

## Amendment 1 to CB 120950 Shield Law

Sponsor: Council President Nelson

Remove subpoena quashing

**Effect:** This amendment would remove Section 14.115.030 Subpoena – Quashing and instead create recitals that identify the Washington State code provisions authorizing residents of Washington State to avail themselves of courts of competent jurisdiction to assert their rights under Washington State’s Shield Law.

**Background:** CB 120950 would incorporate into the Seattle Municipal Code language mirrored from Revised Code of Washington (RCW) 7.115 Protected Health Care Services to affirm the public policy of the City and create a civil claim for interference with protected health care services. CB 120950 would also incorporate RCW 7.115.030 regarding quashing subpoenas but does not identify which court is competent to entertain a motion to quash or modify a subpoena. Only a court of competent jurisdiction may hear a motion to quash or modify a subpoena, and the court that originated the subpoena will be a factor to consider when selecting a court to hear a moving to quash a subpoena. The Washington Rules of Civil Procedure guide practitioners on which court of competent jurisdiction may hear certain cases. For this reason, the RCW language regarding quashing or modifying subpoenas does not specify which court to select and instead defers to the Washington Rules of Civil Procedure. These same complexities exist for the City. The amendment reduces the chance of unintended consequences by removing Section 14.115.030 and by creating recitals intended to direct those that would seek to quash or modify a subpoena to a court of competent jurisdiction pursuant to the Washington State Rules of Civil Procedure.

### 1. Amend CB 120950 by adding the following recitals:

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WHEREAS, Washington State’s Shield Law that was enacted in 2023 provides protections for those who pursue or provide legal reproductive health care services or gender-affirming treatment in Washington State; and

WHEREAS, Washington State’s Shield Law provides a mechanism by which any person in the state who receives a subpoena from any court, state or federal, in the United States or any

of its territories, may, pursuant to the Washington Rules of Civil Procedure, move to modify or quash that subpoena on the grounds that it is inconsistent with the public policy of Washington under the State’s Shield Law; and

WHEREAS, the City recognizes that such a motion is consistent with the public policy of the City of Seattle; and

WHEREAS, the City affirms its role as a leader in inclusion by upholding Washington State’s Shield Law and Washington State’s Law Against Discrimination and resisting efforts to impose discriminatory policies that violate constitutional rights or Washington State’s anti-discrimination laws; and

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**2. Amend Section 1 of CB 120950, as follows:**

Section 1. A new Chapter 14.115 is added to the Seattle Municipal Code as follows:

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**~~14.115.030 Subpoenas—Quashing~~**

~~Any person in the state of Washington that receives a subpoena from any court, state or federal, in the United States or any of its territories, may, pursuant to the Washington Rules of Civil Procedure, move to modify or quash the subpoena on the grounds that it is inconsistent with the public policy of the City under this Chapter 14.115 if:~~

~~A. The information sought concerns the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington; and~~

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~~B. Liability in the underlying action is based in whole or in part on a cause of action or criminal liability that is not available under Washington law or the law of another state that is substantially similar to Washington law.~~

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