SENATE BILL REPORT
ESHB 2274

As of February 19, 2026

Title: An act relating to modifying the Washington commercial electronic mail act.

Brief Description: Modifying the Washington commercial electronic mail act.

Sponsors: House Committee on Consumer Protection & Business (originally sponsored by Representatives Springer, McClintock and Bernbaum).

Brief History: Passed House: 2/16/26, 86-11.
Committee Activity: Business, Trade & Economic Development: 2/19/26.

Brief Summary of Bill

- Requires the sender of a commercial email to have knowledge that the subject line is considered false or misleading to be a violation of the Commercial Electronic Mail Act.
- Decreases the statutory damages for a recipient of a prohibited commercial email or text message to the greater of $100 or actual damages.

SENATE COMMITTEE ON BUSINESS, TRADE & ECONOMIC DEVELOPMENT

Staff: William Bridges (786-7312)

Background: Commercial Electronic Mail Act. Enacted in 1998, the Commercial Electronic Mail Act (CEMA) regulates commercial email. A commercial email is one that is sent for the purpose of promoting real property, goods, or services for sale or lease. It is illegal under CEMA for a person to send, conspire with another to send, or assist in the transmission of a commercial email from a computer in Washington or to an email address that the sender knows, or has reason to know, is held by a Washington resident that:

- uses a third party's internet domain name without permission;

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- misrepresents or obscures the point of origin or transmission path; or
- contains a false or misleading subject line.

Businesses are also prohibited from sending a commercial text message to a cell phone or pager unless the text message was sent to a subscriber who has clearly and affirmatively consented in advance to receive text messages or the text message is sent by a cellular or pager service to an existing subscriber at no cost to the subscriber.

Enforcement. A recipient of a prohibited commercial email or commercial text message may seek statutory damages of $500, or actual damages, whichever is greater. The recipient may bring an action under the Consumer Protection Act (CPA).

Consumer Protection Act. The CPA allows a person injured by an unfair or deceptive practice to bring a private cause of action for actual damages, injunctive relief, reasonable attorney's fees, and treble damages. The Office of the Attorney General may investigate and prosecute claims under the CPA on behalf of the state or individuals in the state.

Summary of Bill: Narrowing the Application of the Commercial Electronic Mail Act. In order for a commercial email subject line to be considered false or misleading under CEMA, the subject line must, based on the person's actual knowledge or knowledge fairly implied on the basis of objective circumstances, contain false or misleading information.

Decreasing Statutory Damages. Statutory damages to a recipient of a prohibited commercial email or commercial text message are decreased to $100, or actual damages, whichever is greater. Lawsuits filed on or after the effective date are subject to the provisions, regardless of when the conduct occurred.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.