
SECOND SUBSTITUTE SENATE BILL 5850

State of Washington

61st Legislature

2009 Regular Session

By Senate Ways & Means (originally sponsored by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe, and Shin)

READ FIRST TIME 03/02/09.

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

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. "Foreign worker" or "worker" does not include
13 persons who hold an H-1B visa and come to work in the state.

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

1 services involving citizens of a foreign country or countries by acting
2 as an intermediary between these foreign workers and Washington
3 employers.

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

8 (2) The disclosure statement must:

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

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

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

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

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

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

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

28 (3) The department of labor and industries may create a model
29 disclosure form and post the model form on its web site so that
30 domestic employers of foreign workers and international labor
31 recruitment agencies may download the form, or mail the form upon
32 request. The disclosure statement must be given to the worker no later
33 than the date that the worker arrives at the place of employment in
34 Washington.

35 NEW SECTION. **Sec. 3.** For purposes of establishing personal
36 jurisdiction under this chapter, an international labor recruitment

1 agency or a domestic employer of a foreign worker is deemed to be doing
2 business in Washington and is subject to the jurisdiction of the courts
3 of Washington state if the agency or employer contracts for employment
4 services with a Washington resident or is considered to be doing
5 business under any other provision or rule of law.

6 NEW SECTION. **Sec. 4.** The legislature finds that the practices
7 covered by this chapter are matters vitally affecting the public
8 interest for the purpose of applying the consumer protection act,
9 chapter 19.86 RCW. A violation of this chapter is not reasonable in
10 relation to the development and preservation of business and is an
11 unfair or deceptive act in trade or commerce and an unfair method of
12 competition for the purpose of applying the consumer protection act,
13 chapter 19.86 RCW.

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

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

25 (2)(a) The rules must also provide that all persons licensed to
26 practice medicine in this state must undergo one-time instruction in
27 human trafficking that is culturally sensitive and that teaches methods
28 of recognizing victims of human trafficking, including minor victims,
29 what services are available for these victims, and where to report
30 potential trafficking situations. The instruction may be taken either
31 as part of their mandatory continuing education requirements or as part
32 of their employee orientation training.

33 (b) The commission must develop the instruction within existing
34 resources and may collaborate with a local university or college, and
35 community organizations with experience in assisting or providing
36 services to victims of human trafficking.

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

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

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

11 (2)(a) The rules must include a requirement that all persons
12 licensed under this chapter must undergo one-time instruction in human
13 trafficking that is culturally sensitive and that teaches methods of
14 recognizing victims of human trafficking, including minor victims, what
15 services are available for these victims, and where to report potential
16 trafficking situations. The instruction may be taken either as part of
17 their mandatory continuing education requirements or as part of their
18 employee orientation training.

19 (b) The board must develop the instruction within existing
20 resources and may collaborate with a local university or college, and
21 community organizations with experience in assisting or providing
22 services to victims of human trafficking.

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

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

28 In addition to any other authority provided by law, the secretary
29 has the authority to:

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

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

35 (3) Establish forms and procedures necessary to administer this
36 chapter;

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

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

8 (6) Administer and supervise the grading and taking of examinations
9 for applicants for licensure;

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

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

15 (9)(a) Adopt rules implementing a continuing education program in
16 consultation with the committee. The rules must include a requirement
17 that all persons licensed under this chapter must undergo one-time
18 instruction in human trafficking that is culturally sensitive and that
19 teaches methods of recognizing victims of human trafficking, including
20 minor victims, what services are available for these victims, and where
21 to report potential trafficking situations. The instruction may be
22 taken either as part of their mandatory continuing education
23 requirements or as part of their employee orientation training;

24 (b) The committee must develop the instruction within existing
25 resources and may collaborate with a local university or college, and
26 community organizations with experience in assisting or providing
27 services to victims of human trafficking;

28 (10) Maintain the official record of all applicants and licensees;
29 and

30 (11) Establish by rule the procedures for an appeal of an
31 examination failure.

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

34 NEW SECTION. Sec. 9. If specific funding for the purposes of this
35 act, referencing this act by bill or chapter number, is not provided by

1 June 30, 2009, in the omnibus appropriations act, this act is null and
2 void.

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