
SUBSTITUTE HOUSE BILL 1338

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Thibaudeau, Appelwick, Ballasiotes, H. Myers, Flemming, Dyer, Eide, Cooke, Zellinsky, Johanson, Romero, Forner, Reams, Rust, Schmidt, Riley, Dunshee, Brough, Ogden, J. Kohl, Locke, Anderson, Ludwig, Edmondson, Horn, Heavey, Cothorn, R. Johnson, King, Voloria, Rayburn, Bray, Orr, Pruitt, Karahalios, Lemmon, Carlson, Kessler, Wolfe, R. Fisher, Hansen, Jacobsen, Morris, Quall, Franklin, L. Johnson, Leonard, Jones, Valle, G. Cole, Holm, Wang, Grant, Dorn, Sheldon, Sommers, Miller, Finkbeiner, Brown, Scott, Roland, Shin, R. Meyers, Springer, Basich, Campbell, Wood, Long, Wineberry and Dellwo)

Read first time 02/25/93.

1 AN ACT Relating to prohibiting interference with access to health
2 care, health care providers, and health care service delivery; adding
3 a new chapter to Title 9A RCW; creating a new section; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that seeking or
7 obtaining health care is fundamental to public health and safety.

8 NEW SECTION. **Sec. 2.** (1) "Health care facility" means a facility
9 that provides health care services directly to patients, including but
10 not limited to, a hospital, clinic, health care provider's office,
11 health maintenance organization, diagnostic or treatment center,
12 neuropsychiatric or mental health facility, hospice, or nursing home.

13 (2) "Health care provider" has the same meaning as defined in RCW
14 7.70.020 (1) and (2), and also means an officer, director, employee, or
15 agent of a health care facility who sues or testifies regarding matters
16 within the scope of his or her employment.

1 NEW SECTION. **Sec. 3.** It is unlawful for a person, alone or in
2 concert with others, to willfully or recklessly interfere with access
3 to or from a health care facility or willfully or recklessly disrupt
4 the normal functioning of such facility by:

5 (1) Physically obstructing or impeding the free passage of a person
6 seeking to enter or depart from the facility or from the common areas
7 of the real property upon which the facility is located;

8 (2) Making noise that unreasonably disturbs the peace within the
9 facility;

10 (3) Trespassing on the facility or the common areas of the real
11 property upon which the facility is located;

12 (4) Telephoning the facility in violation of RCW 9.61.230; or

13 (5) Threatening to inflict injury on the owners, agents, patients,
14 employees, or property of the facility or knowingly permitting any
15 telephone under his or her control to be used for such purpose.

16 NEW SECTION. **Sec. 4.** A violation of section 3 of this act is a
17 gross misdemeanor.

18 NEW SECTION. **Sec. 5.** A person or health care facility aggrieved
19 by the actions prohibited by section 3 of this act may seek civil
20 damages from those who committed the prohibited acts and those acting
21 in concert with them. A plaintiff in an action brought under this
22 chapter shall not recover more than his or her actual damages, costs
23 and attorneys' fees. A person does not have to be criminally convicted
24 of violating section 3 of this act to be held civilly liable under this
25 section.

26 NEW SECTION. **Sec. 6.** Section 3 of this act shall not be
27 interpreted to apply to the actions of any agent, officer, or employee
28 of the health care facility, acting within the scope of his or her
29 agency, office, or employment, nor to the actions of any law
30 enforcement officer, acting within the scope of his or her agency.

31 NEW SECTION. **Sec. 7.** A court having jurisdiction over a criminal
32 or civil proceeding under this chapter shall take all steps reasonably
33 necessary to safeguard the individual privacy and prevent harassment of
34 a health care patient or health care provider who is a party or witness
35 in a proceeding, including granting protective orders and orders in

1 limine. In civil actions brought under this chapter, upon showing of
2 good cause, the court may permit health care patients to sue
3 pseudonymously.

4 NEW SECTION. **Sec. 8.** Nothing in this chapter shall be construed
5 to limit the right to seek other available criminal or civil remedies.
6 The remedies provided in this chapter are cumulative, not exclusive.

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

11 NEW SECTION. **Sec. 10.** Sections 2 through 8 of this act shall
12 constitute a new chapter in Title 9A RCW.

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