H-2721.1

# HOUSE BILL 2274

**State of Washington 69th Legislature 2026 Regular Session**

**By** Representatives Springer, McClintock, and Bernbaum

Prefiled 01/06/26. Read first time 01/12/26. Referred to Committee on Consumer Protection & Business.

AN ACT Relating to modifying the Washington commercial electronic mail act; amending RCW 19.190.020, 19.190.040, and 19.190.100; creating a new section; and repealing RCW 19.190.030.

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

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

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

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

(b) Contains ((~~false or misleading information in the subject line~~)) a subject line which, based on the person's actual knowledge, or knowledge fairly implied on the basis of objective circumstances, would be likely to mislead a recipient, acting reasonably under the circumstances, about a fact material to the relevant transaction, and

which subject line was in fact material to the recipient in completing the transaction.

(2) For purposes of this section, a person knows that the intended recipient of a commercial electronic mail message is a Washington resident if that information is available, upon request, from the registrant of the internet domain name contained in the recipient's electronic mail address.

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

(1) Damages to ((~~the recipient of~~)) a person who received, reviewed, and detrimentally relied upon a commercial electronic mail message or a commercial electronic text message sent in violation of this chapter are ((~~five hundred dollars~~)) $500, or actual damages, whichever is greater.

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

(3) Nothing within this section shall prevent the recipient of a commercial electronic mail message from bringing claims under any other applicable law.

**Sec. 3.** RCW 19.190.100 and 2005 c 378 s 4 are each amended to read as follows:

(1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. ((~~A~~)) Except as provided in subsection (2) of this section, a violation of this chapter is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This section does not apply to a violation of RCW 19.190.020.

NEW SECTION. **Sec. 4.** RCW 19.190.030 (Unpermitted or misleading electronic mail—Violation of consumer protection act) and 1999 c 289 s 3 & 1998 c 149 s 4 are each repealed.

NEW SECTION. **Sec. 5.** This act applies to all causes of action commenced on or after the effective date of this section, regardless of when the cause of action arose. To this extent, this act applies retroactively, but in all other respects it applies prospectively.

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