

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2294

69th Legislature
2026 Regular Session

Passed by the House February 13, 2026
Yeas 69 Nays 25

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2026
Yeas 35 Nays 14

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 HOUSE BILL 2294** 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 HOUSE BILL 2294

Passed Legislature - 2026 Regular Session

State of Washington

69th Legislature

2026 Regular Session

By Representatives Farivar, Zahn, Berry, Parshley, Ryu, Tharinger, Reeves, Reed, Ramel, Obras, Cortes, Nance, Street, Duerr, Kloba, Taylor, Doglio, Gregerson, Scott, Goodman, Macri, Fosse, Thai, Pollet, Bernbaum, and Salahuddin

Prefiled 01/07/26. Read first time 01/12/26. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to prohibiting negative use restrictions on real
2 property that have the effect of limiting consumer access to food and
3 medicine; and adding a new chapter to Title 19 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Drug store" means a retail establishment or portion of a
9 retail establishment that sells nonprescription medication and may
10 also sell a wide range of consumer products for health, beauty,
11 personal care, and household use, and that includes a pharmacy within
12 the establishment.

13 (2) "Force majeure" has the same meaning as in RCW 19.122.020.

14 (3) "Grocery store" means a retail establishment or portion of a
15 retail establishment that sells a wide range of groceries intended
16 primarily for home preparation and consumption, including fresh,
17 packaged, canned, dry, prepared or frozen food, beverage products,
18 and similar items.

19 (4) "Pharmacy" means an establishment that securely stores and
20 sells prescription medications.

1 (5) "Retail center" means a retail development with multiple
2 owners or tenants and that has at least one shared common area and is
3 subject to common management or common control through one or more
4 restrictive covenants or easements.

5 NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (3)
6 of this section, a private agreement that imposes a negative use
7 restriction upon real property in this state so as to prohibit or
8 restrict the use of such real property for a grocery store or
9 pharmacy when the use would otherwise be permitted under applicable
10 land use ordinances, including as a conditional use, is against
11 public policy, is prohibited, and is void and unenforceable. It is
12 unlawful for any person to enter an agreement that is prohibited by
13 this section or for any person who is the beneficiary of a negative
14 use restriction imposed by such an agreement to allow such a
15 restriction agreed to on or after the effective date of this section
16 to remain or to refuse to release it.

17 (2) Except as provided in subsection (3) of this section, the
18 prohibition in subsection (1) of this section:

19 (a) Applies to any private agreement incorporated into a
20 contract, deed restriction, restrictive covenant, lease, memorandum
21 of lease, or any other recorded or unrecorded instrument;

22 (b) Includes a private agreement limiting the size of a grocery
23 store or pharmacy; and

24 (c) Applies to negative use restrictions that prohibit or
25 restrict the use of real property for a pharmacy alone and to
26 negative use restrictions that prohibit or restrict the use of real
27 property for a drug store.

28 (3) This section does not apply to:

29 (a) An agreement imposing a negative use restriction that became
30 effective prior to the effective date of this section;

31 (b) An agreement that imposes a negative use restriction to
32 prohibit or restrict use of real property for a grocery store or
33 pharmacy after an owner or operator of a grocery store or pharmacy
34 discontinues operations of the grocery store or pharmacy on the
35 property for the purpose of relocating the grocery store or pharmacy,
36 if the following conditions are met:

37 (i) When compared to the discontinued store, the relocated store
38 or pharmacy is similar in size or larger and similar in the scope of
39 products sold;

1 (ii) The relocated grocery store or pharmacy is located within
2 two miles of the discontinued site, except as provided in section 3
3 of this act;

4 (iii) Relocation and the commencement of operations at the new
5 site occurs within two years, subject to force majeure, following the
6 discontinued store's or pharmacy's closure, except as provided in
7 section 3 of this act; and

8 (iv) The negative use restriction imposed on the prior site does
9 not have a term in excess of five years from the date of the closure,
10 except as provided in section 3 of this act; or

11 (c)(i) Except as provided in (c)(ii) of this subsection, an
12 agreement that imposes a negative use restriction to prohibit or
13 restrict use of real property for a grocery store or pharmacy in
14 order to limit competition or conflicting uses within the confines of
15 a retail center by allowing only a limited number of grocery stores
16 or pharmacies within the retail center.

17 (ii) Except as provided in (b) of this subsection, it remains
18 unlawful for any owner or operator who discontinues grocery store or
19 pharmacy use at a site within a retail center for a period exceeding
20 one year, or the time period under section 3 of this act, to seek to
21 enforce a negative use restriction prohibiting or restricting grocery
22 store or pharmacy uses within the retail center.

23 NEW SECTION. **Sec. 3.** (1) A city, town, or county may establish
24 that upon the written request of an owner or operator and the
25 requestor's presentation of evidence establishing extenuating
26 circumstances that demonstrate good cause for the extension, the
27 city, town, or county may, by written determination, extend the
28 following as they apply to the requestor:

29 (a) The distance limit in section 2(b)(ii) of this act to no more
30 than five miles;

31 (b) The time requirement in section 2(b)(iii) of this act;

32 (c) The term limit in section 2(b)(iv) of this act; and

33 (d) The time period in section 2(c)(ii) of this act.

34 (2) Factors for considering good cause include but are not
35 limited to:

36 (a) Maintaining or increasing food and medicine access in the
37 surrounding area, including the area around the discontinued site;

38 (b) Needs related to financing and construction for the new
39 location; and

1 (c) Promoting private investment in the surrounding area.

2 NEW SECTION. **Sec. 4.** A party who enters a private agreement
3 that imposes a negative use restriction upon real property in this
4 state so as to prohibit or restrict the use of such real property for
5 a grocery store or pharmacy when the use would otherwise be permitted
6 under applicable land use ordinances, including as a conditional use,
7 shall within 10 days of entering the private agreement, notify the
8 attorney general and the appropriate local jurisdiction, as follows,
9 of the negative use restriction:

10 (1) The city or town, if the real property is located within an
11 incorporated city or town; or

12 (2) The county legislative authority, if the real property is
13 located in an unincorporated area of the county.

14 NEW SECTION. **Sec. 5.** (1) The attorney general or a city, town,
15 or county may enforce this chapter through a cause of action in a
16 court of competent jurisdiction including declaratory relief,
17 injunctive relief, or other legal or equitable remedy as appropriate
18 to carry out the purpose and intent of this chapter.

19 (2) A city or town may enforce this chapter with respect to real
20 property located in the city or town. A county may only enforce this
21 chapter with respect to real property located in an unincorporated
22 area of the county.

23 (3) Nothing in this chapter prevents a city, town, or county from
24 enacting or enforcing an ordinance imposing a civil penalty, or
25 authorizing other relief, for a violation of a local ordinance that
26 is similar to the prohibition in section 2 of this act.

27 NEW SECTION. **Sec. 6.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act
32 constitute a new chapter in Title 19 RCW.

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