
SENATE BILL 6087

State of Washington

69th Legislature

2026 Regular Session

By Senators Braun, Christian, Dozier, Lias, Riccelli, Wellman, and J. Wilson

Read first time 01/13/26. Referred to Committee on Law & Justice.

1 AN ACT Relating to liability protections for donations of baby
2 items that are less than five years old; adding a new chapter to
3 Title 7 RCW; creating new sections; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that many baby
6 items, such as clothing, cribs, car seats, and toys, are discarded or
7 underutilized while there is a significant need for these items among
8 families in Washington. Donating baby items can help reduce waste,
9 support families in need, and promote community welfare. However,
10 potential donors may hesitate due to fear of civil liability if an
11 item is later found to be defective. Chapter 69.80 RCW provides a
12 successful framework for immunity from liability for donations of
13 perishable food, which has encouraged such donations without
14 compromising public safety. Extending a similar immunity to donations
15 of baby items less than five years old will encourage more donations
16 while ensuring that donors act in good faith and it is the intent of
17 the legislature to promote the donation of safe baby items by
18 limiting tort liability, thereby addressing social and environmental
19 needs in Washington state.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires
3 otherwise.

4 (1) "Baby item" means any product intended for use by infants or
5 toddlers, including but not limited to clothing, diapers, bottles,
6 toys, cribs, high chairs, car seats, strollers, and other similar
7 items.

8 (2) "Donor" means any person, including an individual, business,
9 nonprofit organization, or governmental entity, that donates a baby
10 item without receiving direct compensation.

11 (3) "Good faith" means a donation made honestly and without
12 knowledge of any defect or unsafe condition in the baby item.

13 NEW SECTION. **Sec. 3.** (1) A donor who donates a baby item that
14 is less than five years old shall not be subject to tort liability
15 for any injury, death, or damage caused by the baby item, provided
16 that:

17 (a) The donation is made in good faith;

18 (b) The donor reasonably believes the baby item is safe for its
19 intended use at the time of donation; and

20 (c) The baby item is not knowingly adulterated, contaminated, or
21 defective.

22 (2) This section does not create a new cause of action or
23 substantive legal right against any person or entity.

24 (3) The immunity provided under this section does not apply if:

25 (a) The donor knew, or in the exercise of reasonable care should
26 have known, that the baby item was unsafe, defective, or not fit for
27 its intended use;

28 (b) The donor failed to disclose a known defect or hazard
29 associated with the baby item at the time of donation; or

30 (c) The injury, death, or damage was caused by willful or wanton
31 misconduct, gross negligence, or intentional acts by the donor.

32 (4) Nothing in this chapter:

33 (a) Limits or supersedes any other state or federal law related
34 to product safety, consumer protection, or charitable donations; or

35 (b) Provides immunity for violations of criminal law.

36 NEW SECTION. **Sec. 4.** Appropriate state and local agencies are
37 authorized to inspect donated baby items for wholesomeness and may
38 establish procedures for the handling of donated baby items.

1 NEW SECTION. **Sec. 5.** (1) No later than December 31, 2026, the
2 state board of health shall promulgate rules for the safe receipt,
3 preparation, and handling by distributing organizations of baby items
4 accepted from donors in order to facilitate the donation of baby
5 items, free of charge, and to protect the health and safety of needy
6 people.

7 (2) No later than December 31, 2026, the department of health, in
8 consultation with the state board of health, shall develop
9 educational materials for donors containing recommended health and
10 safety guidelines for the preparation and handling of baby items
11 donated to distributing organizations.

12 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act
13 constitute a new chapter in Title 7 RCW.

14 NEW SECTION. **Sec. 7.** This act does not affect any existing
15 civil actions or claims pending as of the effective date of this
16 section.

17 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2027.

18 NEW SECTION. **Sec. 9.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

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