

This is KPTZ 91.9 FM in Port Townsend. I'm Taylor Nations with local news and commentary for Tuesday, July 2, 2024.

This story is from the *Washington State Standard*: A company that produces over-the-counter sexual assault evidence kits is suing to overturn a Washington law that prohibits the sale or advertising of products like theirs. Pennsylvania-based Leda Health and its founder, Madison Campbell, argue in their lawsuit, filed in the U.S. District Court for the Western District of Washington, that the state's ban targets sexual assault survivors and violates First Amendment rights on speech and advertising. Leda, which also offers other services for survivors, like emergency contraception and tests for sexually-transmitted infections, is fighting similar legal battles with other states over its kits.

Campbell, herself a survivor of sexual assault, said, "Our system too often forces victims to endure an intrusive physical examination in an unfamiliar place that can retraumatize them. Leda seeks to meet survivors where they are." Proponents of the Washington law, passed in 2023 as House Bill 1564, said over-the-counter kits aren't sufficient compared to forensic sexual assault examinations by trained medical staff. The company says the ban "disregards the admissibility of self-collected evidence, which has been historically recognized in the court of Washington and other jurisdictions."

As of 2023, the kits have not been used as admissible evidence in court, the state attorney general's office said. The law doesn't ban what's sold in the kit, which includes ballpoint pens, plastic bags, and other everyday items that can be used to collect evidence. Instead, the law bans describing those items as a sexual assault evidence collection kit. That's an important distinction to the company, whose lawsuit says the state of Washington is "upset about what Leda Health tells survivors they can do with perfectly legal items."

HB 1564, sponsored by Rep. Gina Mosbrucker, Republican of Goldendale, sailed through the House and Senate with bipartisan support. Prosecutors who supported the legislation said at-home kits steer victims away from the support and resources they could get by going through a usual sexual assault nurse examination, and Mosbrucker has said the do-it-yourself kits give victims "false hope."

Attorney General Bob Ferguson, in a statement to the *Standard*, said his office would "vigorously defend this important state law." Ferguson sent a cease-and-desist order to Leda Health a year before the passage of HB 1564 that said Leda Health's advertising included "patently false" claims, including marketing that may lead survivors to believe the company's kits are comparable to free state kits. Leda Health ended sales in Washington in response and hasn't sold in Washington since. Ferguson's statement said "Sexual assault survivors should know that they are not alone – critical services to help them seek justice are available from trained medical professionals, at no cost."

The statement was referring to Washington's free sexual assault forensic exams, or SAFE kits. SAFE kits, unlike at-home kits, are sent to Washington State Patrol for processing and are uploaded to a federal database used to identify repeat offenders. Last year, the state cleared a backlog of over 10,000 SAFE kits. Leda Health's attorney, Alex Little, said it makes sense that survivors have different ideas about what options are best after an assault – but the company believes the kits provide survivors more choices, not fewer. Little is quoted in the article as saying: "Neither the state or Leda can promise you that any piece of evidence is going to be admissible. What this boils down to is the dispute about what a woman or man – a victim – in the aftermath of assault should be allowed to know about what they can and cannot do."

(<https://washingtonstatestandard.com/2024/06/25/health-care-company-sues-wa-over-ban-on-at-home-sexual-assault-evidence-kits/?emci=7d466534-3836-ef11-86d2-6045bdd9e096&emdi=8a7b9314-5236-ef11-86d2-6045bdd9e096&ceid=553235>)

And just a reminder for this July 4th holiday week. The County has adopted a new Fire Danger risk assessment strategy. From July 1 through the month of September, the fire danger in Jefferson County automatically goes to MODERATE which prohibits open burning for residents here (barbeque grills and fire rings are still allowed at this time) and the fire danger risk will be updated throughout the summer to reflect current conditions. Fireworks are always banned in Port Townsend City limits, but the county allows them around the 4th of July and New Years holidays. This allowance does not apply to State Parks or tribal lands, so be sure to check in with your local fire district for guidance and please have a fun, and safe, holiday!

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