

**HB 1564** - S COMM AMD

By Committee on Law & Justice

**NOT ADOPTED 04/07/2023**

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

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
4 support survivors of sexual offenses through building victim-  
5 centered, trauma-informed systems that promote successful  
6 investigations and prosecutions of sexual offenses. Thorough and  
7 professional investigations, including preservation of forensic  
8 evidence, are imperative and a fundamental component in achieving  
9 these outcomes. At-home sexual assault test kits create false  
10 expectations and harm the potential for successful investigations and  
11 prosecutions. The sale of over-the-counter sexual assault kits may  
12 prevent survivors from receiving accurate information about their  
13 options and reporting processes; from obtaining access to appropriate  
14 and timely medical treatment and follow up; and from connecting to  
15 their community and other vital resources.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 5.70 RCW  
17 to read as follows:

18 (1)(a) As used in this section, "over-the-counter sexual assault  
19 kit" means a sexual assault kit or rape kit that:

20 (i) Is marketed or presented as over-the-counter, at-home, or  
21 self-collected;

22 (ii) Is offered for sale or as a sample to members of the public;  
23 and

24 (iii) Purports to allow a natural person to independently collect  
25 evidence of a sexual assault outside of a hospital or other health  
26 care facility.

27 (b) "Over-the-counter sexual assault kit" does not include a  
28 sexual assault kit intended for administration or collection by law  
29 enforcement or a health care provider.

1 (c) As used in this section, "health care provider" means a  
2 person, hospital, or other health care facility that is licensed,  
3 certified, or otherwise authorized or permitted by law in Washington  
4 state to administer health care or dispense medication in the  
5 ordinary course of business or practice of a profession.

6 (d) As used in this section, "natural person" means a human  
7 being. The term does not include a corporation, business trust,  
8 estate, trust, partnership, limited liability company, association,  
9 joint venture, or any other legal or commercial entity. The term does  
10 not include a government or governmental subdivision, agency, or  
11 instrumentality. The term does not include a health care provider.

12 (e) As used in this section, "person" means an individual,  
13 corporation, business trust, estate, trust, partnership, limited  
14 liability company, association, joint venture, or any other legal or  
15 commercial entity. The term does not include a government or  
16 governmental subdivision, agency, or instrumentality.

17 (2) A person may not sell, offer for sale, or provide to a  
18 natural person an over-the-counter sexual assault kit.

19 (3) The legislature finds that the practices covered by this  
20 section are matters vitally affecting the public interest for the  
21 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
22 violation of this section is not reasonable in relation to the  
23 development and preservation of business and is an unfair or  
24 deceptive act in trade or commerce and an unfair method of  
25 competition for the purpose of applying the consumer protection act,  
26 chapter 19.86 RCW."

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27 On page 1, line 2 of the title, after "kits;" strike the  
28 remainder of the title and insert "adding a new section to chapter  
29 5.70 RCW; and creating a new section."

EFFECT: Clarifies that an over-the-counter sexual assault kit is  
a sexual assault kit or rape kit that, in addition to other  
requirements, is purported to allow a natural person to independently  
collect evidence of a sexual assault outside of a hospital or other  
health care facility. Clarifies that an over-the-counter sexual  
assault kit does not include a sexual assault kit intended for

administration or collection by law enforcement or a health care provider. Clarifies that a person may not sell, offer for sale, or provide an over-the-counter sexual assault kit to a natural person. Defines "health care provider," "natural person," and "person."

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