

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5254

Chapter 146, Laws of 2021

67th Legislature
2021 Regular Session

EMPLOYERS—PROTECTIVE DEVICES AND EQUIPMENT—PUBLIC HEALTH EMERGENCY

EFFECTIVE DATE: April 26, 2021

Passed by the Senate March 2, 2021
Yeas 40 Nays 7

DENNY HECK

President of the Senate

Passed by the House April 8, 2021
Yeas 97 Nays 1

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved April 26, 2021 2:33 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5254** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 26, 2021

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5254

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senate Labor, Commerce & Tribal Affairs (originally sponsored by Senators Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford, and Wilson, C.)

READ FIRST TIME 02/11/21.

1 AN ACT Relating to the use of protective devices and equipment
2 during a public health emergency; adding a new section to chapter
3 49.17 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 49.17
6 RCW to read as follows:

7 (1) The requirements of this section apply only during a public
8 health emergency. For the purposes of this section, "public health
9 emergency" means a declaration or order relating to controlling and
10 preventing the spread of any infectious or contagious disease that
11 covers the jurisdiction where the individual or business performs
12 work, and is issued as follows:

13 (a) The president of the United States has declared a national or
14 regional emergency;

15 (b) The governor has declared a state of emergency under RCW
16 43.06.010(12); or

17 (c) An order has been issued by a local health officer under RCW
18 70.05.070.

19 (2) Every employer who does not require employees or contractors
20 to wear a specific type of personal protective equipment must
21 accommodate its employee's or contractor's voluntary use of that

1 specific type of protective device or equipment, including gloves,
2 goggles, face shields, and face masks, as the employee or contractor
3 deems necessary.

4 (3) The provisions of subsection (2) of this section applies only
5 when:

6 (a) The voluntary use of these protective devices and equipment
7 does not introduce hazards to the work environment and is consistent
8 with the provisions of this chapter and corresponding rules
9 established by the department as of the effective date of this
10 section;

11 (b) The use of facial coverings does not interfere with an
12 employer's security requirements; and

13 (c) The voluntary use of these protective devices and equipment
14 does not conflict with standards for that specific type of equipment
15 established by the department of health or the department.

16 (4) An employer may verify that voluntary use of personal
17 protective equipment meets all regulatory requirements for workplace
18 health and safety.

19 (5) An employer may not apply to the director of the department,
20 under RCW 49.17.080, for a temporary order granting a variance from
21 this subsection.

22 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of
24 the state government and its existing public institutions, and takes
25 effect immediately.

Passed by the Senate March 2, 2021.
Passed by the House April 8, 2021.
Approved by the Governor April 26, 2021.
Filed in Office of Secretary of State April 26, 2021.

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