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**SUBSTITUTE SENATE BILL 5254**

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**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.)

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.

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