
ENGROSSED SUBSTITUTE HOUSE BILL 2274

State of Washington

69th Legislature

2026 Regular Session

By House Consumer Protection & Business (originally sponsored by Representatives Springer, McClintock, and Bernbaum)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to modifying the Washington commercial electronic
2 mail act; amending RCW 19.190.020 and 19.190.040; and creating a new
3 section.

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

5 **Sec. 1.** RCW 19.190.020 and 1999 c 289 s 2 are each amended to
6 read as follows:

7 (1) No person may initiate the transmission, conspire with
8 another to initiate the transmission, or assist the transmission, of
9 a commercial electronic mail message from a computer located in
10 Washington or to an electronic mail address that the sender knows, or
11 has reason to know, is held by a Washington resident that:

12 (a) Uses a third party's internet domain name without permission
13 of the third party, or otherwise misrepresents or obscures any
14 information in identifying the point of origin or the transmission
15 path of a commercial electronic mail message; or

16 (b) ~~((Contains))~~ Uses a subject line which, based on the person's
17 actual knowledge or knowledge fairly implied on the basis of
18 objective circumstances, contains false or misleading information in
19 the subject line.

20 (2) For purposes of this section, a person knows that the
21 intended recipient of a commercial electronic mail message is a

1 Washington resident if that information is available, upon request,
2 from the registrant of the internet domain name contained in the
3 recipient's electronic mail address.

4 **Sec. 2.** RCW 19.190.040 and 2003 c 137 s 5 are each amended to
5 read as follows:

6 (1) Damages to the recipient of a commercial electronic mail
7 message or a commercial electronic text message sent in violation of
8 this chapter are (~~five hundred dollars~~) \$100, or actual damages,
9 whichever is greater.

10 (2) Damages to an interactive computer service resulting from a
11 violation of this chapter are (~~one thousand dollars~~) \$1,000, or
12 actual damages, whichever is greater.

13 NEW SECTION. **Sec. 3.** This act applies to all causes of action
14 commenced on or after the effective date of this section, regardless
15 of when the cause of action arose. To this extent, this act applies
16 retroactively, but in all other respects it applies prospectively.

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