



Dedicated to promoting and protecting the independent, community-focused grocery industry

2019 Legislative Session – Priority New Laws

Over 2,278 bills were introduced for the 2019 session. 481 bills passed both the House and Senate, with most of them expected to be signed by Governor Inslee. The following are new laws that may impact you and your business. We encourage members to check with their human resources departments and/or attorneys to make sure their processes are in compliance.

Law	Summary	Effective Date	Interim Action
Chapter 241, 2019 Laws	Data breach – expands the definition of personal information in data breach notice laws, authorizes additional methods of providing data breach notice to consumers and shortens period of time to provide notice and attorney general to 30 days.	3/1/2020	None
Chapter 15, 2019 Laws	Tobacco 21 – raises the age for buying tobacco and vapor products to 21 years.	1/1/2020	Education
Chapter 363, 2019 Laws	Long-term care services - Establishes the Long-Term Services and Supports Trust Program to provide benefits for long-term services and supports to qualified individuals. Employees will pay a premium of 0.58 percent of their wages to fund the program.	7/28/2019 – effective date 1/1/2022 – Employees assed a premium of 0.58 on their wages	WFIA members will need to change their payroll system to add 0.58 premium before 1/1/2022. Education about the program.
Chapter 284, 2019 Laws	Hydrofluorocarbons – bans HFCs in appliances such as commercial refrigeration units and vehicles. Different effective dates for different types of units.	7/28/2019 – effective date 1/1/2020 – supermarket systems, remote condensing units, stand-alone units	Education to WFIA members. Can keep units that use HFCs past effective date until you need to buy a new one.

Chapter 255, 2019 Laws	Food Waste – establishes goal of reducing food waste by 50% by 2030. Directs Dept. of Ecology, Dept. of Health and Dept. of Agriculture to develop a wasted food reduction and food waste diversion plan.	7/28/2019	WFIA staff participating in rulemaking for the food waste reduction and food waste diversion plan.
Chapter 285, 2019 Laws	Energy Efficiency – Requires a state energy performance standard for commercial buildings exceeding 50,000 gross square feet by 11/1/2020, and establishes energy benchmarking requirements for covered commercial buildings. Requires rulemaking for electric vehicle infrastructure that require electric vehicle charging capabilities at all new buildings that provide on-site parking.	7/28/2019	If you own your building(s) and the building(s) are over 50,000, contact WFIA staff so we can help you be in compliance with the state energy performance standard.
Chapter 96, 2019 Laws	Weights and Measures – increases the fees and civil penalties under the Weights and Measure’s program.	7/1/2019	None
Chapter 217, 2019 Laws	Scan-downs – exempts scan-downs from B&O tax. Saves our members \$5.5 million per year.	7/28/2019	None
Chapter 299, 2019 Laws	Non-competes – noncompetition covenants are void unless the employer discloses the terms no later than the employment offer’s date, there is independent consideration, employee’s earnings exceed \$100,000. This does not include non-solicitation agreement, the selling of a business, or a covenant entered into by a franchisee.	1/1/2020	Check your non-compete templates to see if they will be considered void or not under this new law.
Chapter 166, 2019 Laws	Sustainable recycling – Establishes the Recycling Development Center to further the development of markets and processing for recycled commodities and products. Requires Dept. of Ecology to create and implement a state	7/1/2019	None

	recycling contamination reduction and outreach plan.		
Chapter 370, 2019 Laws	Liquor Licenses – renewal of annual liquor licenses is due on the calendar date one year from the date of final license approval.	1/1/2020	None
Chapter 265, 2019 Laws	Marketing of degradability of products – Establishes the labeling requirements for compostable and certain plastic products – meeting ASTM standards, FTC green guide standards, certain colors and labeling of product. Specific things impacted: compostable products, plastic products, film bags, film products and food service products. Allows the attorney general, counties and cities to pursue false or misleading environmental marketing claims about plastic products.	7/1/2020	Work with distributors to determine how this will impact plastic bags and other products.
Chapter 168, 2019 Laws	FINI/Fresh Bucks – Establishes the Fruit and Vegetables Incentives Program at Dept. of Health. It gives additional funds to SNAP recipients to purchase additional fruits and vegetables	7/28/2019	Answer survey from WFIA re: SNAP recipients. Work with DOH about grant money.
Chapter 345, 2019 Laws	Wage and Salary – prohibits an employer from seeking or requiring the wage or salary history of an applicant. Upon request of an applicant after the employer has initially offered the applicant the position, requires an employer with 15 or more employees to provide the minimum wage or salary.	7/28/2019	Confirm with your HR professionals that you have a minimum salary or wage for each position.
Chapter 176, 2019 Laws	Vape tax – adds additional taxes to vape products. \$0.09 per milliliter of nicotine solution for any accessible container and \$0.27 per milliliter of nicotine solution for all other vapor products.	10/1/2019	Education to members

Chapter 134, 2019 Laws	Expression of breast milk – for the purposes of reasonable accommodation of pregnancy, employers must provide reasonable break time for employee to express breast milk for 2 years after the child’s birth and provide a private location besides a bathroom. If no space, employer must work with employee to identify a convenient location and work schedule to accommodate their needs.	7/28/2019	Identify a space within your location for the expressing of breast milk. If no space, work with the employee to identify a convenient location and work schedule to accommodate their needs.
Chapter 292, 2019 Laws	Toxic Pollution – Dept. of Ecology and Dept. of Health must identify priority consumer products that are a significant source or use priority chemicals. May not identify food, beverage, tobacco products, or drugs regulated by FDA. Must submit a report to the Legislature every 5 years when designating priority chemicals, and at the time of identifying priority consumer products and determining regulatory actions.	7/28/2019 – effective date	None.
Chapter 392, 2019 Laws	Isolated Workers – Hotel, retail, custodial or property services contractor employers who employ employees who spend the majority of their working hours alone as a janitor, security guard, hotel housekeeper must adopt a sexual harassment policy, provide mandatory training and resources, and provide a panic button.	7/28/2019 – effective date 1/1/2021 – must comply with requirements	Determine if you employ employees who fall under the qualifications for this bill. If so, make sure that you follow the requirements by 1/1/2021.
Chapter 460, 2019 Laws	Plastic Packaging – Department of Ecology must hire a third-party independent consultant to evaluate and assess the amount of plastic packaging sold into the state, as well as its management and disposal. Then, DOE must	7/28/2019	None

	submit a report with recommendations to the legislature by 10/31/2020.		
Chapter 423, 2019 Laws	Nonresident Sales Tax - This converts the nonresident sales tax exemption to a remittance program. Nonresidents would need to request only one refund from the sales tax once a year.	7/28/2019	If needed, change your POS system to eliminate the tax exemption.
Chapter 424, 2019 Laws	Graduated Real Estate Excise Tax – establishing a real estate excise tax. Amount of excise tax owed is determined on the selling price of the property.	1/1/2020	None