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**SENATE BILL 5693**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Saldaña, Keiser, Hasegawa, and Das

AN ACT Relating to transparency in agricultural supply chains; amending RCW 19.320.010; adding a new section to chapter 19.320 RCW; and providing an effective date.

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

**Sec.**  RCW 19.320.010 and 2016 c 4 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Any person" means adults and children of any nationality.

(2) "Domestic employers of foreign workers" or "domestic employer" means a person or persons residing in the state of Washington who recruit or employ a foreign worker to perform work in Washington state.

(3) "Forced labor" means all work or service which is exacted from any person under the menace of any penalty and to which the person has not offered himself or herself voluntarily.

(4) "Foreign worker" or "worker" means a person who is not a citizen of the United States, who comes to Washington state based on an offer of employment, and who holds a nonimmigrant visa for temporary visitors.

(5) "Human trafficking" or "trafficking" means an act conducted for the purpose of exploitation, including forced labor, by particular means, for example threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power, or abuse of position of vulnerability.

(6) "International labor recruitment agency" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and offers Washington state entities engaged in the employment or recruitment of foreign workers, employment referral services involving citizens of a foreign country or countries by acting as an intermediary between these foreign workers and Washington employers.

(7) "Menace of any penalty" means all forms of criminal sanctions and other forms of coercion, including threats, violence, retention of identity documents, confinement, nonpayment or illegal deduction of wages, or debt bondage.

(8) "Work or service" means all types of work, employment, or occupation, whether legal or not.

(9) "Agricultural product" has the same meaning as in RCW 82.04.213.

(10) "Company" has the same meaning as in RCW 82.04.030.

(11) "Manufacturer" has the same meaning as in RCW 82.04.120.

(12) "Retail seller" means every company engaging in the business of making sales at retail.

(13) "Sales at retail" has the same meaning as in RCW 82.04.050.

NEW SECTION. **Sec.**  A new section is added to chapter 19.320 RCW to read as follows:

(1) Every retail seller and manufacturer of agricultural products doing business in Washington state and having annual worldwide gross receipts of one hundred million dollars or more must:

(a) Make an annual disclosure as provided in subsection (2) of this section; and

(b) Require its suppliers to report to the retail seller or manufacturer any violations of employment-related laws and incidents of slavery, peonage, and human trafficking within thirty days of the violation or incident including, but not limited to any: (i) Court or arbitration rulings; (ii) citations or other rulings by governmental agencies; and (iii) criminal convictions.

(2) The annual disclosure required in subsection (1)(a) of this section must, at a minimum, state:

(a) The retail seller's or manufacturer's specific actions taken with respect to its product supply chains to: (i) Eradicate slavery, peonage, and human trafficking; (ii) ensure compliance with the employment law obligations; and (iii) ensure that workers' human rights are respected; and

(b) Any information reported from its suppliers as provided in subsection (1)(b) of this section.

(3) The disclosure described in subsection (2) of this section must be posted on the retail seller's or manufacturer's internet web site with a conspicuous and easily understood link to the required information placed on the business' homepage. In the event the retail seller or manufacturer does not have an internet web site, the retail seller or manufacturer must provide consumers with a written disclosure within thirty days of receiving a written request for the disclosure from a consumer.

(4) Failure of a supplier to report the information to the retail seller or manufacturer as required in subsection (2)(b) of this section is a violation of this section. For purposes of establishing personal jurisdiction under this section, a supplier is deemed to be doing business in Washington and is subject to the jurisdiction of the courts of Washington state if the supplier contracts for the sale of goods with a retail seller or manufacturer doing business in Washington state or is considered to be doing business in Washington state under any other provision or rule of law.

(5) Failure of a retail seller or manufacturer of agricultural products to meet any of the requirements of this section is a violation of this section.

(6) Any person residing in this state or the attorney general may commence a civil action in a Washington state court against a retail seller or manufacturer of agricultural products or a supplier for a violation of this section. A person has standing to commence an action based on the person's residence in the state, without regard to whether the person has suffered specific injury or damage.

(7) If a court finds that a retail seller or manufacturer of agricultural products or a supplier has violated this section, the court may award to the plaintiff: (a) Statutory damages of not less than five hundred dollars and not more than seven thousand dollars for each such violation; (b) punitive damages for willful violations; (c) reasonable costs and attorneys' fees; and (d) declaratory or injunctive relief as the court deems appropriate.

NEW SECTION. **Sec.**  This act takes effect January 1, 2020.

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