S-0391.3

SENATE BILL 5632

State of Washington 69th Legislature 2025 Regular Session

By Senator Hansen

AN ACT Relating to protecting the confidentiality of records and information that may be relevant to another state's enforcement of its laws; and amending RCW 7.115.010 and 7.115.020.

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

Sec. 1. RCW 7.115.010 and 2023 c 193 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aggrieved party" means a person against whom an underlying action is commenced based on the aggrieved party's provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services.

(2) "Assistance" means any action to help, aid, or support the provision or receipt of protected health services including, but not limited to, providing financial, logistical, informational, or travel support to facilitate access to protected health services.

(3) "Gender-affirming treatment" means health services or products that support and affirm an individual's gender identity, including social, psychological, behavioral, and medical or surgical interventions. Gender-affirming care services include, but are not

limited to, evaluation and treatments for gender dysphoria, gender-affirming hormone therapy, and gender-affirming surgical procedures.

((~~(3)~~)) (4) "Protected health care services" means gender-affirming treatment and reproductive health care services that are lawful in the state of Washington.

((~~(4)~~)) (5) "Reproductive health care services" means all services, care, or products of a medical, surgical, psychiatric, therapeutic, mental health, behavioral health, diagnostic, preventative, rehabilitative, supportive, counseling, referral, prescribing, or dispensing nature relating to the human reproductive system including, but not limited to, all services, care, and products relating to pregnancy, assisted reproduction, contraception, miscarriage management, or the termination of a pregnancy, including self-managed terminations.

((~~(5)~~)) (6) "Underlying action" means a civil, criminal, or administrative proceeding, or any proceeding preliminary thereto.

Sec. 2. RCW 7.115.020 and 2023 c 193 s 13 are each amended to read as follows:

(1) It is the public policy of Washington to protect the provision of protected health care services that are lawful in the state of Washington by a person duly licensed under the laws of the state of Washington and the provision of insurance coverage for such services regardless of the location of the person receiving the services.

(2) A law of another state that authorizes the imposition of civil or criminal penalties or liability related to the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington is against the public policy of this state. Accordingly:

(a) A state court, judicial officer, court employee or clerk, or public employee or official shall not issue or effectuate a warrant for the arrest of any person in connection with the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington and a state or local law enforcement agency or officer shall not effectuate such a warrant or knowingly arrest, or knowingly participate in the arrest of, any person for the provision, receipt,

attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of such protected health care services.

(b) A state or local agency, commission, board, or department, or any employee or agent thereof, acting in their official capacity, shall not cooperate with or provide information to any individual, agency, commission, board, or department from another state or, to the extent permitted by federal law, to a federal law enforcement agency, for the purpose of enforcing another state's law or an investigation related to another state's law that asserts criminal or civil liability for the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington.

(c) A state court, judicial officer, court employee or clerk, or attorney shall not issue a subpoena, warrant, court order, or other civil or criminal legal process pursuant to any state law in connection with a proceeding in another state related to the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington.

(d)(i) A business entity that is incorporated, or has its principal place of business, in Washington that provides electronic communication services as defined in RCW 9.73.260 may not:

(A) Knowingly provide records, information, facilities, or assistance in response to a subpoena, warrant, court order, or other civil or criminal legal process that relates to an investigation into, or the enforcement of, another state's law that asserts criminal or civil liability for the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington; or

(B) Comply with a subpoena, warrant, court order, or other civil or criminal legal process for records, information, facilities, or assistance related to protected health care services that are lawful in the state of Washington unless the subpoena, warrant, court order, or other civil or criminal legal process includes, or is accompanied by, an attestation, made under penalty of perjury, stating that the subpoena, warrant, court order, or other civil or criminal legal

process does not seek documents, information, or testimony relating to an investigation into, or the enforcement of, another state's law that asserts criminal or civil liability for the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington. Any false attestation submitted under this section is subject to a statutory penalty of $10,000 per violation. Submission of such attestation subjects the attester to the jurisdiction of the courts of Washington state for any suit, penalty, or damages arising out of a false attestation under this section.

(ii) Any business entity described in (d)(i) of this subsection that is served with a subpoena, warrant, court order, or other civil or criminal legal process described in (d)(i) of this subsection is entitled to rely on the representations made in an attestation described in (d)(i) of this subsection in determining whether the subpoena, warrant, court order, or other civil or criminal legal process relates to an investigation into, or the enforcement of, another state's law that asserts criminal or civil liability for the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington. If an attestation described in (d)(i) of this subsection is absent or incomplete, the business entity shall notify the attorney general's office of its receipt of the subpoena, warrant, court order, or other civil or criminal legal process unless the entity is prohibited by law or court order from providing notice.

(3) Nothing in this section prohibits the investigation of any criminal activity in this state that may involve the alleged provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services occurring in the state of Washington. Any information relating to any protected health care services provided to a specific individual shall not be shared with an agency, department, or individual from another state for the purpose of investigating or enforcing another state's law that asserts criminal or civil liability for the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of

protected health care services that are lawful in the state of Washington.

(4) A state court, judicial officer, court employee or clerk, or public employee or official shall not apply to a case or controversy heard in state court any law that is contrary to this state's public policy as described in this section.

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