

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2294**

Chapter 24, Laws of 2026

69th Legislature  
2026 Regular Session

GROCERY STORES AND PHARMACIES—REAL PROPERTY USE RESTRICTIONS

EFFECTIVE DATE: June 11, 2026

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

LAURIE JINKINS

**Speaker of the House of  
Representatives**

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

DENNY HECK

**President of the Senate**

Approved March 11, 2026 10:27 AM

BOB FERGUSON

**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.

BERNARD DEAN

**Chief Clerk**

FILED

March 12, 2026

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 2294**

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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.

Passed by the House February 13, 2026.  
Passed by the Senate March 3, 2026.  
Approved by the Governor March 11, 2026.

Filed in Office of Secretary of State March 12, 2026.

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