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HOUSE BILL 1887

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Klippert and Chase

Read first time 01/11/22. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to removing barriers to children participating in  
2 sport practices and competitions; amending RCW 43.06.220; adding a  
3 new section to chapter 28A.210 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210  
6 RCW to read as follows:

7 (1) Unless COVID-19 has a mortality rate of five percent or  
8 higher, the state board of health, the department of health, the  
9 chief administrators and governing bodies of schools and day care  
10 centers, and the Washington interscholastic activities association  
11 are prohibited from requiring children participating in sport  
12 practices and competitions to: Wear masks or other face coverings not  
13 related to participation in the sport; or, be tested for COVID-19.

14 (2) The definitions in RCW 28A.210.070 apply to this section  
15 unless the context clearly requires otherwise.

16 **Sec. 2.** RCW 43.06.220 and 2019 c 472 s 2 are each amended to  
17 read as follows:

18 (1) The governor after proclaiming a state of emergency and prior  
19 to terminating such, may, in the area described by the proclamation  
20 issue an order prohibiting:

1 (a) Any person being on the public streets, or in the public  
2 parks, or at any other public place during the hours declared by the  
3 governor to be a period of curfew;

4 (b) Any number of persons, as designated by the governor, from  
5 assembling or gathering on the public streets, parks, or other open  
6 areas of this state, either public or private;

7 (c) The manufacture, transfer, use, possession or transportation  
8 of a molotov cocktail or any other device, instrument or object  
9 designed to explode or produce uncontained combustion;

10 (d) The transporting, possessing or using of gasoline, kerosene,  
11 or combustible, flammable, or explosive liquids or materials in a  
12 glass or uncapped container of any kind except in connection with the  
13 normal operation of motor vehicles, normal home use or legitimate  
14 commercial use;

15 (e) The sale, purchase or dispensing of alcoholic beverages;

16 (f) The sale, purchase or dispensing of other commodities or  
17 goods, as he or she reasonably believes should be prohibited to help  
18 preserve and maintain life, health, property or the public peace;

19 (g) The use of certain streets, highways or public ways by the  
20 public; and

21 (h) Such other activities as he or she reasonably believes should  
22 be prohibited to help preserve and maintain life, health, property or  
23 the public peace.

24 (2) The governor after proclaiming a state of emergency and prior  
25 to terminating such may, in the area described by the proclamation,  
26 issue an order or orders concerning waiver or suspension of statutory  
27 obligations or limitations in the following areas:

28 (a) Liability for participation in interlocal agreements;

29 (b) Inspection fees owed to the department of labor and  
30 industries;

31 (c) Application of the family emergency assistance program;

32 (d) Regulations, tariffs, and notice requirements under the  
33 jurisdiction of the utilities and transportation commission;

34 (e) Application of tax due dates and penalties relating to  
35 collection of taxes;

36 (f) Permits for industrial, business, or medical uses of alcohol;  
37 and

38 (g) Such other statutory and regulatory obligations or  
39 limitations prescribing the procedures for conduct of state business,  
40 or the orders, rules, or regulations of any state agency if strict

1 compliance with the provision of any statute, order, rule, or  
2 regulation would in any way prevent, hinder, or delay necessary  
3 action in coping with the emergency, unless (i) authority to waive or  
4 suspend a specific statutory or regulatory obligation or limitation  
5 has been expressly granted to another statewide elected official,  
6 (ii) the waiver or suspension would conflict with federal  
7 requirements that are a prescribed condition to the allocation of  
8 federal funds to the state, (~~(iii)~~) (iii) the waiver or suspension  
9 would conflict with the requirements under section 1 of this act, or  
10 (iv) the waiver or suspension would conflict with the rights, under  
11 the First Amendment, of freedom of speech or of the people to  
12 peaceably assemble. The governor shall give as much notice as  
13 practical to legislative leadership and impacted local governments  
14 when issuing orders under this subsection (2)(g).

15 (3) In imposing the restrictions provided for by RCW 43.06.010,  
16 and 43.06.200 through 43.06.270, the governor may impose them for  
17 such times, upon such conditions, with such exceptions and in such  
18 areas of this state he or she from time to time deems necessary.

19 (4) No order or orders concerning waiver or suspension of  
20 statutory obligations or limitations under subsection (2) of this  
21 section may continue for longer than thirty days unless extended by  
22 the legislature through concurrent resolution. If the legislature is  
23 not in session, the waiver or suspension of statutory obligations or  
24 limitations may be extended in writing by the leadership of the  
25 senate and the house of representatives until the legislature can  
26 extend the waiver or suspension by concurrent resolution. For  
27 purposes of this section, "leadership of the senate and the house of  
28 representatives" means the majority and minority leaders of the  
29 senate and the speaker and the minority leader of the house of  
30 representatives.

31 (5) Any person willfully violating any provision of an order  
32 issued by the governor under this section is guilty of a gross  
33 misdemeanor.

34 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of  
36 the state government and its existing public institutions, and takes  
37 effect immediately.

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