

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1300

68th Legislature
2024 Regular Session

Passed by the House March 5, 2024
Yeas 93 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1300** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1300

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Appropriations (originally sponsored by Representatives Orwall, Mosbrucker, Graham, Jacobsen, Lekanoff, Macri, and Reed)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to fraud in assisted reproduction; amending RCW
2 9A.36.031; reenacting and amending RCW 18.130.180; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to
6 read as follows:

7 (1) A person is guilty of assault in the third degree if he or
8 she, under circumstances not amounting to assault in the first or
9 second degree:

10 (a) With intent to prevent or resist the execution of any lawful
11 process or mandate of any court officer or the lawful apprehension or
12 detention of himself, herself, or another person, assaults another;
13 or

14 (b) Assaults a person employed as a transit operator or driver,
15 the immediate supervisor of a transit operator or driver, a mechanic,
16 or a security officer, by a public or private transit company or a
17 contracted transit service provider, while that person is performing
18 his or her official duties at the time of the assault; or

19 (c) Assaults a school bus driver, the immediate supervisor of a
20 driver, a mechanic, or a security officer, employed by a school
21 district transportation service or a private company under contract

1 for transportation services with a school district, while the person
2 is performing his or her official duties at the time of the assault;
3 or

4 (d) With criminal negligence, causes bodily harm to another
5 person by means of a weapon or other instrument or thing likely to
6 produce bodily harm; or

7 (e) Assaults a firefighter or other employee of a fire
8 department, county fire marshal's office, county fire prevention
9 bureau, or fire protection district who was performing his or her
10 official duties at the time of the assault; or

11 (f) With criminal negligence, causes bodily harm accompanied by
12 substantial pain that extends for a period sufficient to cause
13 considerable suffering; or

14 (g) Assaults a law enforcement officer or other employee of a law
15 enforcement agency who was performing his or her official duties at
16 the time of the assault; or

17 (h) Assaults a peace officer with a projectile stun gun; or

18 (i) Assaults a nurse, physician, or health care provider who was
19 performing his or her nursing or health care duties at the time of
20 the assault. For purposes of this subsection: "Nurse" means a person
21 licensed under chapter 18.79 RCW; "physician" means a person licensed
22 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
23 person certified under chapter 18.71 or 18.73 RCW who performs
24 emergency medical services or a person regulated under Title 18 RCW
25 and employed by, or contracting with, a hospital licensed under
26 chapter 70.41 RCW; or

27 (j) Assaults a judicial officer, court-related employee, county
28 clerk, or county clerk's employee, while that person is performing
29 his or her official duties at the time of the assault or as a result
30 of that person's employment within the judicial system. For purposes
31 of this subsection, "court-related employee" includes bailiffs, court
32 reporters, judicial assistants, court managers, court managers'
33 employees, and any other employee, regardless of title, who is
34 engaged in equivalent functions; or

35 (k) Assaults a person located in a courtroom, jury room, judge's
36 chamber, or any waiting area or corridor immediately adjacent to a
37 courtroom, jury room, or judge's chamber. This section shall apply
38 only: (i) During the times when a courtroom, jury room, or judge's
39 chamber is being used for judicial purposes during court proceedings;

1 and (ii) if signage was posted in compliance with RCW 2.28.200 at the
2 time of the assault; or

3 (1) Is a licensed health care provider who implants or causes
4 another to implant the provider's own gametes or reproductive
5 material into a patient during an assisted reproduction procedure.
6 For the purposes of this subsection, "gamete" means sperm, egg, or
7 any part of a sperm or egg, and "reproductive material" means a human
8 gamete or a human organism at any stage of development from
9 fertilized ovum to embryo.

10 (2) Assault in the third degree is a class C felony.

11 **Sec. 2.** RCW 18.130.180 and 2023 c 192 s 2 and 2023 c 122 s 4 are
12 each reenacted and amended to read as follows:

13 Except as provided in RCW 18.130.450, the following conduct,
14 acts, or conditions constitute unprofessional conduct for any license
15 holder under the jurisdiction of this chapter:

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

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

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

33 (4) Incompetence, negligence, or malpractice which results in
34 injury to a patient or which creates an unreasonable risk that a
35 patient may be harmed. The use of a nontraditional treatment by
36 itself shall not constitute unprofessional conduct, provided that it
37 does not result in injury to a patient or create an unreasonable risk
38 that a patient may be harmed;

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

6 (6) The possession, use, prescription for use, or distribution of
7 controlled substances or legend drugs in any way other than for
8 legitimate or therapeutic purposes, diversion of controlled
9 substances or legend drugs, the violation of any drug law, or
10 prescribing controlled substances for oneself;

11 (7) Violation of any state or federal statute or administrative
12 rule regulating the profession in question, including any statute or
13 rule defining or establishing standards of patient care or
14 professional conduct or practice;

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

16 (a) Not furnishing any papers, documents, records, or other
17 items;

18 (b) Not furnishing in writing a full and complete explanation
19 covering the matter contained in the complaint filed with the
20 disciplining authority;

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

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

27 (9) Failure to comply with an order issued by the disciplining
28 authority or a stipulation for informal disposition entered into with
29 the disciplining authority;

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

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

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

35 (13) Misrepresentation or fraud in any aspect of the conduct of
36 the business or profession;

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

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

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

6 (17) Conviction of any gross misdemeanor or felony relating to
7 the practice of the person's profession. For the purposes of this
8 subsection, conviction includes all instances in which a plea of
9 guilty or nolo contendere is the basis for conviction and all
10 proceedings in which the sentence has been deferred or suspended.
11 Nothing in this section abrogates rights guaranteed under chapter
12 9.96A RCW;

13 (18) The offering, undertaking, or agreeing to cure or treat
14 disease by a secret method, procedure, treatment, or medicine, or the
15 treating, operating, or prescribing for any health condition by a
16 method, means, or procedure which the licensee refuses to divulge
17 upon demand of the disciplining authority;

18 (19) The willful betrayal of a practitioner-patient privilege as
19 recognized by law;

20 (20) Violation of chapter 19.68 RCW or a pattern of violations of
21 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),
22 or 74.09.325(8);

23 (21) Interference with an investigation or disciplinary
24 proceeding by willful misrepresentation of facts before the
25 disciplining authority or its authorized representative, or by the
26 use of threats or harassment against any patient or witness to
27 prevent them from providing evidence in a disciplinary proceeding or
28 any other legal action, or by the use of financial inducements to any
29 patient or witness to prevent or attempt to prevent him or her from
30 providing evidence in a disciplinary proceeding;

31 (22) Current misuse of:

32 (a) Alcohol;

33 (b) Controlled substances; or

34 (c) Legend drugs;

35 (23) Abuse of a client or patient or sexual contact with a client
36 or patient;

37 (24) Acceptance of more than a nominal gratuity, hospitality, or
38 subsidy offered by a representative or vendor of medical or health-
39 related products or services intended for patients, in contemplation
40 of a sale or for use in research publishable in professional

1 journals, where a conflict of interest is presented, as defined by
2 rules of the disciplining authority, in consultation with the
3 department, based on recognized professional ethical standards;
4 (25) Violation of RCW 18.130.420;
5 (26) Performing conversion therapy on a patient under age
6 eighteen;
7 (27) Violation of RCW 18.130.430;
8 (28) Violation of RCW 18.130.460; or
9 (29) Implanting the license holder's own gametes or reproductive
10 material into a patient.

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