
SENATE BILL 5850

State of Washington

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By Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe, and Shin

Read first time 02/04/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to protecting workers from human trafficking
2 violations; amending RCW 18.71.080, 18.83.090, and 18.225.040; and
3 adding a new chapter to Title 19 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Domestic employers of foreign workers" means a person or
8 persons residing in the state of Washington who recruit or employ a
9 foreign worker to perform work in Washington state.

10 (2) "Foreign worker" or "worker" means a person who is not a
11 citizen of the United States and who comes to Washington state based on
12 an offer of employment.

13 (3) "International labor recruitment agency" means a corporation,
14 partnership, business, or other legal entity, whether or not organized
15 under the laws of the United States or any state, that does business in
16 the United States and for profit offers Washington state entities
17 engaged in the employment or recruitment of foreign workers, employment
18 referral services involving citizens of a foreign country or countries

1 by acting as an intermediary between these foreign workers and
2 Washington employers.

3 NEW SECTION. **Sec. 2.** (1) Domestic employers of foreign workers
4 and international labor recruitment agencies must provide a disclosure
5 statement as described in this section to foreign workers who have been
6 referred to or hired by a Washington employer.

7 (2) The disclosure statement must:

8 (a) Be provided in the primary language spoken by the worker;

9 (b) State that the worker may be considered an employee under the
10 laws of the state of Washington and is subject to state worker health
11 and safety laws and may be eligible for workers' compensation insurance
12 and unemployment insurance;

13 (c) State that the worker may be subject to both state and federal
14 laws governing overtime and work hours, including the minimum wage act
15 under chapter 49.46 RCW;

16 (d) Include an itemized listing of any deductions the employer
17 intends to make from the worker's pay for food and housing;

18 (e) Include an itemized listing of the international labor
19 recruitment agency's fees;

20 (f) State that the worker has the right to control over his or her
21 travel and labor documents, including his or her visa, at all times and
22 that the employer may not require the employee to surrender those
23 documents to the employer or to the international labor recruitment
24 agency while the employee is working in the United States;

25 (g) Include a list of services or a hot line a worker may contact
26 if he or she thinks that he or she may be a victim of trafficking.

27 NEW SECTION. **Sec. 3.** For purposes of establishing personal
28 jurisdiction under this chapter, an international labor recruitment
29 agency or a domestic employer of a foreign worker is deemed to be doing
30 business in Washington and is subject to the jurisdiction of the courts
31 of Washington state if the agency or employer contracts for employment
32 services with a Washington resident or is considered to be doing
33 business under any other provision or rule of law.

34 NEW SECTION. **Sec. 4.** The legislature finds that the practices
35 covered by this chapter are matters vitally affecting the public

1 interest for the purpose of applying the consumer protection act,
2 chapter 19.86 RCW. A violation of this chapter is not reasonable in
3 relation to the development and preservation of business and is an
4 unfair or deceptive act in trade or commerce and an unfair method of
5 competition for the purpose of applying the consumer protection act,
6 chapter 19.86 RCW.

7 **Sec. 5.** RCW 18.71.080 and 1996 c 191 s 52 are each amended to read
8 as follows:

9 (1) Every person licensed to practice medicine in this state shall
10 pay licensing fees and renew his or her license in accordance with
11 administrative procedures and administrative requirements adopted as
12 provided in RCW 43.70.250 and 43.70.280. The commission may establish
13 rules governing mandatory continuing education requirements which shall
14 be met by physicians applying for renewal of licenses. The rules shall
15 provide that mandatory continuing education requirements may be met in
16 part by physicians showing evidence of the completion of approved
17 activities relating to professional liability risk management.

18 (2)(a) The rules must also provide that all persons licensed to
19 practice medicine in this state must take a one-time course on human
20 trafficking that teaches methods of recognizing victims of human
21 trafficking, including minor victims, what services are available for
22 these victims, and where to report potential trafficking situations.
23 The course may be taken either as part of their mandatory continuing
24 education requirements or as part of their employee orientation
25 training.

26 (b) In developing the course required by (a) of this subsection,
27 the commission may collaborate with a local university or college, and
28 community organizations with experience in assisting or providing
29 services to victims of human trafficking.

30 (3) The commission, in its sole discretion, may permit an applicant
31 who has not renewed his or her license to be licensed without
32 examination if it is satisfied that such applicant meets all the
33 requirements for licensure in this state, and is competent to engage in
34 the practice of medicine.

35 **Sec. 6.** RCW 18.83.090 and 1996 c 191 s 68 are each amended to read
36 as follows:

1 (1) The board shall establish rules governing mandatory continuing
2 education requirements which shall be met by any psychologist applying
3 for a license renewal.

4 (2)(a) The rules must include a requirement that all persons
5 licensed under this chapter must take a one-time course on human
6 trafficking that teaches methods of recognizing victims of human
7 trafficking, including minor victims, what services are available for
8 these victims, and where to report potential trafficking situations.
9 The course may be taken either as part of their mandatory continuing
10 education requirements or as part of their employee orientation
11 training.

12 (b) In developing the course required by (a) of this subsection,
13 the board may collaborate with a local university or college, and
14 community organizations with experience in assisting or providing
15 services to victims of human trafficking.

16 (3) Administrative procedures, administrative requirements, and
17 fees for renewal and reissue of licenses shall be established as
18 provided in RCW 43.70.250 and 43.70.280.

19 **Sec. 7.** RCW 18.225.040 and 2001 c 251 s 4 are each amended to read
20 as follows:

21 In addition to any other authority provided by law, the secretary
22 has the authority to:

23 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
24 chapter. Any rules adopted shall be in consultation with the
25 committee;

26 (2) Establish all licensing, examination, and renewal fees in
27 accordance with RCW 43.70.250;

28 (3) Establish forms and procedures necessary to administer this
29 chapter;

30 (4) Issue licenses to applicants who have met the education,
31 training, and examination requirements for licensure and to deny a
32 license to applicants who do not meet the requirements;

33 (5) Hire clerical, administrative, investigative, and other staff
34 as needed to implement this chapter, and hire individuals licensed
35 under this chapter to serve as examiners for any practical
36 examinations;

1 (6) Administer and supervise the grading and taking of examinations
2 for applicants for licensure;

3 (7) Determine which states have credentialing requirements
4 substantially equivalent to those of this state, and issue licenses to
5 individuals credentialed in those states without examinations;

6 (8) Implement and administer a program for consumer education in
7 consultation with the committee;

8 (9)(a) Adopt rules implementing a continuing education program in
9 consultation with the committee. The rules must include a requirement
10 that all persons licensed under this chapter must take a one-time
11 course on human trafficking that teaches methods of recognizing victims
12 of human trafficking, including minor victims, what services are
13 available for these victims, and where to report potential trafficking
14 situations. The course may be taken either as part of their mandatory
15 continuing education requirements or as part of their employee
16 orientation training;

17 (b) In developing the course required by (a) of this subsection,
18 the committee may collaborate with a local university or college, and
19 community organizations with experience in assisting or providing
20 services to victims of human trafficking;

21 (10) Maintain the official record of all applicants and licensees;
22 and

23 (11) Establish by rule the procedures for an appeal of an
24 examination failure.

25 NEW SECTION. Sec. 8. Sections 1 through 4 of this act constitute
26 a new chapter in Title 19 RCW.

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