe medicinal
21 drugs to a minor child without first obtaining written informed
22 consent from the parent of the minor child.

23 (2) This section does not apply to:

24 (a) The provision of required emergency medical care services in
25 circumstances where obtaining parental consent is not practicable;

26 (b) Services provided by a clinical laboratory, unless the
27 services are delivered through a direct encounter with the minor at
28 the clinical laboratory facility.

29 (3) A health care provider who violates this section is subject
30 to disciplinary action pursuant RCW 18.130.185 and commits a
31 misdemeanor offense, punishable under chapter 9A.20 RCW.

32 NEW SECTION. **Sec. 6.** The following definitions apply throughout
33 this chapter unless the context clearly requires otherwise.

34 (a) "Health care provider" has the same meaning as in RCW
35 7.70.020.

36 (b) "Parent" means a parent, guardian, or other person having
37 legal custody of a child.

1 **Sec. 7.** RCW 18.130.180 and 2021 c 157 s 7 are each amended to
2 read as follows:

3 The following conduct, acts, or conditions constitute
4 unprofessional conduct for any license holder under the jurisdiction
5 of this chapter:

6 (1) The commission of any act involving moral turpitude,
7 dishonesty, or corruption relating to the practice of the person's
8 profession, whether the act constitutes a crime or not. If the act
9 constitutes a crime, conviction in a criminal proceeding is not a
10 condition precedent to disciplinary action. Upon such a conviction,
11 however, the judgment and sentence is conclusive evidence at the
12 ensuing disciplinary hearing of the guilt of the license holder of
13 the crime described in the indictment or information, and of the
14 person's violation of the statute on which it is based. For the
15 purposes of this section, conviction includes all instances in which
16 a plea of guilty or nolo contendere is the basis for the conviction
17 and all proceedings in which the sentence has been deferred or
18 suspended. Nothing in this section abrogates rights guaranteed under
19 chapter 9.96A RCW;

20 (2) Misrepresentation or concealment of a material fact in
21 obtaining a license or in reinstatement thereof;

22 (3) All advertising which is false, fraudulent, or misleading;

23 (4) Incompetence, negligence, or malpractice which results in
24 injury to a patient or which creates an unreasonable risk that a
25 patient may be harmed. The use of a nontraditional treatment by
26 itself shall not constitute unprofessional conduct, provided that it
27 does not result in injury to a patient or create an unreasonable risk
28 that a patient may be harmed;

29 (5) Suspension, revocation, or restriction of the individual's
30 license to practice any health care profession by competent authority
31 in any state, federal, or foreign jurisdiction, a certified copy of
32 the order, stipulation, or agreement being conclusive evidence of the
33 revocation, suspension, or restriction;

34 (6) (~~Except when authorized by RCW 18.130.345, the~~) The
35 possession, use, prescription for use, or distribution of controlled
36 substances or legend drugs in any way other than for legitimate or
37 therapeutic purposes, diversion of controlled substances or legend
38 drugs, the violation of any drug law, or prescribing controlled
39 substances for oneself;

1 (7) Violation of any state or federal statute or administrative
2 rule regulating the profession in question, including any statute or
3 rule defining or establishing standards of patient care or
4 professional conduct or practice;

5 (8) Failure to cooperate with the disciplining authority by:

6 (a) Not furnishing any papers, documents, records, or other
7 items;

8 (b) Not furnishing in writing a full and complete explanation
9 covering the matter contained in the complaint filed with the
10 disciplining authority;

11 (c) Not responding to subpoenas issued by the disciplining
12 authority, whether or not the recipient of the subpoena is the
13 accused in the proceeding; or

14 (d) Not providing reasonable and timely access for authorized
15 representatives of the disciplining authority seeking to perform
16 practice reviews at facilities utilized by the license holder;

17 (9) Failure to comply with an order issued by the disciplining
18 authority or a stipulation for informal disposition entered into with
19 the disciplining authority;

20 (10) Aiding or abetting an unlicensed person to practice when a
21 license is required;

22 (11) Violations of rules established by any health agency;

23 (12) Practice beyond the scope of practice as defined by law or
24 rule;

25 (13) Misrepresentation or fraud in any aspect of the conduct of
26 the business or profession;

27 (14) Failure to adequately supervise auxiliary staff to the
28 extent that the consumer's health or safety is at risk;

29 (15) Engaging in a profession involving contact with the public
30 while suffering from a contagious or infectious disease involving
31 serious risk to public health;

32 (16) Promotion for personal gain of any unnecessary or
33 inefficacious drug, device, treatment, procedure, or service;

34 (17) Conviction of any gross misdemeanor or felony relating to
35 the practice of the person's profession. For the purposes of this
36 subsection, conviction includes all instances in which a plea of
37 guilty or nolo contendere is the basis for conviction and all
38 proceedings in which the sentence has been deferred or suspended.
39 Nothing in this section abrogates rights guaranteed under chapter
40 9.96A RCW;

- 1 (18) The procuring, or aiding or abetting in procuring, a
2 criminal abortion;
- 3 (19) The offering, undertaking, or agreeing to cure or treat
4 disease by a secret method, procedure, treatment, or medicine, or the
5 treating, operating, or prescribing for any health condition by a
6 method, means, or procedure which the licensee refuses to divulge
7 upon demand of the disciplining authority;
- 8 (20) The willful betrayal of a practitioner-patient privilege as
9 recognized by law;
- 10 (21) Violation of chapter 19.68 RCW or a pattern of violations of
11 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),
12 or 74.09.325(8);
- 13 (22) Interference with an investigation or disciplinary
14 proceeding by willful misrepresentation of facts before the
15 disciplining authority or its authorized representative, or by the
16 use of threats or harassment against any patient or witness to
17 prevent them from providing evidence in a disciplinary proceeding or
18 any other legal action, or by the use of financial inducements to any
19 patient or witness to prevent or attempt to prevent him or her from
20 providing evidence in a disciplinary proceeding;
- 21 (23) Current misuse of:
- 22 (a) Alcohol;
- 23 (b) Controlled substances; or
- 24 (c) Legend drugs;
- 25 (24) Abuse of a client or patient or sexual contact with a client
26 or patient;
- 27 (25) Acceptance of more than a nominal gratuity, hospitality, or
28 subsidy offered by a representative or vendor of medical or health-
29 related products or services intended for patients, in contemplation
30 of a sale or for use in research publishable in professional
31 journals, where a conflict of interest is presented, as defined by
32 rules of the disciplining authority, in consultation with the
33 department, based on recognized professional ethical standards;
- 34 (26) Violation of RCW 18.130.420;
- 35 (27) Performing conversion therapy on a patient under age
36 eighteen;
- 37 (28) Violation of RCW 18.130.430; or
- 38 (29) Violation of section 5 of this act.

1 NEW SECTION. **Sec. 8.** Sections 2 and 3 of this act constitute a
2 new chapter in Title 26 RCW.

3 NEW SECTION. **Sec. 9.** Sections 4 through 6 of this act are each
4 added to chapter 28A.150 RCW.

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