
SENATE BILL 5882

State of Washington

69th Legislature

2026 Regular Session

By Senators Valdez, Conway, Nobles, Orwall, Riccelli, Saldaña, and Shewmake

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1 AN ACT Relating to industrial insurance coverage for
2 posttraumatic stress disorders affecting local correctional facility
3 workers; amending RCW 51.08.142; adding a new section to chapter
4 51.32 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 51.08.142 and 2023 c 370 s 1 are each amended to
7 read as follows:

8 (1) Except as provided in subsections (2) and (3) of this
9 section, the department shall adopt a rule pursuant to chapter 34.05
10 RCW that claims based on mental conditions or mental disabilities
11 caused by stress do not fall within the definition of occupational
12 disease in RCW 51.08.140.

13 (2)(a) Except as provided in (b) and (c) of this subsection, the
14 rule adopted under subsection (1) of this section shall not apply to
15 occupational disease claims resulting from posttraumatic stress
16 disorders of firefighters as defined in RCW 41.26.030(17) (a), (b),
17 (c), and (h) and firefighters, including supervisors, employed on a
18 full-time, fully compensated basis as a firefighter of a private
19 sector employer's fire department that includes over fifty such
20 firefighters, and law enforcement officers as defined in RCW

1 41.26.030(19) (b), (c), and (e), and public safety telecommunicators
2 who receive calls for assistance and dispatch emergency services.

3 (b) For firefighters as defined in RCW 41.26.030(17) (a), (b),
4 (c), and (h) and firefighters, including supervisors, employed on a
5 full-time, fully compensated basis as a firefighter of a private
6 sector employer's fire department that includes over fifty such
7 firefighters, and law enforcement officers as defined in RCW
8 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, and public
9 safety telecommunicators hired after June 11, 2020, (a) of this
10 subsection only applies if the firefighter or law enforcement officer
11 or public safety telecommunicators, as a condition of employment, has
12 submitted to a psychological examination administered by a
13 psychiatrist licensed in the state of Washington under chapter 18.71
14 RCW or a psychologist licensed in the state of Washington under
15 chapter 18.83 RCW that ruled out the presence of posttraumatic stress
16 disorder from preemployment exposures. If the employer does not
17 provide the psychological examination, (a) of this subsection
18 applies.

19 (c) Posttraumatic stress disorder for purposes of this subsection
20 and subsection(~~s—(2)—and~~) (3) of this section is not considered an
21 occupational disease if the disorder is directly attributed to
22 disciplinary action, work evaluation, job transfer, layoff, demotion,
23 termination, or similar action taken in good faith by an employer.

24 (d) "Public safety telecommunicators" means individuals who
25 receive and respond to telephone or other electronic requests for
26 emergency assistance, such as law enforcement, fire, and medical
27 services, and dispatch appropriate emergency responders.

28 (3)(a) Except as provided in this subsection, the rule adopted
29 under subsection (1) of this section shall not apply to occupational
30 disease claims resulting from posttraumatic stress disorders of
31 direct care registered nurses (~~as defined in RCW 51.32.395~~) and
32 local correctional facility workers.

33 (b) The limitation in subsection (2)(c) of this section also
34 applies to this subsection (3).

35 (c) This subsection (3) applies only to a direct care registered
36 nurse or a local correctional facility worker who has posttraumatic
37 stress disorder that develops or manifests itself after the
38 individual has been employed on a fully compensated basis as a direct
39 care registered nurse or a local correctional facility worker in
40 Washington state for at least 90 consecutive days.

1 (d) For purposes of this subsection, the following definitions
2 apply:

3 (i) "Direct care registered nurse" means a direct care registered
4 nurse as defined in RCW 51.32.395.

5 (ii) "Local correctional facility worker" means a correctional
6 facility worker as defined in section 2 of this act.

7 NEW SECTION. Sec. 2. A new section is added to chapter 51.32
8 RCW to read as follows:

9 (1) In the case of local correctional facility workers covered
10 under this title who are employed on a fully compensated basis, there
11 exists a prima facie presumption that posttraumatic stress disorder
12 is an occupational disease under RCW 51.08.140. This section applies
13 only to a local correctional facility worker who has posttraumatic
14 stress disorder that develops or manifests itself after the
15 individual has been employed on a fully compensated basis as a local
16 correctional facility worker in Washington state for at least 90
17 consecutive days.

18 (2) The presumption may be rebutted by a preponderance of the
19 evidence.

20 (3) The presumption extends to a claimant following termination
21 of employment for a period of three calendar months for each year the
22 claimant was a local correctional facility worker employed on a fully
23 compensated basis, but may not extend more than 60 months following
24 the last date of employment.

25 (4) (a) When a determination involving the presumption established
26 under this section is appealed to the board of industrial insurance
27 appeals and the final decision allows the claim for benefits, the
28 board of industrial insurance appeals shall order that all reasonable
29 costs of the appeal, including attorneys' fees and witness fees, be
30 paid to the claimant or the claimant's beneficiary by the opposing
31 party.

32 (b) When a determination involving the presumption established
33 under this section is appealed to any court and the final decision
34 allows the claim for benefits, the court shall order that all
35 reasonable costs of the appeal, including attorneys' fees and witness
36 fees, be paid to the claimant or his or her beneficiary by the
37 opposing party.

1 (c) When reasonable costs of the appeal must be paid by the
2 department under this section in a state fund case, the costs must be
3 paid from the accident fund and charged to the costs of the claim.

4 (5) For purposes of this section, "local correctional facility
5 worker" means an individual working at a correctional facility as
6 defined in RCW 70.48.020.

7 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2027.

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