

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1564**

68th Legislature  
2023 Regular Session

Passed by the House April 13, 2023  
Yeas 96 Nays 0

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**Speaker of the House of  
Representatives**

Passed by the Senate April 7, 2023  
Yeas 42 Nays 7

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**President of the Senate**

Approved

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**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 **HOUSE BILL 1564** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**HOUSE BILL 1564**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**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:

20            (1) For purposes of this section:

1 (a) "Health care facility" means a hospital, clinic, nursing  
2 home, laboratory, office, or similar place situated in Washington  
3 state where a health care provider provides health care to patients.

4 (b) "Health care provider" means a person licensed, certified, or  
5 otherwise authorized or permitted by law, in Washington state, to  
6 provide health care in the ordinary course of business or practice of  
7 a profession, and includes a health care facility.

8 (c) "Person" means an individual, corporation, business trust,  
9 estate, trust, partnership, limited liability company, association,  
10 joint venture, or any other legal or commercial entity. The term does  
11 not include a government or governmental subdivision, agency, or  
12 instrumentality.

13 (d) "Sexual assault kit" means a product with which evidence of  
14 sexual assault is collected.

15 (2) A person may not sell, offer for sale, or otherwise make  
16 available a sexual assault kit:

17 (a) That is marketed or otherwise presented as over-the-counter,  
18 at-home, or self-collected or in any manner that indicates that the  
19 sexual assault kit may be used for the collection of evidence of  
20 sexual assault other than by law enforcement or a health care  
21 provider; or

22 (b) If the person intends, knows, or reasonably should know that  
23 the sexual assault kit will be used for the collection of evidence of  
24 sexual assault other than by law enforcement or a health care  
25 provider.

26 (3) The legislature finds that the practices covered by this  
27 section are matters vitally affecting the public interest for the  
28 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
29 violation of this section is not reasonable in relation to the  
30 development and preservation of business and is an unfair or  
31 deceptive act in trade or commerce and an unfair method of  
32 competition for the purpose of applying the consumer protection act,  
33 chapter 19.86 RCW.

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