

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5564**

Chapter 11, Laws of 2022

67th Legislature  
2022 Regular Session

EMPLOYEE ASSISTANCE PROGRAMS—CONFIDENTIALITY

EFFECTIVE DATE: June 9, 2022

Passed by the Senate February 9, 2022  
Yeas 45 Nays 4

DENNY HECK

**President of the Senate**

Passed by the House February 26, 2022  
Yeas 93 Nays 2

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved March 4, 2022 11:48 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5564** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

**Secretary**

FILED

March 4, 2022

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5564**

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Passed Legislature - 2022 Regular Session

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Labor, Commerce & Tribal Affairs (originally sponsored by Senators Keiser, Kuderer, Conway, Hunt, Lovick, Randall, Stanford, and C. Wilson)

READ FIRST TIME 01/21/22.

1       AN ACT Relating to protecting the confidentiality of employees  
2 using employee assistance programs; and adding a new section to  
3 chapter 49.44 RCW.

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

5       NEW SECTION.   **Sec. 1.** A new section is added to chapter 49.44  
6 RCW to read as follows:

7       (1)(a) It is unlawful for an employer to obtain individually  
8 identifiable information regarding an employee's participation in an  
9 employee assistance program. Individually identifiable information  
10 gathered in the process of conducting an employee assistance program  
11 must be kept confidential.

12       (b) Subsection (1)(a) of this section does not apply to:

13       (i) Authorized disclosures under RCW 41.04.730;

14       (ii) Disclosures to an employer regarding an employee's  
15 attendance in an employee assistance program, which the employee was  
16 required to attend as a condition of continued employment; and

17       (ii) Disclosures that are:

18       (A) Made to prevent or lessen a perceived threat to the health or  
19 safety of an individual or the public; or

20       (B) Permitted or required under RCW 18.225.105, 70.02.050, or  
21 71.05.120.

1           (2) An employee's participation or nonparticipation in an  
2 employee assistance program must not be a factor in a decision  
3 affecting an employee's job security, promotional opportunities,  
4 corrective or disciplinary action, or other employment rights.

Passed by the Senate February 9, 2022.

Passed by the House February 26, 2022.

Approved by the Governor March 4, 2022.

Filed in Office of Secretary of State March 4, 2022.

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