



WA State National Organization for Women

Legislative Session Wrap-up and Bill Status

The 2020 Legislative Session ended on Thursday, March 12, 2020. Since then Governor Inslee has been reviewing the bills. Due to the Covid-19 virus and the effects on the economy a number of bills that were likely to have been signed by him into law were vetoed or had a partial vetoed with a statement similar to the following:

“Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.”

Any bill not listed below that we were tracking died in session because it did not pass both houses in exactly the same version. In some cases, it died in committee, failed to pass one of the houses, or the two chambers could not agree on amendments and thus there was no concurrence.

Civil and Equal Rights

WA State Office of Equity

HB 1783 Creating the Washington state office of equity.

SUPPORT

HB 1783 establishes the Washington state office of equity to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The bill also requires all state agencies to apply an equity lens to agency decision-making; designate a diversity, equity, and inclusion liaison; develop plans for diversity, equity, and inclusion and for language access; and collaborate with the Equity Office to develop performance measures.

Status: Both the Senate and the House passed this bill. On April 3, Governor Inslee partially vetoed this bill by eliminating two sections of the bill that created a community advisory board and directed each state agency to among other things, develop plans and policies and provide data and information pursuant to the bill.

Voting Rights Opportunities for Youth

SB 6313 Increasing opportunities for young voters.

SUPPORT

SB 6313 allows individuals to vote in a primary election if they are 17 years old, but will be 18 by the general election. They also require the Department of Licensing to provide an automated process for voter registration when receiving or renewing enhanced driver's licenses or identicards. Each public university with 5000 or more students must open a student engagement center which provides ballots and voter registration materials. These student engagement centers may be open on the eight business days prior to

and on the election day. The university can contract with the county auditor to operate these centers. The Office of Superintendent of Public Instruction in collaboration with the County Auditors and League of Women Voters must identify and make available civics materials for high school courses.

Status:

SB 6313 was signed into law on March 27.

Courts Open to All Act

HB 2567 Concerning open courts.

SUPPORT

HB 2567 prohibits warrantless civil arrests. Prohibiting these civil arrests at courthouses is necessary for immigrant survivors to be able to get help for the abuse they are experiencing. The Legislature makes findings on the following: the importance of keeping Washington courts open, accessible, and free from interruption; that civil arrests at court facilities create a climate of fear that deters residents from interacting with the justice system; and that it is imperative to ensure that all members of the community feel safe coming to, remaining at, and returning from court.

Status: Governor Inslee signed HB 2567 into law on March 18.

Prohibiting Private Detention Facilities

HB 2576 Concerning private detention facilities.

SB 6442 Concerning private detention facilities.

SUPPORT

SB 6442 in its original form banned any person, business, or state or local governmental entity from operating a private detention facility within the state or entering into agreements with any local or state government or private organization in any other state providing for the operation of a private detention facility. SB 6442 was amended in the House to allow the Department of Corrections to transfer prisoners to a private detention facility in limited circumstances if

1. the governor finds that an emergency exists such that the population of the state correctional facility exceeds its maximum capacity, resulting in safety and security concerns;
2. the governor has considered all other legal options to address capacity,
3. the DOC secretary determines that the transfer is in the best interest of the state or the offender;
4. the contract with the out-of-state private correctional entity includes requirements for access to public records to the same extent as if the facility were operated by the department, inmate access to the office of the corrections ombuds, and inspections and visits without notice; and
5. Should any of these requirements in this subsection not be met, the contract can be voided.

HB 2576 was amended to change the prohibition on contracting with private detention facilities to require the Department of Health to conduct a study evaluating state and local authority and practices for inspecting private detention facilities and enforcing statutes, codes, rules, and policies on the health, safety, and welfare of detainees.

Status: Both HB 2576 and SB 6442 were signed into law with the amendments noted above on April 2.

Hair Discrimination

HB 2602 Concerning hair discrimination.

SUPPORT

HB 2602 would prohibit hair discrimination. Currently WA State Law Against Discrimination (WLAD) includes prohibitions for discrimination on the basis of race; creed; color; national origin; families with children; sex; marital status; sexual orientation; age; the presence of any sensory, mental, or physical disability; or the use of a trained guide dog or service animal by a disabled person.

This bill would amend the definition of race in the WLAD to include traits historically associated or perceived to be associated with race. This would include, but would not be limited to, hair texture and protective hairstyles such as afros, braids, locks, and twists.

Status: HB 2602 was signed by the governor on March 19.

Pregnancy Discrimination

SB 6034 Extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination.

SUPPORT

SB 6034 extends the time allowed for a person to file a pregnancy discrimination complaint with the human rights commission within one year after the alleged unfair practice.

Status: SB 6034 was signed into law on March 25.

Economic Equity and Support for Low Income Individuals and Families

Child support pass-through payments

SB 5144 Implementing child support pass-through payments.

SUPPORT

SB 5144 requires the Department of Social and Health Services to pass through a portion of child support collections for families receiving assistance under the Temporary Assistance for Needy Families program. The federal Deficit Reduction Act of 2005 allows states to pass through up to \$100 per month of collected child support to TANF families with one child and up to \$200 per month of collected child support to TANF families with two or more children without having to reimburse the federal government for its share of the child support collected. This is known as the child support pass through. States that opt to implement the child support pass through must disregard the child support collection paid to the family in determining the family's cash TANF benefit. Washington implemented child support pass-through payments in October 2008 but suspended the child support pass-through payments effective May 1, 2011. SB 5144 was amended in committee and requires the Department of Social and Health Services to pass through child support up to \$50 per month collected on behalf of a family, or up to \$100 a month for a family that includes two or more children.

Status: SB 5144 was signed by Governor Inslee on April 3.

Unemployment benefits for persons with family responsibilities

SB 5473 Making unemployment benefits accessible to persons with family responsibilities and other availability issues and making clarifying changes.

SUPPORT

SB 5473 originally made changes to the unemployment insurance program which would allow a good cause consideration for receiving unemployment benefit to include that the separation from work was necessary because care for a child or vulnerable adult in the claimant's care is inaccessible. The bill was amended to require a study on the impacts to the Washington unemployment insurance trust fund and contribution rates is the law was amended to allow unemployment insurance benefits for individuals who leave work voluntarily for the following reasons:

- the separation was necessary due to inaccessibility of care for a child or a vulnerable adult, if the claimant complies with certain conditions;
- the employer, without a commensurate change in pay, substantially increases the individual's job duties or significantly changes the individual's working conditions;
- or the individual left work to relocate outside the existing labor market because of the geographical location of or proximity to and the separation from a minor child.

Status: SB 5473 passed with the amendments made in the House to require a study to include impacts to the unemployment insurance trust fund if employers were not charged for benefits. The report which is due by Nov 6, 2020 must provide information regarding the impacts and recommendations for how statutes and rules may be amended to address the circumstances described above, as fully as practicable, while limiting adverse impacts to the unemployment trust fund and the contribution rates of employers. Governor Inslee signed this bill into law on March 27.

Breast milk expression

HB 2266 Concerning reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional.

SUPPORT

HB 2266 prohibits an employer from requiring written certification from the employee's health care provider regarding the need for a reasonable accommodation to express breast milk.

Status: HB 2264 was signed into law on Mar 25..

Child Support

HB 2302 Concerning child support, but only with respect to standards for determination of income, abatement of child support for incarcerated obligors, modification of administrative orders, and notices of support owed.

REQUEST AMENDMENT

HB 2302 makes modification to child support standards. It clarifies the standard used to determine what constitutes full time employment for calculation of work, how to impute income for a parent who is voluntarily unemployed or underemployed and adds criteria which imputes income for a voluntarily unemployed or underemployed full time high school student 20 hours per week at minimum wage – this imputation is rebuttable. The bill also recognizes that an individual who is incarcerated for 6 months or more frequently owe significant child support debts and such debts severely impact the individual's ability to have a successful reentry and reintegration into society. The bill allows for an automatic abatement within a child support order where there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. Unless the presumption is rebutted, the child support obligation would be abated to ten dollars per month while the individual is incarcerated. The bill also allows for a motion to be filed to reverse or terminate an abatement during the period of incarceration by demonstrating that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated. Where abatement is determined to be appropriate, the child support obligation is abated to \$10 per month, regardless of the number of children covered by the order. Abatement continues until the last day of the third month after the person is released from confinement, at which point the support obligation is reinstated at 50% of the underlying support obligation, but not less than the presumptive support obligation of \$50 per month per child.

WA State NOW is concerned that families in the middle may be in jeopardy of eviction due to the inability to pay for their housing, possible loss of job for not being able to afford transportation, loss of care for their children from not being able to pay the cost of child care, loss of utilities, possible homelessness, and/or loss of medical care with the loss of child support.

We are requesting that before the portion regarding abatement of child support payments for incarcerated individuals is implemented that the Department of Child Support conduct a study looking at the impact of this changes in procedure.

Status: HB 2302 passed both the Senate and the House without an amendment to require a study regarding the impact of the abatement and any mitigation for the changes authorized by this bill. Governor Inslee signed the bill into law on March 31.

Higher Education Access

SB 6141 Expanding access to higher education.

SUPPORT

SB 6141 recognizes the increasing importance of a postsecondary education as well as the financial barriers faced by many students who want to pursue a postsecondary education. This bill establishes a means to share information about new financial aid opportunities and increase awareness of what is available including the expanded Washington college grants. This bill requires the development of a centralized online statewide calculator tool for estimating combined financial aid packages from the federal Pell grant and the Washington college grant program for all public four-year institutions of higher education in Washington state. The calculator must be designed for anonymous use and may not be used to collect or share data. It also requires that all school districts beginning in 2020-21 school year in coordination with the office of superintendent of public instruction facilitate a financial advising day with all high schools in each district.

Status: SB 6141 was signed into law on April 2.

Reproductive Rights and Health Care

Patient protection

HB 1608 Protecting patient care.

SUPPORT

HB 1608 prohibits a health care entity from limiting a health care provider's provision of accurate and comprehensive information to patients about the patient's health status, treatment options, and information

regarding the Death with Dignity Act, if the provider is acting in good faith, within the provider's privileges, and within the accepted standard of care. It also requires the Department of Health (DOH) to create and make available online materials to inform health care providers and staff of the authority to act under these provisions, which health care entities must provide to privileged or employed health care providers and staff. And it requires the DOH to create materials for providers and patients about the Death with Dignity Act.

Status: HB 1608 was signed by Governor Inslee on Mar 25.

Comprehensive Sex Education

SB 5395 Concerning comprehensive sexual health education.

SUPPORT

SB 5395 requires every public school district to provide comprehensive sexual health education as an integral part of the curriculum that is evidence-informed, inclusive for all students regardless of their protected class status, skills-based, and meets other requirements including:

- encourages healthy relationships based on mutual respect and affection and are free from violence, coercion, and intimidation;
- teaches how to identify and respond to attitudes and behaviors contributing to sexual violence;
- emphasizes the importance of affirmative consent, meaning conscious and voluntary agreement to engage in sexual activity, as a requirement before sexual activity; and is consistent with the health and physical education learning standards, which must be available on OSPI's website.

The amended SB 5395 requires that the comprehensive sexual health education be phased in for students in grades 6 through 12 by Sept 1, 2020 and for K through 5 by Sept 1, 2021.

Status: SB 5395 was signed into law on March 27.

Pelvic Exam Consent

SB 5282 Requiring informed consent for pelvic exams.

SUPPORT

SB 5282 Prohibits a licensed health care provider from knowingly performing or authorizing a student practicing under their authority to perform a pelvic examination on a patient who is anesthetized or unconscious unless:

- the patient or the patient's representative provides informed consent;
- the examination is necessary for diagnostic or treatment purposes; or
- sexual assault is suspected, then evidence may be collected if the patient is not capable of informed consent due to a longer-term medical condition, or if evidence will be lost.

Status: SB 5282 was signed by Governor Inslee on March 27.

Cost-sharing for insulin products

SB 6087 Imposing cost-sharing requirements for coverage of insulin products.

SUPPORT

SB 6087 requires any health plan issued or renewed after January 1, 2021 that provides coverage for insulin drug that it must cap out of pocket expenses at \$100.00 per thirty-day supply.

Status: SB 6087 was signed by the governor on March 31.

Prescription Drug Affordability Board

SB 6088 Establishing a prescription drug affordability board.

SUPPORT

SB 6088 establishes a prescription drug affordability board with responsibilities to identify prescription drugs and biological products that are of a high cost or where the drug has increased in prices for a thirty-day supply by two hundred percent or more in a 12 month period. The board can conduct cost reviews of drugs meeting the criteria in the bill.

- (1) The board must establish a process for setting upper limits for prescription drugs that the board has determined have led or will lead to excess costs to the state or patients.
- (2) Any state agency administering a state purchased health care program shall not pay an amount above the upper payment limit set by the board for a prescription drug.
- (3) The process must take into consideration:

- (a) The cost of administering the drug;
- (b) The cost of delivering the drug to patients; and
- (c) Other relevant administrative costs related to the production and delivery of the drug.
- (4) The process must provide for the suspension of an upper payment limit if a drug is placed on the food and drug administration shortage list.
- (5) The board must monitor the supply of drugs for which it sets an upper payment limit and may suspend that limit if there is a shortage of the drug in the state.

Status: Although SB 6088 passed both the House and the Senate, Governor Inslee vetoed this bill on April 3 due to the economic downturn resulting from the COVID-19 virus.

Postpartum Medicaid Coverage

SB 6128 Extending coverage during the postpartum period.

SUPPORT

SB 6128 expands Medicaid coverage to one year after a pregnancy ends instead of the current limit of 60 days. The bill also directs the health care authority to submit a waiver request to the federal centers for Medicare and Medicaid services to allow the state to receive federal match for the coverage of pregnant and postpartum persons.

Status: Although SB 6128 passed both the House and the Senate, Governor Inslee vetoed this bill on April 3 due to the economic downturn resulting from the COVID-19 virus.

Violence Against Women

Model Sexual Assault Protocols

SB 6158 Concerning model sexual assault protocols for hospitals and clinics.

SUPPORT

SB 6158 establishes a sexual assault coordinated community task force within the attorney general's office to develop model protocols ensuring that adult or minor sexual assault victims receive a coordinated community response when presenting for care at any hospital or clinic following a sexual assault. The task force is to report its findings and recommendation to the legislature and governor by December 1st of each year with the task force expiring on Dec 31, 2022.

Status: SB 6158 was signed on March 27 by Governor Inslee.

Budget/Revenue

The following is quoted from a March 29 report made by the WA State Budget and Policy Center regarding the supplemental budget passed by the 2020 legislature. ¹ PLEASE SEE NOTES below indicating where Governor Inslee partially vetoed sections of the budget.

“The legislature made some advances this session that are good starting points to build upon – even though they will inevitably have to act quickly to further address the impact of the COVID-19 outbreak on people, communities, and economies throughout our state.

In the meantime, it is worth highlighting some of the ways policymakers advanced our policy priorities – as well as other policies that invest in communities – this session. Specifically, it is laudable that the Washington state legislature:

-Devoted \$200 million to COVID-19 emergency response to equip state agencies, local governments, and Tribal Nations with critically needed resources to address and contain the spread of disease. They dedicated \$175 million to bolster our public health response and the remaining \$25 million to unemployment relief.

-Funded a [Child Savings Account program study](#). The study will explore design options and develop an implementation plan to establish Child Savings Accounts at birth for every child born in Washington state.”
(NOTE: Governor Inslee vetoed the section of the budget that authorized this study.)

¹ <https://budgetandpolicy.org/schmudget/lawmakers-made-progress-to-promote-economic-security-but-much-more-is-needed/>

“**Took steps to reverse harmful cuts to WorkFirst/Temporary Assistance for Needy Families (TANF)** by beginning to ease harsh sanction policies and allowing families where a child is homeless (including temporarily staying with family or friends) to access a time limit extension. The legislature also boosted monthly income for some WorkFirst/TANF recipient families by reinstating the child support pass-through, which allows families to retain a portion of child support payments made on their behalf.

-Invested in early learning by increasing rates for Early Childhood Education Assistance Program and Working Connections Child Care providers, which will help families find care and help early learning professionals make ends meet. The legislature also expanded eligibility for financial assistance to more families struggling to afford care. And they rightly invested in dual-language education to uplift more kids’ cultural and ethnic identities.”
(NOTE: On April 3, Governor Inslee vetoed the ECEAP rate increase, reduced co-pays for recipients and the dual-language program)

“**Added funds to address homelessness** by boosting investment in the Housing and Essential Needs program (helping connect people facing illness or disability with support); dedicating funds to increase shelter capacity; eliminating a policy that reduced cash assistance for people in shelters; and investing in the Housing Trust Fund to build more affordable housing.

-Created a statewide Office of Equity that promotes access to equitable opportunities and resources across state departments to reduce disparities and improve outcomes in service delivery areas such as health, education, and employment.”

(NOTE: On April 3, Govern Inslee vetoed the funding for the community advisory board and for state agencies to develop plans and policies and provide data and information pursuant to HB 1783).

“**Raised the minimum value of Women, Infants, and Children Farmers Market Nutrition Program vouchers** to help pregnant and nursing moms and families with infants and young kids buy more fruits and vegetables at farmers markets.

-Funded a study to explore how automatic record-clearing would work in the state’s court system, which could lay the groundwork for a statewide system to help people navigate the process of vacating a prior conviction and re-enter the workforce, obtain housing, and regain voting rights.

Missed opportunities

It is disappointing, however, that the legislature didn’t remove the tax break on **capital gains** or enact a modern, inclusive **Working Families Tax Credit**. A capital gains tax is an effective way to generate a billion dollars a year of much-needed revenue that can be used to replenish our rainy day fund. And the Working Families Tax Credit can offer both income security and a boost to local economies by providing cash to eligible people.

Had these policies been in place before the COVID-19 outbreak, more Washingtonians might be better able to weather this storm and the state would have more resources for critical public services.”

Also missed were the following issues supported by WA State NOW:

- Provision of menstrual hygiene products in the schools
- Provision of a sales and use tax exemption for feminine hygiene products and diapers
- Restoration of a felon’s voting rights as long as the defendant is not in total confinement with the Dept of Corrections.
- Reforms to increase transparency and accountability in the state’s redistricting process
- Grant program to convert unused public buildings to house the homeless
- Labor protections for domestic workers
- Labor protections for temporary workers
- Human trafficking training for all employees of transient accommodations
- Modification to the extreme risk orders to be able to issue them when a person presents behaviors that are a threat of harm to self or others.
- Ban on manufacturing, possessing, distributing, importing, transferring or selling of large capacity magazines (i.e. more than 10 rounds of ammunition)
- Legislation that would require the Office of Crime Victims to develop best practices guidelines for local communities and nurse forensic examiners to use in nonfatal strangulation cases.