

ESHB 1300 - S COMM AMD

By Committee on Law & Justice

ADOPTED AS AMENDED 02/27/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to
4 read as follows:

5 (1) A person is guilty of assault in the third degree if he or
6 she, under circumstances not amounting to assault in the first or
7 second degree:

8 (a) With intent to prevent or resist the execution of any lawful
9 process or mandate of any court officer or the lawful apprehension or
10 detention of himself, herself, or another person, assaults another;
11 or

12 (b) Assaults a person employed as a transit operator or driver,
13 the immediate supervisor of a transit operator or driver, a mechanic,
14 or a security officer, by a public or private transit company or a
15 contracted transit service provider, while that person is performing
16 his or her official duties at the time of the assault; or

17 (c) Assaults a school bus driver, the immediate supervisor of a
18 driver, a mechanic, or a security officer, employed by a school
19 district transportation service or a private company under contract
20 for transportation services with a school district, while the person
21 is performing his or her official duties at the time of the assault;
22 or

23 (d) With criminal negligence, causes bodily harm to another
24 person by means of a weapon or other instrument or thing likely to
25 produce bodily harm; or

26 (e) Assaults a firefighter or other employee of a fire
27 department, county fire marshal's office, county fire prevention
28 bureau, or fire protection district who was performing his or her
29 official duties at the time of the assault; or

30 (f) With criminal negligence, causes bodily harm accompanied by
31 substantial pain that extends for a period sufficient to cause
32 considerable suffering; or

1 (g) Assaults a law enforcement officer or other employee of a law
2 enforcement agency who was performing his or her official duties at
3 the time of the assault; or

4 (h) Assaults a peace officer with a projectile stun gun; or

5 (i) Assaults a nurse, physician, or health care provider who was
6 performing his or her nursing or health care duties at the time of
7 the assault. For purposes of this subsection: "Nurse" means a person
8 licensed under chapter 18.79 RCW; "physician" means a person licensed
9 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
10 person certified under chapter 18.71 or 18.73 RCW who performs
11 emergency medical services or a person regulated under Title 18 RCW
12 and employed by, or contracting with, a hospital licensed under
13 chapter 70.41 RCW; or

14 (j) Assaults a judicial officer, court-related employee, county
15 clerk, or county clerk's employee, while that person is performing
16 his or her official duties at the time of the assault or as a result
17 of that person's employment within the judicial system. For purposes
18 of this subsection, "court-related employee" includes bailiffs, court
19 reporters, judicial assistants, court managers, court managers'
20 employees, and any other employee, regardless of title, who is
21 engaged in equivalent functions; or

22 (k) Assaults a person located in a courtroom, jury room, judge's
23 chamber, or any waiting area or corridor immediately adjacent to a
24 courtroom, jury room, or judge's chamber. This section shall apply
25 only: (i) During the times when a courtroom, jury room, or judge's
26 chamber is being used for judicial purposes during court proceedings;
27 and (ii) if signage was posted in compliance with RCW 2.28.200 at the
28 time of the assault; or

29 (l) Is a licensed health care provider who implants his or her
30 gametes or reproductive material into a patient under his or her
31 care. For the purposes of this subsection, "gamete" means sperm, egg,
32 or any part of a sperm or egg, and "reproductive material" means a
33 human gamete or a human organism at any stage of development from
34 fertilized ovum to embryo.

35 (2) Assault in the third degree is a class C felony.

36 **Sec. 2.** RCW 18.130.180 and 2023 c 192 s 2 and 2023 c 122 s 4 are
37 each reenacted and amended to read as follows:

1 Except as provided in RCW 18.130.450, the following conduct,
2 acts, or conditions constitute unprofessional conduct for any license
3 holder under the jurisdiction of this chapter:

4 (1) The commission of any act involving moral turpitude,
5 dishonesty, or corruption relating to the practice of the person's
6 profession, whether the act constitutes a crime or not. If the act
7 constitutes a crime, conviction in a criminal proceeding is not a
8 condition precedent to disciplinary action. Upon such a conviction,
9 however, the judgment and sentence is conclusive evidence at the
10 ensuing disciplinary hearing of the guilt of the license holder of
11 the crime described in the indictment or information, and of the
12 person's violation of the statute on which it is based. For the
13 purposes of this section, conviction includes all instances in which
14 a plea of guilty or nolo contendere is the basis for the conviction
15 and all proceedings in which the sentence has been deferred or
16 suspended. Nothing in this section abrogates rights guaranteed under
17 chapter 9.96A RCW;

18 (2) Misrepresentation or concealment of a material fact in
19 obtaining a license or in reinstatement thereof;

20 (3) All advertising which is false, fraudulent, or misleading;

21 (4) Incompetence, negligence, or malpractice which results in
22 injury to a patient or which creates an unreasonable risk that a
23 patient may be harmed. The use of a nontraditional treatment by
24 itself shall not constitute unprofessional conduct, provided that it
25 does not result in injury to a patient or create an unreasonable risk
26 that a patient may be harmed;

27 (5) Suspension, revocation, or restriction of the individual's
28 license to practice any health care profession by competent authority
29 in any state, federal, or foreign jurisdiction, a certified copy of
30 the order, stipulation, or agreement being conclusive evidence of the
31 revocation, suspension, or restriction;

32 (6) The possession, use, prescription for use, or distribution of
33 controlled substances or legend drugs in any way other than for
34 legitimate or therapeutic purposes, diversion of controlled
35 substances or legend drugs, the violation of any drug law, or
36 prescribing controlled substances for oneself;

37 (7) Violation of any state or federal statute or administrative
38 rule regulating the profession in question, including any statute or
39 rule defining or establishing standards of patient care or
40 professional conduct or practice;

- 1 (8) Failure to cooperate with the disciplining authority by:
- 2 (a) Not furnishing any papers, documents, records, or other
- 3 items;
- 4 (b) Not furnishing in writing a full and complete explanation
- 5 covering the matter contained in the complaint filed with the
- 6 disciplining authority;
- 7 (c) Not responding to subpoenas issued by the disciplining
- 8 authority, whether or not the recipient of the subpoena is the
- 9 accused in the proceeding; or
- 10 (d) Not providing reasonable and timely access for authorized
- 11 representatives of the disciplining authority seeking to perform
- 12 practice reviews at facilities utilized by the license holder;
- 13 (9) Failure to comply with an order issued by the disciplining
- 14 authority or a stipulation for informal disposition entered into with
- 15 the disciplining authority;
- 16 (10) Aiding or abetting an unlicensed person to practice when a
- 17 license is required;
- 18 (11) Violations of rules established by any health agency;
- 19 (12) Practice beyond the scope of practice as defined by law or
- 20 rule;
- 21 (13) Misrepresentation or fraud in any aspect of the conduct of
- 22 the business or profession;
- 23 (14) Failure to adequately supervise auxiliary staff to the
- 24 extent that the consumer's health or safety is at risk;
- 25 (15) Engaging in a profession involving contact with the public
- 26 while suffering from a contagious or infectious disease involving
- 27 serious risk to public health;
- 28 (16) Promotion for personal gain of any unnecessary or
- 29 inefficacious drug, device, treatment, procedure, or service;
- 30 (17) Conviction of any gross misdemeanor or felony relating to
- 31 the practice of the person's profession. For the purposes of this
- 32 subsection, conviction includes all instances in which a plea of
- 33 guilty or nolo contendere is the basis for conviction and all
- 34 proceedings in which the sentence has been deferred or suspended.
- 35 Nothing in this section abrogates rights guaranteed under chapter
- 36 9.96A RCW;
- 37 (18) The offering, undertaking, or agreeing to cure or treat
- 38 disease by a secret method, procedure, treatment, or medicine, or the
- 39 treating, operating, or prescribing for any health condition by a

1 method, means, or procedure which the licensee refuses to divulge
2 upon demand of the disciplining authority;

3 (19) The willful betrayal of a practitioner-patient privilege as
4 recognized by law;

5 (20) Violation of chapter 19.68 RCW or a pattern of violations of
6 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),
7 or 74.09.325(8);

8 (21) Interference with an investigation or disciplinary
9 proceeding by willful misrepresentation of facts before the
10 disciplining authority or its authorized representative, or by the
11 use of threats or harassment against any patient or witness to
12 prevent them from providing evidence in a disciplinary proceeding or
13 any other legal action, or by the use of financial inducements to any
14 patient or witness to prevent or attempt to prevent him or her from
15 providing evidence in a disciplinary proceeding;

16 (22) Current misuse of:

17 (a) Alcohol;

18 (b) Controlled substances; or

19 (c) Legend drugs;

20 (23) Abuse of a client or patient or sexual contact with a client
21 or patient;

22 (24) Acceptance of more than a nominal gratuity, hospitality, or
23 subsidy offered by a representative or vendor of medical or health-
24 related products or services intended for patients, in contemplation
25 of a sale or for use in research publishable in professional
26 journals, where a conflict of interest is presented, as defined by
27 rules of the disciplining authority, in consultation with the
28 department, based on recognized professional ethical standards;

29 (25) Violation of RCW 18.130.420;

30 (26) Performing conversion therapy on a patient under age
31 eighteen;

32 (27) Violation of RCW 18.130.430;

33 (28) Violation of RCW 18.130.460; or

34 (29) Implanting the license holder's own gametes or reproductive
35 material into a patient."

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1 On page 1, line 1 of the title, after "reproduction;" strike the
2 remainder of the title and insert "amending RCW 9A.36.031; reenacting
3 and amending RCW 18.130.180; and prescribing penalties."

EFFECT: Removes the intent section.

Makes it assault in the third degree for a licensed health care provider to implant his or her gametes or reproductive material into a patient who is under the health care provider's care.

Classifies a licensed medical provider implanting his or her own gametes or reproductive material into a patient as unprofessional conduct regardless of the written consent of the patient.

Removes the creation of the fraud in assisted reproduction work group.

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