

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1564

Chapter 296, Laws of 2023

68th Legislature
2023 Regular Session

OVER-THE-COUNTER SEXUAL ASSAULT KITS

EFFECTIVE DATE: July 23, 2023

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

LAURIE JINKINS

**Speaker of the House of
Representatives**

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

DENNY HECK

President of the Senate

Approved May 4, 2023 3:23 PM

JAY INSLEE

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.

BERNARD DEAN

Chief Clerk

FILED

May 5, 2023

**Secretary of State
State of Washington**

HOUSE BILL 1564

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.

Passed by the House April 13, 2023.

Passed by the Senate April 7, 2023.

Approved by the Governor May 4, 2023.

Filed in Office of Secretary of State May 5, 2023.

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